

# Notice of Meeting



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## Western Area Planning Committee

Wednesday, 15th January, 2020 at 6.30 pm

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

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

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

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

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

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



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

Date of despatch of Agenda: Tuesday, 7 January 2020



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(continued)

**To:** Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carlyne 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

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# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 24  
To approve as a correct record the Minutes of the meeting of this Committee held on 27 November 2019.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*
  - (1) **Application No. and Parish: 19/01540/HOUSE, Cherry Hinton, Newbury Hill, Hampstead Norreys** 25 - 44  
**Proposal:** Extension to garage and first floor extension.  
**Location:** Cherry Hinton, Newbury Hill, Hampstead Norreys.  
**Applicant:** Mr and Mrs Clark.  
**Recommendation:** The Head of Development and Planning be authorised to **GRANT** planning permission.
  - (2) **Application No. and Parish: 18/00603/COMIND, Newbury Football Club, Faraday Road, Newbury, RG14 2AD** 45 - 58



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- Proposal:** Renewal and expansion of existing football pitch including artificial pitches.
- Location:** Newbury Football Club, Faraday Road, Newbury, RG14 2AD.
- Applicant:** Newbury Community Football Group (NCFG).
- Recommendation:** **DELEGATE** to the Head of Development and Planning to make representations at appeal that planning permission **should be granted** subject to conditions.
- (3) **Application No. and Parish: 18/00604/OUT, Newbury Football Club, Faraday Road, Newbury, RG14 2AD** 59 - 72
- Proposal:** Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout.
- Location:** Newbury Football Club, Faraday Road, Newbury, RG14 2AD.
- Applicant:** Newbury Community Football Group (NCFG)
- Recommendation:** **DELEGATE** to the Head of Development and Planning to make representations at appeal that outline planning permission **should be granted** subject to conditions.
- (4) **Application No. and Parish: 19/02676/HOUSE, 37A Russell Road, Newbury** 73 - 82
- 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.

**Items for Information**

5. **Appeal Decisions relating to Western Area Planning Committee** 83 - 90  
*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

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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 2.

## DRAFT

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

### WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 27 NOVEMBER 2019

**Councillors Present:** Adrian Abbs, Phil Barnett, Hilary Cole, Carolyne Culver, Claire Rowles, Garth Simpson (Substitute) (In place of Jeff Cant), Tony Vickers (Vice-Chairman) and Howard Woollaston

**Also Present:** Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer (Information Management)), Paul Goddard (Team Leader - Highways Development Control), Shiraz Sheikh (Principal Solicitor) and Simon Till (Principal Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Jeff Cant

#### PART I

#### 31. Minutes

The Minutes of the meeting held on 6 November 2019 were approved as a true and correct record and signed by the Chairman, with the exception of the corrections below:-

Page 5: Councillor Adrian Abbs was present at the meeting.

Page 23, Point 28, Line 6 and Page 52, Point 36, Line 3: clarification required regarding the number of additional bat roosting boxes required.

Page 29, Point 45, 2<sup>nd</sup> paragraph: Occupation of the 50<sup>th</sup> dwelling was too long.

Page 34, Point 1, Line 1: The number of affordable housing units is not given.

Page 35: Paragraph 9 Line 1: Clarification required regarding the number of affordable housing units as it stated here that there were six and later in the report that there were eight units.

#### 32. Declarations of Interest

Councillors Adrian Abbs, Claire Rowles and Howard Woolaston declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Adrian Abbs, Phil Barnett, Hilary Cole, Claire Rowles and Howard Wollaston had been lobbied in relation to item 4(1).

Councillor Hilary Cole declared an interest in Agenda Item 4(2), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

#### 33. Schedule of Planning Applications

- (1) **Application No. and Parish: 19/01406/RESMAJ - Hungerford Town Council**

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*(Councillors Adrian Abbs, Phil Barnett, Hilary Cole, Clive Hooker, Claire Rowles and Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that they had been lobbied on the item. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that a member of his staff lived near the application site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Claire Rowles declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was a Ward Member in Hungerford. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew the Chairman of Wates. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/01406/RESMAJ in respect of approval of a reserved matters application following outline permission for up to 100 dwellings, public open space and landscaping, with all matters reserved except for the access to the A338.
2. In accordance with the Council's Constitution, Denise Gaines, Town Council representative, Helen Simpson, objector, Geoff Wilde and Sara Duffield, agent and Councillors Dennis Benneyworth and James Cole, Ward Members, addressed the Committee on this application.
3. Simon Till, the Case Officer introduced the report to Members, which had been called in because more than ten letters of objection had been received and because of a call-in from the Ward Members. The report took account of all the relevant policy considerations and other material considerations and in conclusion it detailed that the proposal was acceptable and a conditional approval was justifiable. However Simon Till drew the Committee's attention to the Update Report which included some additional consultation responses and provided a number of corrections to information in the Case Officer's report. Simon Till also noted that there was an error in the Update Sheet at Point 10 which stated the approved landscaping plan dwelling number was rev C and it should have been rev D.
4. Paul Goddard stated that Highways officers were happy with the site layout under consideration and his only comment was that there were no electric vehicle charging points and this requirement should be included in the conditions.
5. Denise Gaines in addressing the Committee raised the following points:
  - Hungerford Town Council had objected to the application from the beginning.
  - The outline planning application had been approved in 2016 despite being outside the town boundary and in an Area of Outstanding Natural Beauty (AONB).
  - An Environmental Impact Assessment had not been undertaken.
  - As the application was now at the reserved matters stage, it was important that the committee was confident the application reflected the beauty of the AONB and did not conflict with the character of the town.



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- Various aspects of the National Planning Policy Framework (NPPF) were out of kilter with the climate change agenda and it was vital to urge developers to take action.
  - The developer had been asked to include some carbon reducing measures in the application but had refused.
  - The 40% affordable housing, which was pepper potted on the development, was welcome but the mix of dwellings was not in accordance with the Council's Housing Policy as one and two bed affordable housing units were required to meet local demand.
  - There were no one and two bed dwellings for private sale, although there were a considerable number of five bed properties for private sale.
  - It was in the wrong place and the Committee was urged to refuse the application.
6. Councillor Tony Vickers noted that Ms Gaines had referred to it as a gateway site to Hungerford and yet he noted it was well screened and not very visible to road users. Denise Gaines agreed that it was well screened but the tops of the houses would be visible half a mile away from the town.
  7. Councillor Phil Barnett asked if, although Hungerford Town Council (HTC) had been against the application from the start, whether Ms Gaines' comments meant HTC would have changed its mind if the developer had made the changes they had requested. Ms Gaines replied that HTC would not have changed its mind as the application site was at the gateway to Hungerford and in the AONB.
  8. Councillor Carlyne Culver enquired whether HTC was drafting a Neighbourhood Development Plan and if they had undertaken any research into the area's housing needs. Ms Gaines confirmed that they were and they had commissioned a report, the outcome of which was very similar to the West Berkshire Council (WBC) Housing Policy.
  9. Councillor Adrian Abbs asked how much effort they had put into trying to encourage the developer to take environmental issues into account and Ms Gaines responded that this had been raised at every opportunity. However, even though it was recorded in the minutes of all their meetings with the developer, she was aware that there was no requirement on the developer to take it into account and this was probably due to the cost.
  10. Councillor Hilary Cole drew attention to the fact that the site was adopted in 2016, which was long before HTC had begun preparation of its Neighbourhood Development Plan. Ms Gaines confirmed that she was aware of this.
  11. Councillor Hilary Cole noted that she was aware HTC had held a number of discussions with the developer regarding the layout of the site and a number of changes had been made irrespective of the climate change issues. She therefore asked if HTC was happier with the revised layout and Ms Gaines confirmed that it was.
  12. Helen Simpson in addressing the Committee raised the following points:
    - She was speaking as an independent objector in order to read a statement from Tim and Penny Bevan.
    - They resided at 44 Kennedy Meadow and had attended numerous planning meetings and addressed the Planning Inspector when the site was first selected.

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- Any development of the site would have a direct bearing on their property and their neighbours.
  - A recent letter from the developer stated that open spaces in the north-west of the site would provide a greater area of separation and protect the amenity of residents of Kennedy Meadow. However, this was not true as the plan clearly showed a five bedroomed house (Number 8 on the plan) backed up against their garden, with a garage against Number 45 and another house immediately behind it.
  - Number 8 was the closest to the northern boundary of the development, which would be ten paces from their boundary and a further 25 paces from their house.
  - There was no tree line on the boundary of 43 and 44 Kennedy Meadow and the tree line would be very thin at Number 45 and they had been told there would be a buffer of mature trees between the new houses and their boundary. Consequently any buildings in this position would block light and remove their privacy.
  - The dwellings backing on to 43, 44 and 45 Kennedy Meadow could easily be re-sited elsewhere, for example south of De Montfort Grove and Priory Road where the tree and shrub line was up to 10 metres deep, or in the open space on the southern boundary.
  - These comments were supported by their neighbours, Vicky Nash and Bob Hammond
13. Councillor Vickers asked if the objections would be overcome if the tree screening was limited to a certain height so that it did not block out the light or the view. Ms Simpson replied that the residents would like the two large houses moved elsewhere.
14. Geoff Wilde (Bewley Homes) and Sara Duffield (Turley) in addressing the Committee raised the following points:
- Mr Wilde was a Senior Manager at Bewley Homes and this would be their 16<sup>th</sup> development in the borough.
  - Bewley Homes strove to build better quality homes and the design for this application followed extensive engagement with WBC officers, HTC and neighbours of the site, which had led to it being completely reshaped.
  - Ms Duffield acknowledged the development was within an AONB but pointed out that they had complied with Policy HSA18, which set out a number of criteria including the retention of views into the site.
  - Policy HSA18 also required that the materials used must be high quality and this would be controlled by the conditions.
  - The dwellings had been designed specifically for the site and were of a design not used in any of their other developments.
  - They were aware of the impact of the development on the local amenity and great care had been taken with the layout to ensure there was no overlooking, with the landscape buffer providing further protection.
  - Bewley Homes operated a Fabric First approach, which took account of the environmental issues.
  - Electric car charging points would be provided on the development.

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- Bewley Homes cared about the legacy of the development, which included a good mix of housing.
  - They welcomed the Case Officer's report and hoped the application would be approved.
15. Councillor Vickers commented that the housing mix was not satisfactory with regard to the lack of smaller homes and asked why they had not taken account of the comments from the Housing Service.
  16. Mr Wilde advised that they had discussed the application with the Housing Service, who had been supportive of it, as it was not possible to prejudice the AONB with blocks of flats. The scheme provided three, four and five bed properties, which both local and national policy showed were required in rural areas, with a prioritisation towards two and three bed properties in more urban areas. Therefore, the scheme provided a good mix and was proportionate to the local need.
  17. Ms Duffield added that the housing tenure mix had been agreed at the outline planning stage and was set out in the S106 agreement.
  18. Councillor Claire Rowles noted that with the lack of a national climate change policy it was crucial that developers played their part and she asked why Bewley Homes had not taken up any of HTC's recommendations.
  19. Mr Wilde replied that having solar panels and other external environmentally friendly mechanisms bolted onto homes could be unsightly and they preferred to operate a Fabric First approach, which they believed provided a more sustainable development.
  20. Councillor Rowles enquired where the trees would be placed. Mr Wilde advised that they would be planted in accordance with the planting schedule as agreed with the Tree Officer, so it was not yet possible to give their exact location.
  21. Councillor Rowles further enquired whether it would be possible to relocate the two houses located at the back of 44 and 45 Kennedy Meadow. Mr Wilde responded that this would not be possible as they had worked hard with all the parties to change the layout to take account of the issues that had been raised and the layout now provided the best possible opportunity for moving forward.
  22. Councillor Rowles asked if the measurements on the plans ran from the dwellings or the boundary and Mr Wilde confirmed it ran from dwelling to dwelling.
  23. Councillor Hilary Cole enquired whether Bewley Homes built to Code 3 and Mr Wilde replied that they exceeded it. Councillor Cole then pointed out that WBC had been expecting developers to build to Code 6 by 2016 but the standard had been abolished in 2014. Consequently she asked how they were building better homes for the future if they were not future-proofing them.
  24. Mr Wilde explained that they operated the Fabric First approach because it would not burden residents with any future costs and this approach included other sustainable measures such as drainage systems. They would also be planting 543 trees in conjunction with the WBC Tree Officer, which would enhance the sustainability of the development.
  25. Councillor Hilary Cole further enquired whether the properties would have triple glazing and was advised that they would not.
  26. Councillor Howard Woollaston expressed concern about the road shown on the plans leading to the south of the development as in his view, it appeared to be included to enable the development to be extended at a later date. Mr Wilde

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assured him that this was not the case and the road had been included in order to fulfil the requirement to retain views into the development.

27. Councillor Garth Simpson asked why there were so many four bed houses on the development as there was a need for one and two bed properties for young people and to enable older people to downsize. Mr Wilde responded that there was a need for three, four and five bed properties and the variation in the design of the four bed properties would provide future proofing for growing families.
28. Councillor Culver noted that on Page 75 of the Case Officer's report it said that the information on sustainable drainage had not been received and she asked if this was required before a decision was made on the application. Ms Dutfield assured her that the information had already been provided to the Council.
29. Councillors James Cole and Dennis Benneyworth in addressing the Committee raised the following points:
  - Councillor Benneyworth declared an interest in the application as he lived at Kennedy Meadow and had served two terms on Hungerford Town Council (HTC).
  - HTC did not believe that the housing mix fitted with the analysis of housing need but the amended layout was an improvement on the last one.
  - Councillor Benneyworth appreciated that the retention of a view was not a planning matter but as light was, he felt that efforts should be made to move the properties adjacent to 44 and 45 Kennedy Meadow.
  - Councillor James Cole stated that he did not believe the design of the development was good enough and Bewley Homes had produced a better design elsewhere.
  - They were often told that common green areas within a development were not material considerations but they were important in this application as it was within an AONB.
  - Any trees that were planted would need to be maintained and he asked who would be meeting this cost since the development included 40% affordable housing units.
  - Councillor James Cole noted that in the absence of a national Climate Change policy, Bewley Homes had made little effort to include sustainable measures in the development. He therefore felt that solar tiles or slates should be considered at this stage as it would be better commercially for the development to take account of environmentally friendly measures.
  - Councillor James Cole suggested that the Committee should allow the developer the option of a deferral in order to make these corrections to the design.
30. Councillor Vickers asked if they had considered the wording of a condition that would cover these issues and Councillor James Cole replied that they had not because whenever the matter had been raised they had been told it was not a planning matter. However it was not possible to plant the trees and just hope they would survive, as they would require maintenance from the start.
31. Councillor Rowles asked Councillor James Cole what response he had received when he had raised moving the houses adjacent to 44 and 45 Kennedy Meadow at the site meeting. Councillor James Cole replied that the applicants had said that

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- they had been told by officers that they would not allow it to happen and he felt that more discussion was required on this point.
32. Councillor Barnett referred to the Bewley Homes development in Tetbury that Councillor James Cole had mentioned and asked if they had looked at it to see how the design used there would benefit this development. Councillor James Cole replied that he had not seen it as the issue had only arisen after North Wessex Downs AONB had submitted their consultation response. This had mentioned that local materials had been used in the development and their belief was that this had been encouraged by Cotswolds AONB. Councillor Barnett added that he had driven past the development in Tetbury and it looked very similar to this one.
  33. Councillor Culver noted that the development exceeded the defined settlement boundary and she asked if this was of concern to them. Councillor James Cole responded that it did concern them but they had been told it was not up for discussion.
  34. Councillor Culver further noted that there were no bungalows included in the housing mix and asked if they could elaborate on the local housing need. Councillor Benneyworth replied that this point had already been covered by HTC.
  35. The Committee was then asked if they had any points requiring clarification and Councillor Vickers asked Paul Goddard whether the existing footpath link would be for cyclists as well as pedestrians. Paul Goddard replied that cyclists would not be permitted to use the footpath, as it was only suitable for pedestrians and cyclists would have to use the A338.
  36. Councillor Abbs asked if a condition could be included to prevent the properties from being extended. Derek Carnegie replied that, in his view, imposing such restrictions on this development would be unreasonable, in light of permitted development rights that were in place in other locations and the existing controls on such rights in the AONB.
  37. Councillor Woollaston enquired whether it would be possible to include a Section 106 agreement preventing the roads within the southern part of the site from being extended and he was advised by Derek Carnegie that this would not be justifiable.
  38. Councillor Rowles asked how high the trees would be adjacent to 44 Kennedy Meadow as the residents could end up facing a barrier of trees. Simon Till replied that the comments received from the various parties had suggested that a landscaping barrier would be the preferred option. The objections received from the residents at 44 Kennedy Meadow had been scrutinised extensively and it was the officers' view that the setback of landscaping would be sufficient to prevent any adverse impacts. The residents would be able to prune back any vegetation if it encroached onto their land. He would expect the new trees to be cropped at the ridgeline of the houses, which would not cause any significant overshadowing of the development due to the depth of its garden. The development was always going to alter the outlook of these properties but in his professional planner's opinion it would not be harmfully altered. Derek Carnegie added that the landscaping buffer would be provided by landscaping experts.
  39. Councillor Simpson noted that having seen the plans for the four and five bed houses he felt they were the sort of houses that would be extended. Derek Carnegie reiterated that it would be reasonable to remove Permitted Development Rights (PDR) and the Committee should bear in mind that the Government had just amended the legislation to enable two storey extensions to be built without the

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- requirement for separate planning permission elsewhere, which gave an indication of the national thinking on such matter.
40. Councillor Culver asked if the planners were concerned that by granting planning permission on a development that exceeded the settlement boundary, it would set a precedent and if the road south of the development would enable further development to take place. Simon Till replied that the precedent for allowing the specific amount of development outside of the settlement boundary as was proposed in this application had been set when outline planning permission had been granted. If this application was approved it would not automatically allow any further development outside of the settlement boundary without a further planning application and this was unlikely to occur under the current set of circumstances where no additional land had been allocated for development under the local plan. Simon Till further added that Policy HSA18 required views to be retained inside and outside the development site and if there was landscaping around the whole of the site with no gaps to allow inter-visibility, this would not be possible. Consequently the purpose of the landscaping was to soften the development and not to entirely screen it.
  41. Councillor Barnett enquired whether there were any proposals to draw the existing bus routes to the south of the town and Paul Goddard replied that there were not.
  42. Councillor Culver referred to a comment on page 74 of the Case Officer's report that stated if it was not possible for any affordable housing flats to be situated in a separate block, they should be located in a part of the block with its own core and entrance. Simon Till advised that these comments would have been made by the Housing Service in light of current guidance and there would have been valid reasons for it.
  43. Paul Goddard noted that a second access was always requested by the Council in schemes of this size for emergency vehicles.
  44. Councillor Vickers enquired about the gated area to the east of the site and Simon Till replied that it was a private gated area between two properties on the eastern boundary.
  45. Councillor Clive Hooker asked when the footpath to the school would be built and Simon Till advised that the removal of the footpath from the plans enabled the school to select an appropriate point along the boundary. Consequently, they were waiting for the school to make a decision on this with the land specifically required by condition to be kept available.
  46. Councillor Vickers asked if it was possible to introduce a condition stating that the houses near to the footpath link would not be occupied until the footpath had been resolved or alternatively to phase the development to ensure this occurred. The Chairman responded that this was outside of the remit of the Committee as it was down to the school.
  47. In considering the above application Councillor Rowles commented that she wanted to make the scheme work and there had been an improvement with the plans but she was still concerned about the environmental issues. However, although no national or local climate change policies currently existed, she felt the Committee should have pushed the developer on this and more should have been done to explore the impact on 44 and 45 Kennedy Meadow. Consequently she was in favour of a deferment of the application to enable these issues to be explored.
  48. Councillor Hilary Cole noted that although the Committee was unable to draft policy on the hoof, she thought the developer should put plans in place to mitigate the

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climate change issues and they could also provide funding to enable the Council to maintain the trees. However, it was necessary for the Committee to determine the application in front of it so it was not possible to move any houses. Furthermore, there were long gardens between the new and existing properties and she could not see how 44 and 45 Kennedy Meadow would be affected by loss of light. In addition, it was possible for the settlement boundaries to be reviewed at a later date, should development on further land south of the site be put forward. In respect of the current application, there was a requirement for the provision of more houses in West Berkshire, therefore she proposed that the application was approved.

49. Councillor Abbs said he was in general agreement with Councillor Hilary Cole and even though he felt further consideration was required of the environmental issues, he did not think it was possible to refuse the application.
50. Councillor Barnett agreed with the comments made by Councillor Hilary Cole as West Berkshire needed more houses and he acknowledged that no area was exempt from increasing its settlement boundaries, as other Parishes in the district had over time. Consequently, he would second the proposal.
51. Councillor Rowles stated that she just wanted to make sure the application was appropriate to the area and she was not wanting to draft policy on the hoof. However she did want to ensure the developer was held to account for the lack of proposals to address climate change.
52. Councillor Hilary Cole noted that in light of there being no national or local climate change policies, if the Committee refused the application on these grounds, the developer would go to appeal and the Council would lose. In addition, in respect of their objections, the North Wessex Downs AONB was not a statutory consultee and had expressed views that were a matter of professional opinion.
53. Councillor Vickers said he supported Councillor Hillary Cole but would like the informative to include reference to the footpath and did not want it to be seen that by granting planning permission the Council was condoning the way the developer had ignored climate change issues.
54. The Chairman invited the Committee to vote on the proposal of Councillor Hilary Cole as seconded by Councillor Barnett to grant planning permission. At the vote six Members voted in favour of the application, two voted against it and Councillor Abbs abstained.

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

### Conditions

1. Reserved matters

This permission relates solely to the reserved matters referred to in Condition 2 of the Outline Planning Permission granted on 30 November 2017 under application reference 16/03061/OUTMAJ. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.

Reason: The reserved matters cannot be considered separately from the permission to which they relate and the conditions imposed on that outline permission are still applicable.

2. Approved drawings

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The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Drawing numbers 100 Rev D, 101-1 Rev D, 101-2 Rev D, 101-3 Rev D, 101-4 Rev D, 101-5 Rev D, 101-6 Rev D, 102, 106 Rev D, 54 Rev A, 55 Rev A, 58 Rev A, HT-Cr-01, HT-Cr-02, HT-Ri-01 Rev B, HT-Ri-02 Rev B, HT-Ri-03, HT-Ri-04, HT-Ri-05, HT-Ok-01 Rev B, HT-Ok-02 Rev B, HT-Gd-01 Rev B, HT-Gd-02 Rev B, HT-Lo-01 Rev B, HT-Lo-02 Rev B, HT-Lo-03 Rev B, HT-Lo-04, HT-Lo-05, HT-Lo-06, HT-St-01 Rev A, HT-St-02 Rev A, HT-St-03, HT-St-04, HT-Ma-01 Rev B, HT-Ma-02, HT-Ma-03 Rev B, HT-Ma-04 Rev B, HT-Ma-05, HT-Ma-06, HT-As-01 Rev B, HT-As-02 Rev B, HT-La-01 Rev B, HT-La-02, HT-La-03 Rev B, HT-La-04, HT-La-05, HT-La-06, HT-Su-01 Rev A, HT-Su-02 Rev A, HT-Bx3-A1-A2-01 Rev C, HT-Bx3-A1-A2-02 Rev C, HT-Bx3-A1-A2-03 Rev B, HT-Bx3-A1-A2-04 Rev B, HT-Bx3-A1-A2-05 Rev A, HT-Bx3-A1-A2-06 Rev A, HT-Bx3-A1-A2-07 Rev A, HT-Bx3-A1-A2-08 Rev A, HT-C1x2-01 Rev A, HT-C1x2-02, HT-C1x2-C2-01 Rev A, HT-C1x2-C2-02, HT-C1x2-C2-03 Rev A, HT-C1x2-C2-04, HT-C2x2-C1-01 Rev. A, HT-C2x2-C1-02, HT-Dx2-01 Rev A, HT-Dx2-02, HT-Ex2-01 Rev B, HT-Ex2-02 Rev A, HT-Ex3-01 Rev B, HT-Ex3-02 Rev A, HT-Ex3-C-01 Rev A, HT-Ex3-C-02 Rev A, HT-Ex3-C-03.

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

### 3. Approval of materials

No development of the dwellings hereby approved above ground level shall commence until samples of the external materials to be used in the dwelling have been made available to view on site and a schedule of external materials to be used in the dwellings has been submitted and approved under a formal discharge of conditions application. The external materials used in the development shall be in accordance with the approved samples and schedule.

Reason: The development is located within the North Wessex Downs AONB, an area of nationally significant landscape character. While the application is accompanied by details of materials these are not sufficient to ensure that the palette of materials is appropriate to the setting of the site in the AONB. Therefore further details of materials are required in order to ensure the preservation of visual amenity in this sensitive landscape in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### 4. Provision of parking spaces

No dwelling shall be occupied until the vehicle parking and turning spaces for that dwelling 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 at all times.

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

### 5. Ecology surveys

No development, or other operations, shall take place within 5m of the northern boundary until Phase II surveys have been submitted for breeding birds, dormice and reptiles. Such surveys shall include recommendations for mitigation and improvement measures to address the impacts of development on these protected species, and a timetable for the



## **WESTERN AREA PLANNING COMMITTEE - 27 NOVEMBER 2019 - MINUTES**

implementation of those measures. Thereafter the development shall be carried out in accordance with the recommendations of the surveys and the approved timetable of mitigation and improvement measures.

Reason: In the interests of the protection and enhancement of biodiversity in accordance with the requirements of the National Planning Policy Framework and Policy CS17 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### **6. Footpath provision**

Upon the provision of an access from the John O'Gaunt School site a footpath shall be provided to the south east of plot 95 in accordance with a plan to be submitted and approved in writing by the Council.

Reason: In the interests of high quality design and pedestrian permeability in accordance with the requirements of National Planning Policy Framework, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy HSA18 of the West Berkshire Site Allocations DPD (2017).

### **7. Open space provision**

No dwelling on the site shall be occupied until details of the provision and maintenance of all open space on the site has been submitted and approved in writing under a formal discharge of conditions application. Thereafter the open space on the site shall be provided and maintained in accordance with the approved details.

Reason: In order to ensure that the open space on the site is provided and maintained in the interests of visual amenity and the amenity of the residents of the development in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2012) and Policies RL1 and RL2 of the West Berkshire Local Plan Saved Policies (2007).

### **8. No separate disposal of open space**

No parts of the public open space and landscaped areas within the site shown on the approved drawings shall be taken into private gardens, or shall be sold or disposed of separately from any other part of the public open space on the site.

Reason: In order to ensure that the public open space and landscaped areas are retained, in order to mitigate the impact of the development on views from the surrounding landscape and the neighbouring public right of way, and in the interests of securing biodiversity and environmental gain in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policies RL1 and RL2 of the West Berkshire Local Plan Saved Policies (2007).

### **9. Landscaping provision**

All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing numbers dwg no.1386 101-1-6 rev D. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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

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### **10. Landscaping implementation**

The approved landscaping plan dwg no.1386 101-1-6 rev.D shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that die or become seriously damaged within Fifteen years of this development shall be replaced in the following year by plants of the same size and species.

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

### **11. Tree protection**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan BEW22432-03B (Sheet 1&2) rev B dated 21/10/19. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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

### **12. Arboricultural method statement**

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

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

### **13. Arboricultural supervision**

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

Reason: A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. 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.

**(2) Application No. and Parish: 19/02092/FULD - Chieveley Parish Council**

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

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/02092/FULD in respect of the conversion of an agricultural barn into one x four bedroom dwelling with associated parking, turning, landscaping, private amenity space and access arrangements.
2. In accordance with the Council's Constitution, Charles Williams, supporter, Jacqueline Percy, applicant, Mark Pettitt, applicant and Councillor Hilary Cole addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which had been called in by the local Ward Member. The report took account of all the relevant policy considerations and other material considerations and in conclusion it detailed that the proposal was acceptable and a conditional approval was justifiable. Paul Goddard also confirmed that as the existing access would remain unchanged, the proposal was acceptable from a highways perspective.
4. Charles Williams in addressing the Committee raised the following points:
  - He was one of the nearest neighbours to the application and was supportive of it.
  - He lived approximately 300 yards away from the application site and currently looked at the side of an industrial building so it would provide a more pleasant outlook and improve the view across the fields.
  - It was a remote location so the introduction of another house would further add to the social positives and he hoped planning permission would be granted.
5. Jacqueline Percy and Mark Pettitt in addressing the Committee raised the following points:
  - Mr Pettitt said the development involved the sympathetic conversion of a barn that had been on the site since the 1990s.
  - Policy C4 did not include the conversion of this type of building and the Government had introduced a policy in 2014 permitting such a conversion without planning permission.
  - It would bring a redundant barn back into use and met all the requirements of Policy C4.
  - The applicant was intending to live in the converted barn and he requested that planning permission was granted.
  - Mrs Percy said she was committed to making the conversion as sympathetic as possible and as environmentally sustainable as possible too. In addition, it would improve the area.
6. Councillor Claire Rowles enquired what would take the place of the demolished grain store and Mr Pettitt replied that it would form part of the garden.
7. Councillor Hilary Cole in addressing the Committee raised the following points:

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- It was an interesting application and she had called it in to test Policies C1 and C4.
  - These policies stated planning permission should be refused where a proposal would have a detrimental effect on the relationship of the existing settlement within the open countryside and the rural character of the site.
  - She wanted to draw the Members' attention to the supporting text in these policies and particularly points 4.30 and 4.33 in Policy C4, which stated that not all buildings were suitable for conversion.
  - She therefore thought Members should consider the building itself and also look at other possible interpretations of the Council's policies, as it was a modern steel-framed barn with one side completely open.
  - Consequently, she contended that that the building was not suitable for conversion, in view of the major works entailed and the large number of windows proposed.
  - Removal of the mature trees on the south elevation would expose the building, which until now had been hidden from view across the open landscape to the south.
  - It would have a detrimental impact on the AONB and contravened the principles in policy C1.
  - However, if the application was approved she asked if a condition could be added stating that there would be no expansion of the southern boundary and curtilage into the adjoining agricultural land and requiring the submission of a landscaping plan.
  - She was also concerned that if the application was approved it would set a precedent for similar applications, which would be harmful if they were situated within the AONB.
8. Councillor Rowles acknowledged that conversions usually related to old buildings but asked if policies C1 and C4 stated that they did not relate to modern buildings. Councillor Cole confirmed that the policies did not state this, but the barn was currently screened by trees that would be removed.
9. There were no questions from Members regarding clarification.
10. In considering the above application Councillor Tony Vickers noted that the application would provide an enhancement to the social aspect, which he felt was an advantage and should be recognised as adding value to small settlements. Consequently he felt that some weight should be put on this aspect of the application as it was missing in larger developments. He was also concerned about the removal of the trees but noted that a landscape condition could be added to rectify.
11. Councillor Rowles felt the application would enhance the appearance of the barn so she could not see a problem with removing some of the trees and she was in favour of not having a screen.
12. Councillor Adrian Abbs considered that the application would not set a precedent and noted that when the screening was removed, the dwelling would look onto the A339. Consequently he did not think the Committee should be overly concerned about it.

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13. Councillor Garth Simpson stated he was mindful of the social aspect and reluctantly felt the application should be approved but the landscaping should be revisited as he did not find it a very attractive building.
14. Councillor Phil Barnett noted that the application site was situated in a hamlet and not in an isolated area in the AONB, so it was in an area with services and road networks and was quite acceptable. He further added that he did not have a concern regarding the screening as following the removal of the trees it would be possible to see across the fields and there be a lovely view from the barn. However he added that the original barn had been built in the 1990s and therefore might include asbestos, which he hoped would be disposed of appropriately. Consequently he was happy to propose that the application was approved and this was seconded by Councillor Rowles.
15. Councillor Cole confirmed that she was relaxed about the application but thought it was an interesting one and had brought it to Committee in order to test the Council's policies.
16. Councillor Clive Hooker considered that as one of the advantages of this location was the view, he asked if it would be feasible for the Committee to approve the application but deny it a view.
17. Councillor Cole responded that she had no problem with the trees being removed but had just wanted to ensure that the curtilage did not creep into the agricultural land.
18. Councillor Rowles thanked Councillor Cole for bringing the application to the Committee's attention and said it was refreshing to receive one that included environmentally friendly measures.
19. The Chairman invited the Committee to vote on the proposal of Councillor Barnett as seconded by Councillor Rowles to grant planning permission. At the vote eight Members voted in favour of the application and Councillor Cole abstained.

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

### Conditions

1.	<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>The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:</p> <p>(i) Location Plan drawing number 190329-01 received on 2 August 2019;                  (ii) Design Scheme drawing number 190329-102 received on 2 August 2019                  (iii) Site Plan 190329-103 received on 2 August 2019.                  (iv) Design and Access Statement received 12 August 2019                  (v) Inspection Report of Barn prepared by JCP Consulting dated 1 October 2019.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Details of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Samples of the</p>

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	<p>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 (February 2019), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>The dwelling hereby approved shall not be occupied until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ol style="list-style-type: none"> <li>I. Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;</li> <li>II. Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</li> <li>III. Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change:-</li> <li>IV. Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;</li> <li>V. Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</li> </ol> <p>The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
5	<p>The dwelling shall not be occupied until an electric vehicle charging point (7kw minimum) has been provided. A detailed plan and specifications of the vehicle charging point shall be submitted and approved in writing by the Local Planning Authority and thereafter shall be retained and kept available for use by electric vehicles.</p> <p>Reason: To promote the use of electric vehicles. 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.</p>
6	<p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by</p>

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	<p>Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
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**Informatives**

1.	<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>
2.	<p>This development may results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. You are advised to submit a Notice of Chargeable Development at your earliest opportunity. A Liability Notice setting out further details, and including the amount of CIL payable will then be sent to you. 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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>

**35. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 8.22 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	19/01540/HOUSE Hampstead Norreys	16 August 2019	Extension to garage and first floor extension Cherry Hinton, Newbury Hill, Hampstead Norreys Mr and Mrs Clark

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01540/HOUSE>

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

**Ward Member(s):**                                      Councillor Carolyne Culver

**Reason for Committee determination:**                      Called in by Cllr Culver given similarity with previous applications.

**Committee Site Visit:**                                      9<sup>th</sup> January 2020

#### Contact Officer Details

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## 1. INTRODUCTION

- 1.1 This householder application seeks planning permission for the extension to a garage, and a first floor extension to a dwelling known as Cherry Hinton, Newbury Hill, Hampstead Norreys.
- 1.2 Cherry Hinton lies within the settlement boundary of Hampstead Norreys and the village Conservation Area, as well as the AONB. The application site is a modern 3 bed detached property dating from the 1960s which was built to the rear of a pair of period cottages in Church Street, prior to the erection of Flint House which lies on the corner of Church Street and Newbury Hill.
- 1.3 An application was considered and refused by Members in June/July 2017 which sought permission to add a single storey rear extension and a two storey side extension providing a garage and en-suite bedroom above. This application was dismissed at appeal however it was determined that the single storey rear extension could be erected under permitted development and this element has since been completed.
- 1.4 A further revised application for a two storey side extension (without the rear dormer) was refused by Members in November 2018. Although the applicants wished to appeal this decision, they did not submit the appeal in time.
- 1.5 An application for a dormer to the front of the property has since been approved and completed. This application is for a further reduced scheme to provide a side extension incorporating a fourth bedroom with en-suite above a new replacement garage.

## 2. PLANNING HISTORY

- 2.1 The relevant planning history for the application site is summarised below:
- 19/00697/HOUSE – Dormer window, tiled canopy roof over entrance. Cement render to front elevation – APPROVED 30.04.19.
  - 18/01914/HOUSE – Two storey side extension – REFUSED 23.11.18.
  - 18/00861/HOUSE – Single storey rear extension and two storey side extension – REFUSED 02.07.18 – Dismissed at Appeal 30.10.18.
  - 353/62 – House and garage – APPROVED 1962.

## 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 29.07.2019.

## 4. CONSULTATION

Consultee	Summary of response
Parish Council:	Object. Not enough changes have been made to make a

	difference when comparing original and 2 <sup>nd</sup> application; Overbearing; overdevelopment; loss of light.
Highways Authority:	No comments.
Conservation Officer:	No objections as I do not feel that the proposed extension would harm the character or appearance of the conservation area.
Public Representations:	15 letters of objection with concerns relating to overdevelopment, loss of light, prominence, impact on the conservation area.  15 letters of support.

## 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](http://www.westberks.gov.uk/planningpolicy).
- 5.2 West Berkshire Core Strategy 2006-2026 (WBCS):  
Policies: ADPP1, ADPP5, CS13, CS14, CS19
- 5.3 Housing Site Allocations Development Plan Document (HSA DPD):  
Policies: C3, P1
- 5.4 The following documents are relevant material considerations:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - North Wessex Downs AONB Management Plan 2014-2019
  - House Extensions SPG (2004)
  - Quality Design SPD (2006)

## 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

### Principle of development

- 6.2 The application site lies within the settlement boundary of Hampstead Norreys. Within settlement boundaries the principle of extending an existing dwelling accords with the development plan subject to its specific impacts. As Hampstead Norreys is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), conserving the landscape and scenic beauty is of paramount importance.

### 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 ADPP5 states that 'development will conserve and

enhance the local distinctiveness, sense of place and setting of the AONB'. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy CS19 seeks to ensure the conservation and enhancement of the diversity and local distinctiveness of the landscape character of the district. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The sensitivity of the application site is increased because of its location within the AONB and conservation area.

- 6.4 Cherry Hinton is set within a group of residential properties and not immediately adjacent to any open countryside. The proposals are therefore not considered to have a harmful impact upon the wider open landscape quality of the AONB. Nonetheless conserving the quality of the built form within settlements is also a key consideration.
- 6.5 Cherry Hinton is set well back from the highway with a large area to the front used for parking. Ground levels rise from east to west such that Cherry Hinton is set slightly higher than the neighbouring properties to the east and lower than Elwood to the west, which is set further back within its plot. The properties on the opposite side of Newbury Hill are set closer to the highway. The impression is of a village location of relatively low density development with glimpses of the surrounding countryside.
- 6.6 This revised side extension has been further reduced from previous schemes so that the ridge is dropped by 1000mm and the eaves level is dropped by 1300mm to the rear. The rear wall has been set in by 700mm. The rear wall of the replacement garage will be in line with the rear of the garage on the opposite side of the boundary, and the front half of the new garage, as well as the first floor extension, has been inset by approximately 400mm and will therefore be further away from the shared boundary. The overall design to the front is similar to the previous schemes and which the Planning Inspector at appeal determined was sympathetic to the existing house and appropriate in a conservation area. Given these amendments to the scheme which result in a much reduced overall bulk, the proposed extension is considered acceptable.

#### The impact on the amenities of the neighbouring properties

- 6.7 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.
- 6.8 The Planning Inspector's appeal decision letter is an important material consideration as it directly relates to the previous proposal on the site. It recognises that the primary impact of the development would be to No.1 Church Street. The size and location of the previous proposal was considered to have an adverse impact on the outlook from 1 Church Street which has a small rear courtyard garden, and would be therefore have an overbearing on the neighbouring occupants. The inspector noted the limitations of the site such as the close proximity of the extension to the boundary and the lower ground level to the east. It is considered, on balance, that the adjustments made to reduce the impact of the proposed development on this neighbour are sufficient to minimise the potential impacts on the neighbouring property to an acceptable level.

## **7. CONCLUSION**

- 7.1 Having taken account of the aforementioned planning policies and the relevant material considerations including the decision letter of the previous appeal, it is considered that the

development proposed is, on balance, acceptable and 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 the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the site location plan, block plan and drawing number 239-01 received on 21 June 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. No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed on the north-eastern side elevation of the dwelling, 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).

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# Cherry Hinton, Newbury Hill

## Overshadowing Study

Project number: pxs0038  
Document Number: pxs0038\_1

<u>Status</u>	<u>Date</u>	<u>Reason for Issue</u>
R00	10.12.2019	1st Issue
R01	12.12.2019	Amenity calculation added

## Contents:

1. Introduction
2. Executive Summary
3. Methodology
4. Overshadowing Conditions
5. VSC Results
6. APSH Results
7. Amenity Results

### Appendix A

- Detail of buildings and windows subject to VSC and APSH assessment

### Appendix B

- Calculation Parameters
- References



# 1. Introduction

- 1.1 This report presents an analysis of the skylight and sunlight\* overshadowing impact of the proposed residential development at Cherry Hinton, Newbury Hill, Hampstead Norreys, Berkshire, RG18 0TR.
- 1.2 Calculations have been conducted to measure the potential for good daylight at window locations in the adjacent residential dwellings at 1 and 2 Church Street and Flint House.
- 1.3 Refer to Appendix A for more detail on which windows have been analysed.
- 1.4 The calculation results allow comparison between the potential for good daylight at neighbouring windows before and after the construction of the proposed development.
- 1.5 The calculations have been run on a CAD model built with reference to:
  - Existing and Proposed drawings provided by Countryside Designs (no.s 237-01 (Feb. 2019) and 239-01 (May 2019)),
  - Block Plan drawing no. 239-02 dated May 2019
  - A site visit on 28.11.2019 during which photographs and measurements were taken.
- 1.6 The calculation process is in accordance with guidance in BRE report 209: 'Site Layout Planning for Daylight and Sunlight: a guide to good practice (2nd Edition).' This document is referred to as the 'BRE guidelines' in this report.

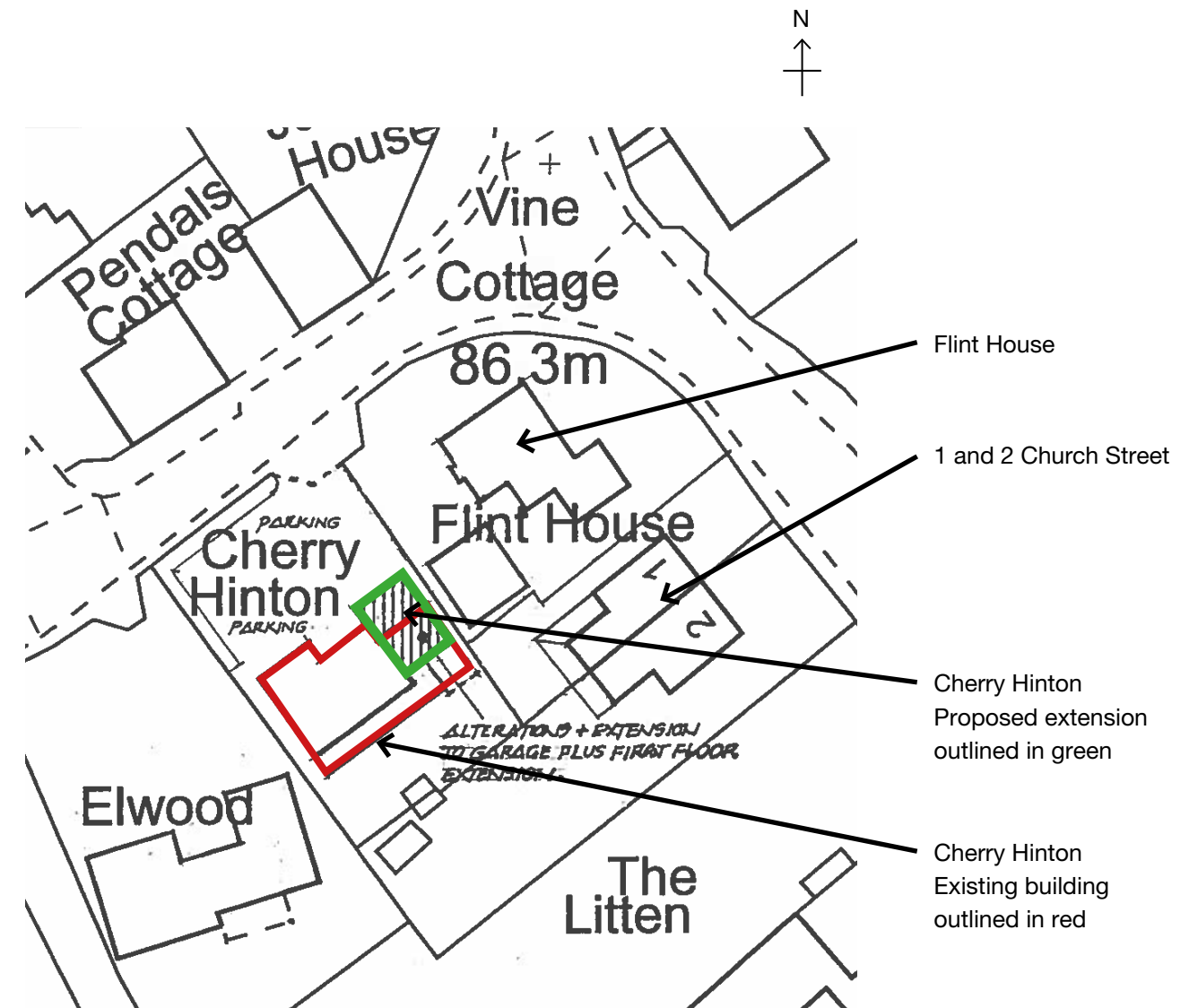


Image 1.1. Block plan excerpt showing the proposed development site and adjacent buildings subject to overshadowing assessment.

\* Skylight and sunlight are the constituents of daylight

## 2. Executive Summary

- 2.1 The proposed development at Cherry Hinton has been assessed for its impact on the skylight and sunlight received by three neighbouring dwellings.
- 2.2 Calculations relating to 13 windows in Flint House and 1 and 2 Church Street have shown that no windows will experience a noticeable reduction in skylight due to the construction of the proposed development.
- 2.3 Of the 13 windows analysed for skylight access, nine are relevant for sunlight availability assessment because they face less than 90° from due south.
- 2.4 None of the nine windows assessed for sunlight access will experience a noticeable reduction in sunlight, during the winter months or throughout the whole year.
- 2.5 Sunlight to the rear amenity area of 1 Church Street is unaffected by the proposed development and in excess of the BRE recommendation that 50% of the area should receive two hours of sunlight on March 21st.

### 3. Methodology - VSC and APSH calculations

- 3.1 To assess the overshadowing impact of the proposed development on neighbouring buildings, it is necessary to calculate vertical sky component (VSC) and annual probable sunlight hours (APSH) at a reference point at the centre of windows to living spaces.
- 3.2 For VSC calculations the reference point is in the external plane of the window wall. For APSH calculations the reference point is in the same place (when analysing sunlight to existing buildings).
- 3.3 Windows to bathrooms, toilets, storerooms and circulation areas need not be analysed (in accordance with the BRE guidelines).
- 3.4 Images in section 4 show the overshadowing conditions subject to assessment.
- 3.5 VSC is a metric for light from the sky (referred to as skylight). It is the amount of skylight falling on a vertical wall or window.
- 3.6 APSH is a metric for quantifying access to direct sunlight. 'Probable sunlight hours' means the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness for the location in question.
- 3.7 The following statement, from section 2.2.7 of the BRE guidelines, describes what VSC values mean for skylight conditions inside a room:
- 3.8 'If this vertical sky component is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the vertical sky component, with the new development in place, is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.'
- 3.9 The theoretical maximum VSC is 39.6%, not 100%.
- 3.10 The following statement, from section 3.2 of the BRE guidelines, describes what APSH means for sunlight conditions inside a room:
- 3.11 'If [the] window reference point can receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months between 21 September and 21 March, then the room should still receive enough sunlight... Any reduction in sunlight access below this level should be kept to a minimum. If the available sunlight hours are both less than the amount given and less than 0.8 times their former value, either over the whole year or just during the winter months (21 September to 21 March), then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.'
- 3.12 APSH need not be calculated for any window which faces more than 90 degrees from due South.
- 3.13 To calculate VSC and APSH at the centre of relevant windows, a CAD model must be built which contains accurate geometry of all affected windows and any obstruction which comes between the window reference point and the sky (from the horizon upwards). Such obstructions include:
- balconies
  - eaves
  - other buildings
- 3.14 As a check BRE recommends that at least half of the amenity area, gardens in this case, should receive at least two hours of sunlight on 21st March.
- 3.15 It should be noted that the BRE guidelines are not mandatory. They are guidance for architects, developers and planners - to assist in the understanding of factors affecting daylight in buildings.

## 4. Overshadowing Conditions - Existing

4.1 The existing overshadowing condition is pictured below.

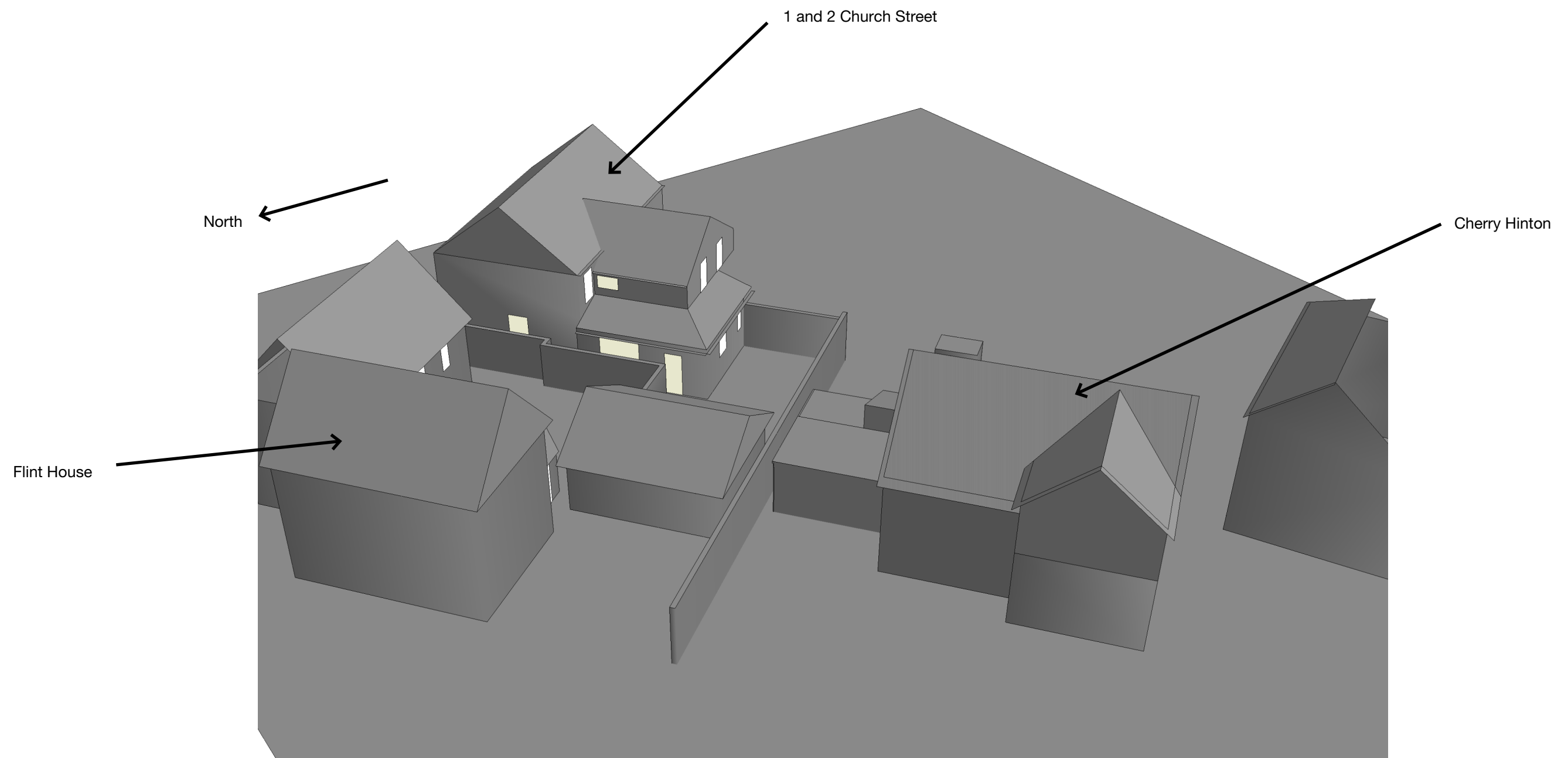


Image 4.1. Existing condition

## 4. Overshadowing Conditions - Proposed

4.2 The proposed overshadowing condition is pictured below.

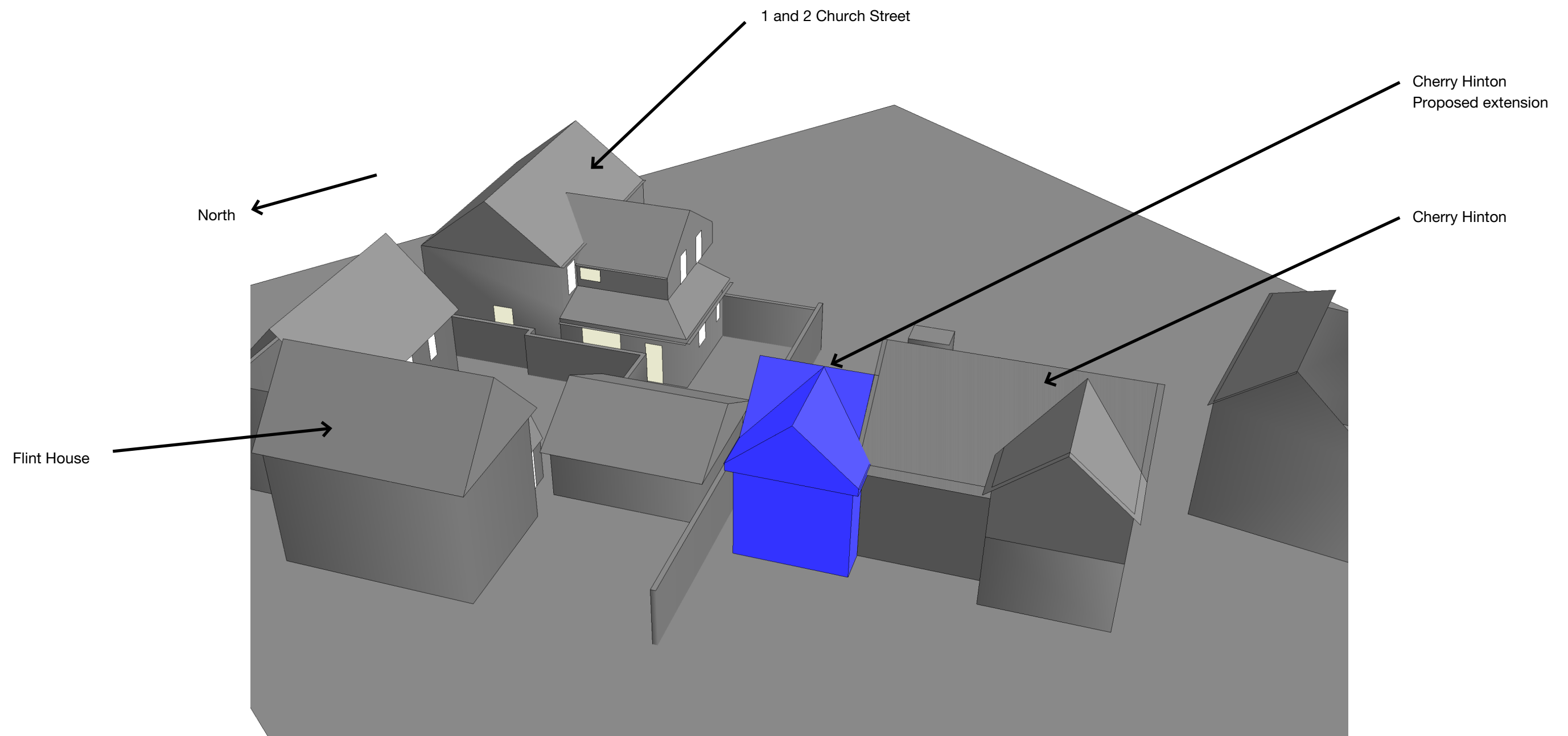


Image 4.2. Proposed condition

## 5. VSC Results

- 5.1 VSC results are presented in table 5.1 below.
- 5.2 None of the 13 windows analysed will experience a noticeable reduction in skylight.
- 5.3 The fraction of proposed to existing for all windows is 0.97 or higher. Any change to daylight levels inside the rooms behind the windows, due to the construction of the proposed development, will be negligible.

Window Id	Vsc Existing	Vsc Proposed	Pr/Ex	Meets BRE Criteria
1	28.348961	27.714809	0.98	YES
2	31.565842	30.680428	0.97	YES
3	19.384781	18.709075	0.97	YES
4	24.76753	24.442135	0.99	YES
5	24.040596	23.875383	0.99	YES
6	37.947912	37.622595	0.99	YES
7	37.777128	37.332641	0.99	YES
8	24.279476	23.896432	0.98	YES
9	31.331217	30.874659	0.99	YES
10	25.498024	25.43573	1	YES
11	14.986033	14.472753	0.97	YES
12	33.153815	32.931881	0.99	YES
13	30.582307	30.440619	1	YES

Table. 5.1. VSC results.

Notes on the results.

If a window does not experience a reduction in VSC to less than 27% and 0.8 times its former value then it is classed as meeting the BRE criteria.

## 6. APSH Results

- 6.1 APSH results are presented in table 6.1 below.
- 6.2 None of the 13 windows analysed will experience a noticeable reduction in sunlight.

Window Id	Annual APSH				Winter APSH			
	Existing	Proposed	Pr/Ex	Meets BRE Criteria	Existing	Proposed	Pr/Ex	Meets BRE Criteria
1	46	44	0.96	YES	10	10	1	YES
2	57	54	0.95	YES	21	21	1	YES
3	North	North	North	North	North	North	North	North
4	North	North	North	North	North	North	North	North
5	North	North	North	North	North	North	North	North
6	66	66	1	YES	23	23	1	YES
7	67	67	1	YES	24	24	1	YES
8	North	North	North	North	North	North	North	North
9	49	49	1	YES	8	8	1	YES
10	53	52	0.98	YES	17	16	0.94	YES
11	19	19	1	YES	2	2	1	YES
12	54	54	1	YES	22	22	1	YES
13	53	53	1	YES	21	21	1	YES

Table. 6.1. APSH results.

### Notes on the results.

For APSH, the results are classed as meeting the BRE criteria if either:

1. A window does not experience a reduction in APSH to less than 25% for the whole year and/or less than 5% in the winter, and either reduction is less than 0.8 times the former value,
2. The overall annual loss is less than 4% of APSH

Windows with result 'North' are not relevant for APSH assessment because they face more than 90° from due south.

## 7. Amenity Results

7.1 Amenity calculation results are presented in figures 7.1 and 7.2 below.

7.2 A sunlight amenity calculation has shown that the outdoor space of no. 1 Church St. receives at least 120 minutes of direct sunlight on 21st March over 66.70% of its total area of 44.98m<sup>2</sup>.

This is in excess of the recommended minimum of 50%.

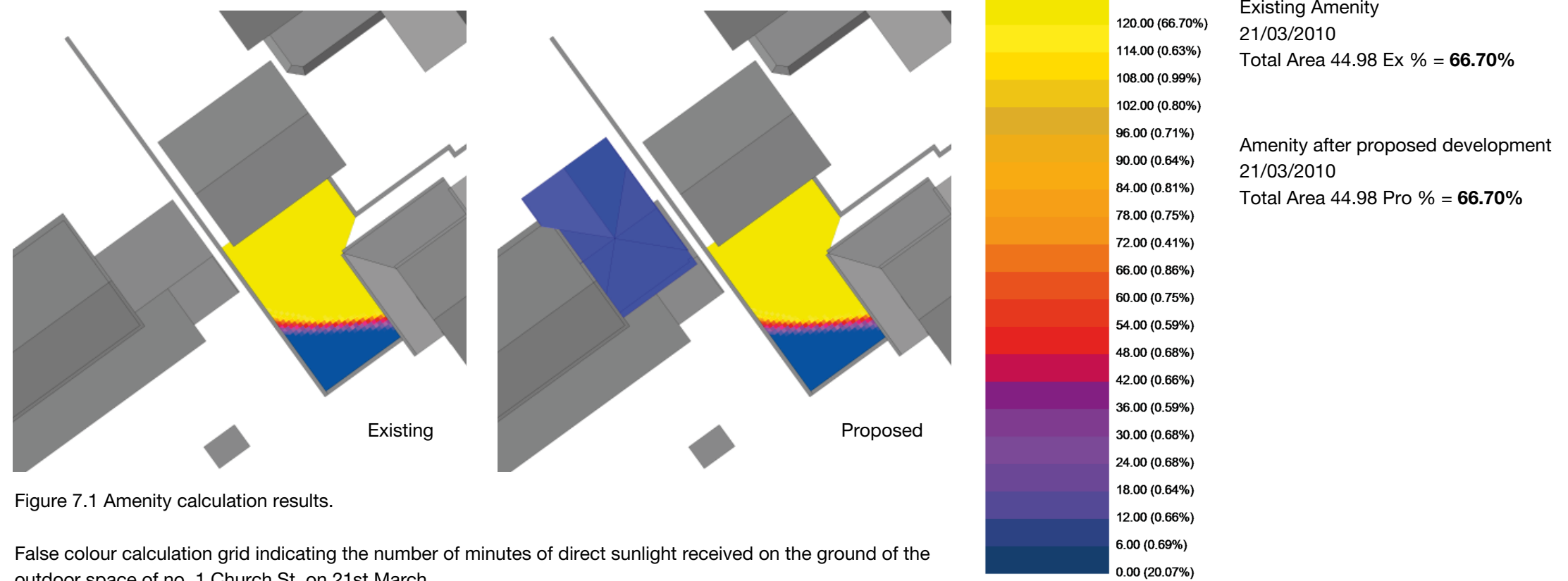


Figure 7.1 Amenity calculation results.

False colour calculation grid indicating the number of minutes of direct sunlight received on the ground of the outdoor space of no. 1 Church St. on 21st March.

Each colour represents a certain quantity of minutes (as listed on the legend to the right). The legend also displays the percentage of the calculation plane area that receives each sunlight duration.



## Appendix A

### Detail of buildings and windows subject to VSC and APSH assessment

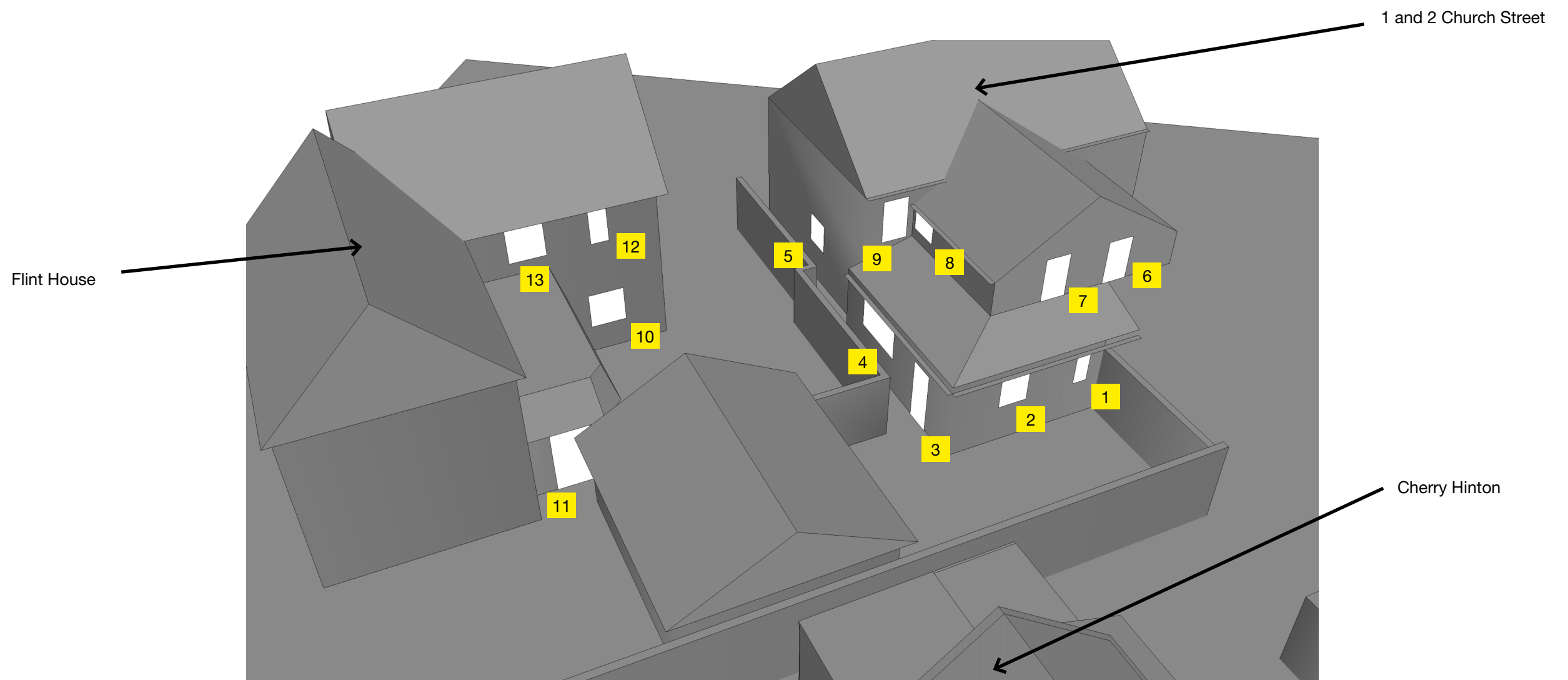


Fig. A1. Windows assessed for VSC and APSH.  
Windows are shown in white.  
Window reference numbers correspond to the results tables.

Note.  
A first floor window on the side wall of no. 1 Church St. is omitted because it serves a bathroom, which is not relevant for assessment.  
Two small rooflights to the rear kitchen of no. 1 Church St. are omitted because VSC is not an applicable metric for non-vertical windows and the VSC change to nearby windows makes it evident that overshadowing to these rooflights from the proposed development will be miniscule and negligible.

## Appendix B

### Calculation Parameters

#### Site Parameters

Location:	Cherry Hinton, Newbury Hill, Hampstead Norreys, Berkshire, RG18 0TR.
Latitude:	51.483000N
Longitude:	1.240000W
Time Zone:	GMT

#### Calculation Software

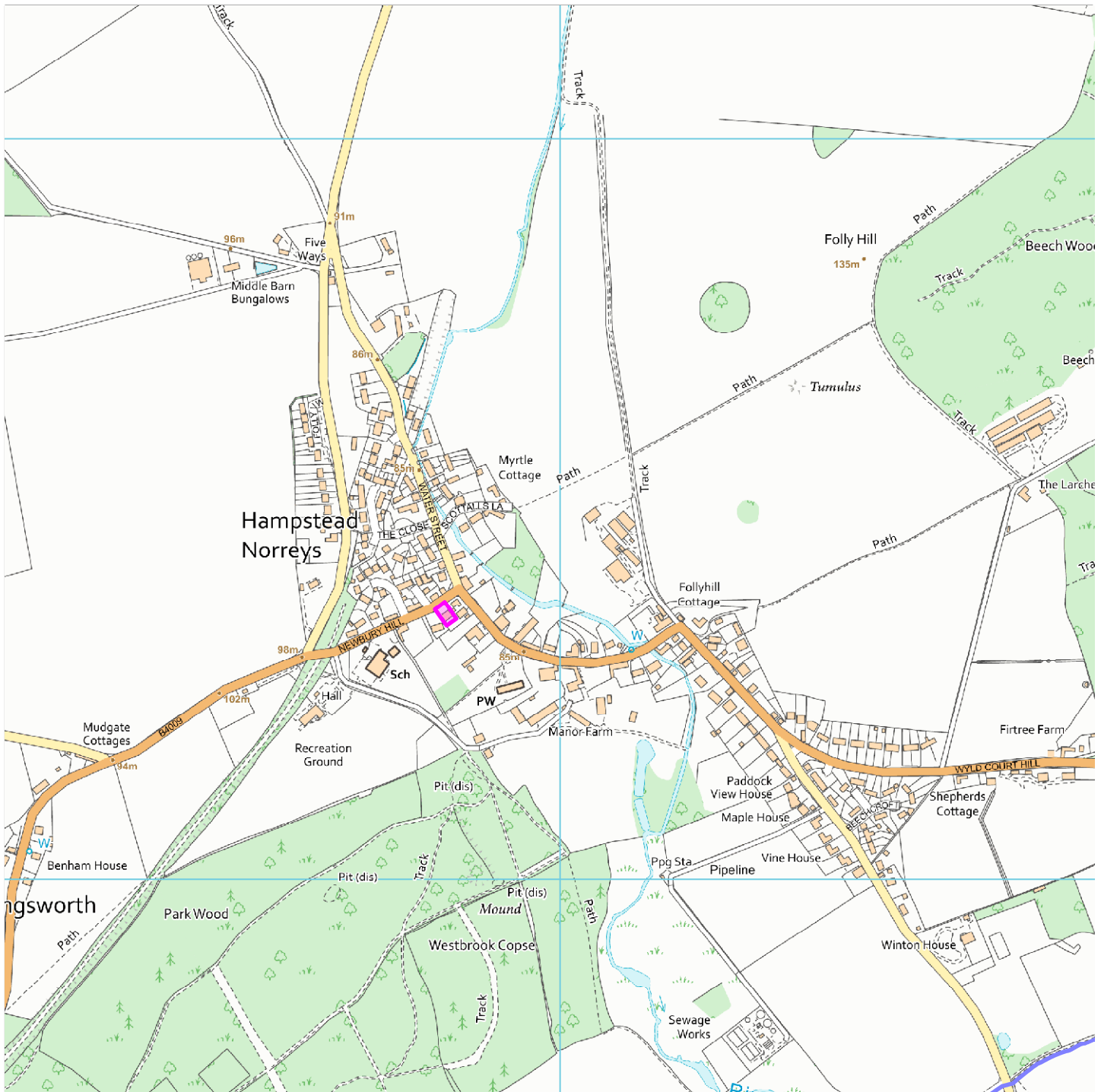
MBS Daylight plugin for Sketchup 2019. Made and validated by MBS  
Survey Software Ltd.

#### References

Building Research Establishment, 2011, Site Layout Planning for Daylight  
and Sunlight: a guide to good practice. Second Edition.  
P. Littlefair.

19/01540/HOUSE

Cherry Hinton, Newbury Hill, Hampstead Norreys RG18 0TR



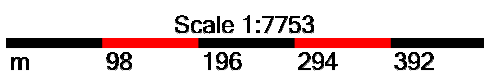
Map Centre Coordinates :

Scale : 1:7752

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	06 January 2020
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	18/00603/COMIND Newbury Clay Hill	3 July 2018	Renewal and expansion of existing football pitch including artificial pitches.  Newbury Football Club, Faraday Road, Newbury, RG14 2AD  Newbury Community Football Group (NCFG)

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00603/COMIND>

**Recommendation Summary:** **DELEGATE** to the Head of Development and Planning to make representations at appeal that planning **permission should be granted** subject to conditions.

**Ward Member(s):** Councillor Jeff Cant  
Councillor Jeff Beck

**Reason for Committee Determination:** Significant public interest and the proposal affects Council owned land

**Committee Site Visit:** 9th January 2020

## Contact Officer Details

**Name:** Jay Singh  
**Job Title:** Consultant Planner  
**Tel No:** 01635 519111  
**Email:** Jay.singh1@westberks.gov.uk

## 1. Introduction

- 1.1 **Proposal** - Full planning permission for the redevelopment of an existing leisure facility which includes a single playing pitch to make provision for two 3G/4G artificial playing pitches. These pitches provide an all-weather durable surface for practise and match-play. One pitch would be senior size measuring 100m in length x 64m in width (with 3m run off) located to the southern part of the site. The second pitch would be a junior size measuring 82m in length x 50m in width (with 3m run off) and would be located to the northern part of the site.
- 1.2 A new clubhouse, changing rooms, spectator stands and revised car parking area are also proposed in conjunction with the new playing pitches. These elements are the subject of a separate planning application reference 18/00604/OUT.
- 1.3 The full supporting documentation can be viewed on the council's website.
- 1.4 **Site description** - The application site 'Newbury Football Ground' is an existing recreational facility covering some 1.47 hectares to the east of Newbury Town Centre. The facilities comprises a single grass playing pitch, single storey clubhouse and up until recently a spectator stand that has been dismantled and taken off site. The site contains external flood lighting mounted on masts around the football pitch. The pitch is enclosed by timber and chain link fencing of varying height.
- 1.5 To the north of the site is the London Road industrial estate with a variety of uses, to the east is landscaped areas including trees and allotments, to the south-east approx. 50m beyond the Kennet Canal are residential properties, to the south are trees within grassed areas beyond which the southern edge of the site falls within a Conservation Area. Further south are footpaths and a Public Right of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal, which contains narrow boat moorings, and the River Kennet, which is designated as a SSSI. To the west of playing pitch is an existing car parking area. The existing vehicular access into the site is through the industrial estate to the north.
- 1.6 The site falls within flood zones 2 (medium risk) and 3 (high risk) according to Environment Agency Flood Mapping.
- 1.7 The football ground is currently registered as an Asset of Community Value (ACV).

## 2. Planning History

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

Application	Proposal	Decision / Date
18/00604/OUT	Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout.  Applicant: Newbury Community Football Group (NCFG)	Subject to planning appeal
19/00814/FUL	Creation of 4 x multi-use games areas with replacement gates and new fencing; 8 x new floodlights (replacing existing 6 x floodlights)	Pending consideration

	Applicant: West Berkshire Council	
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for approval - 14.09.2018
94/45314/FUL	Stands (standing only) - 8no units; 3m high north boundary fence.	Approved - 18.10.1994
93/43408/ADD	Replacement of existing floodlights & stands.	Approved – 12.10.1993
93/42876/ADD	Renovation of clubhouse & new building for entrance shop toilets & groundsman store.	Approved - 28.06.1993
93/42875/ADD	Replacement grandstand & additional car parking.	Approved - 28.06.1993
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused – 06.12.1989
82/18107/ADD	Small 100 seater grandstand	Approved - 08.11.1982
81/16061/ADD	Erection of grand stand for spectators	04.11.1981
79/10044/ADD	Proposed new pavilion & change of use to football ground	Approved - 06.03.1979
77/07234/ADD	Non illuminated hoarding	Approved - 23.11.1977
77/06859/ADD	Extension to clubhouse	Approved - 23.09.1977
75/03793/ADD	Extension to provide changing rooms	Approved - 11.02.1976

### 3. Procedural Matters

- 3.1 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required.
- 3.2 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices and press notices being advertised in the Newbury Chronicle. In addition, the applicant has served notices on the Council to confirm the proposal affects Council owned land.

- 3.3 The proposed development would not would require any financial contributions to be made in respect of the Councils Adopted CIL Charging Schedule.

## 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.

<b>Ward Member:</b>	No comments received
<b>Newbury Town Council:</b>	<p>Objection/comments:</p> <p>1) A transport statement should have been provided. We support the objection of the Highways Officer on grounds of reduced parking capacity.</p> <p>2) We were advised that issues of parking and improved facilities for players are covered by a second planning application which is still being validated. We consider that the present planning application should only be considered jointly with this second one, in order to understand the complete range of facilities being proposed for players.</p>
<b>WBC Highways:</b>	No objection subject to conditions
<b>WBC Property:</b>	<p>West Berkshire Council is the freeholder of the land upon which the application (18/00603/COMIND and 18/00604/OUT) has been submitted.</p> <p>The Council's status as the land owner is not material to determining this application. However, for the avoidance of doubt, West Berkshire Council as land owner wishes it recorded that the applicant has not been encouraged to make this application and where proposals run counter to the Council's own proposals for regeneration of the site.</p> <p>The Council's regeneration proposals for the whole of the London Road Industrial Estate, of which the proposed development site forms a critical part, are publicly known. The Council, as land owner, feels that planning documentation should record the above position and that the agent acting for the applicant is duty bound to inform the applicant of the land owner's position and that any potential consent will not influence how the Council proceeds with future regeneration proposals.</p>
<b>WBC Drainage:</b>	No objection subject to conditions
<b>WBC Conservation:</b>	No objection
<b>WBC Ecology:</b>	No comments received
<b>WBC Leisure:</b>	No comments received



<b>WBC Landscape:</b>	No objection subject to conditions
<b>WBC Archaeology:</b>	No objection subject to conditions
<b>WBC Public Rights of Way:</b>	No comments received
<b>WBC Environmental Health:</b>	No objection subject to conditions
<b>WBC Disabled Access:</b>	No comments received
<b>Environment Agency:</b>	No comments received
<b>Ramblers Association:</b>	No comments received
<b>Kennet and Avon Canal Trust</b>	No comments received
<b>Canals and River Trust</b>	No comments received
<b>Historic England</b>	No comments received
<b>Newbury Society</b>	Support
<b>Natural England</b>	No comments
<b>Sport England</b>	No objection (outlined in more detail further below)

### ***Public representations***

4.2 An electronic petition with approx. 1800 signatories and a hard copy with approx. 259 signatures has been submitted in support of the application. The petition includes supporting comments which may be viewed within the application documents on the Council's website using the link at the start of this report. In summary the supporting comments indicate:

- West Berkshire Council are requested to grant permission which is crucial to the provision of much needed community football facilities in Newbury.
- The development will enhance Newbury's premier ground and clubhouse which is an essential facility for senior and junior football, particularly because it delivers a vital succession opportunity thereby encouraging young players to participate in the sport. This goes to the heart of enhancing fitness, health and wellbeing in accordance with the social objectives of the council's planning policies.

- It is essential for the health and wellbeing of young people in particular that we have facilities that encourage community participation and bring all ages of the community together.
- The proposal addresses a shortfall of such sports facilities within the district including lack of 3g and 4g pitches which allow use all year round including by local schools.
- The proposal supports a football team/community organisation for Newbury and retains them within in a sustainable edge of town centre location reducing the need to travel to alternative facilities further afield.
- The use of the facilities for sport is more beneficial to the community than redevelopment for housing, coupled with there being more suitable brownfield sites for housing elsewhere within the town.
- Once this essential leisure infrastructure/facility is lost to housing, it is unlikely the Council would provide compensatory facilities elsewhere.
- The redevelopment of the site for housing would harm the character and appearance of the area including the setting of the canal
- The proposal would reduce existing anti-social behaviour associated with the site currently being unused
- The Newbury Town F.C. football stadium has provided opportunities for players of all ages and abilities to play at a local enclosed stadium which has been in the past and should be in the future a credit to the Newbury community. The stadium has hosted many finals for all competitions for all groups, in particular the Newbury & District Primary Schools annual finals, the Newbury & District Association squad in annual matches against Jersey and Guernsey and for many seasons the English Schools' Football Association under 18 England trials. In addition, there are many players who have played at the stadium which was their first experience of playing in such a venue before progressing to play in the Premier League - Theo Walcott now at Everton and Charlie Austin, now at Southampton. David Gent President Newbury & District Primary Schools Football Association
- In light of the social benefits and strength of community support, the retention of these sports facilities should be supported by the council and its councillors.

## 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, ADDP2, CS5, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, 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)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)
- Sport England 'Playing fields policy and guidance' (2018)
- Newbury Vision 2026 and 2036

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Highways matters;
- Character and appearance (including design);
- Heritage assets;
- Residential amenity;
- Flood risk and sustainable drainage;
- Biodiversity;
- Trees and woodland.

### *Principle of development*

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 Policies ADPP1, ADPP5, and CS18 of the West Berkshire Core Strategy (2006-2026) are key policies relevant to the principle of proposed development. There are also other development plan policies that relate to specific issues and these are considered further on in this report.
- 6.4 Policies ADPP1 and ADPP2 comprise the spatial strategy for the district. New development will be located in accordance with the settlement hierarchy (ADPP1) and area delivery plan policies (ADPP2). According to Core Strategy Policy ADPP1, the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited. Newbury is included on the first tier of the settlement hierarchy. It is thereby the focus for development within the district.
- 6.5 Policy ADPP2 indicates Newbury will continue to fulfil its key role as the administrative centre and major town centre for the District, with a wide range of retail, employment, leisure and community services and facilities. The policy indicates community infrastructure will be provided to meet the growth in population and existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors.
- 6.6 Policy CS18 sets out The District's green infrastructure (which includes outdoor sports facilities) will be protected and enhanced, new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. It goes on to say, developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure

can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

- 6.7 The supporting text to the policy recognises the multi-functional nature of GI in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes.
- 6.8 The Newbury Vision 2026 and 2036 sets out the Councils and community aspirations for the future of Newbury. The document indicates support for the growth of recreational and sporting facilities within Newbury and the preservation and enhancement of the Districts open space.
- 6.9 The proposal would accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 through the renewal and expansion of an existing sports facilities within a sustainable location that form part of the Districts green infrastructure.
- 6.10 *Impact on the Existing Playing Field*
- 6.11 As the proposal affects an existing playing field Sport England (SE) has considered the application in the context of the National Planning Policy Framework and its own playing fields policy which indicates Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.
- 6.12 This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which indicates 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'
- 6.13 SE have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5. SE recognise that the proposed replacement full size artificial pitch and adjacent junior are proposed to benefit community football in Newbury. Berks & Bucks FA has confirmed that there is an existing need for a full size artificial pitch in Newbury and this new pitch will meet an identified local need for this type of facility. Berks & Bucks FA/the Football Foundation also confirm that they are fully supportive of the applicant in their plans to develop and improve these football facilities. In addition, SE advise the location of these facilities close to Newbury town centre means that the facility is accessible by alternative transport modes to the car and ensure that this is an appropriate location for this community football facility.
- 6.14 SE raise no objection to the proposal as it is considered to meet exception 5 of their policy guidance subject to planning conditions relating to the final design and specification of the pitches, phasing of the development (including the re-provision of the replacement stand and clubhouse) and maintenance/management scheme going forward.
- 6.15 For these reasons the impact on the existing playing field is considered acceptable.
- 6.16 *Wider Regeneration Proposals for London Road Industrial Estate*

6.17 It is recognised that the Council has aspirations for the wider regeneration of the London Road Industrial Estate (in which the application site is located). However, they can only be afforded limited weight at this stage.

#### 6.18 *Asset of Community Value*

6.19 It is recognised that the application site is registered as an Asset of Community Value. However, the proposal would not affect this status.

6.20 For these reasons, the proposed development is considered acceptable in principle subject to the detailed material considerations set out below.

#### **Highways Matters**

6.21 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst others): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.

6.22 The application site is within a sustainable location within walking distance of the town centre. The proposal would utilise the existing vehicular access arrangement and would incorporate a revised car parking layout (considered under application 18/00604/OUT).

6.23 The proposal has been carefully considered by the Highways Team who consider subject to the imposition of relevant planning conditions, the proposal is considered acceptable in terms of highways impact.

6.24 In terms of refuse storage and parking provision, the supporting plans demonstrates the site would have sufficient capacity to meet the refuse storage, off-road cycle and car parking provision requirements of development.

6.25 For the above reasons, taking into account any cumulative impacts, the proposal would not have an adverse impact on highway safety and the free flow of traffic within the local highways infrastructure, and would provide satisfactory off cycle and car provision to meet the needs of future users of the facility in accordance with the provisions of Policy CS13, and the National Planning Policy Framework.

#### **Character and Appearance (including design)**

6.26 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. 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. Development shall contribute positively to local distinctiveness and sense of place. Development proposals will be expected to (amongst others) make efficient use of land whilst respecting density, character, landscape and biodiversity of the surrounding area.

6.27 Part 1 of the Quality Design SPD indicates new development should begin with an understanding of the area's existing character and context and its design should evolve from West Berkshire's rich landscape and built heritage. Development should seek to complement and enhance existing areas, using architectural distinctiveness (through construction materials and techniques) and high quality urban design, to reinforce local identity and to create a sense of place. The Town Design Statement echoes the above design considerations.

6.28 The surrounding built form has a variety of architectural design and form, of varying quality. In this context, the modern leisure development proposed which largely uses the existing playing pitch footprint would harmonise with the surroundings subject to the

finer details such as external materials, boundary treatment, hard landscaping and external flood lighting with external masts being carefully considered.

- 6.29 The proposal would have some adverse impact on views for users of the PROW and the canal way to the south of the site. However, taking into account the existing structures within the site and subject to appropriate boundary treatment and new soft landscaping being secured, on balance, the harm would not be considered to be significant.
- 6.30 Overall, the proposal would harmonise with the surroundings and would have an acceptable impact on the character and appearance of the area.

### 6.31 **Historic Environment**

- 6.32 Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides "In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 6.33 Policy CS.19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Listed Buildings, Scheduled monuments, Conservation Areas. Paragraphs 184 - 192 of the NPPF seek to protect heritage assets. Paragraph 196 indicates where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.34 As indicated above, the southern boundary of the application site falls within a conservation area. The proposal has been assessed by the Councils Conservation Officer who advises there is one large football pitch currently covering much of the site with the proposal to increase this to 2 pitches. The proposal is not considered to cause any additional impact on the setting or character of the conservation area, over and above what already exists and therefore the conservation officer raises no objections to the proposal.
- 6.35 In terms of archaeological impact, The Council's Archaeological Officer has reviewed the application using the approach set down in the NPPF and has checked the proposed development against the information the Council currently holds regarding the heritage assets and historic land uses in this area. The officer has advised subject to planning conditions securing a written scheme of archaeological investigation, the proposal would have an acceptable impact on features of potential archaeological significance within the site.
- 6.36 For these reasons, the proposal complies with Core Strategy Policy CS19 and the National Planning Policy Framework in terms of conserving the historic environment.

### **Residential Amenity**

- 6.37 According to paragraph 127 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers. According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations. The Council's adopted Quality Design SPD and House Extensions SPG provide guidance on such matters that may be applicable to all development proposals

- 6.38 The layout plans demonstrate the proposal would maintain adequate separation distances from existing housing ensuring no material impact on neighbouring residential amenity by way of loss of light, outlook or privacy, or result in any overbearing impact. Planning conditions can also be imposed to control the type of external flooding lighting and hours of use in order to reduce any excessive light pollution/nuisance to neighbouring properties.
- 6.39 The proposal would intensify the use of the site and increase traffic movements within the industrial estate. However, the overall increase in use and the level of traffic movements would not be so significant such that it would materially harm neighbouring residential amenity in terms of increased noise and disturbance.
- 6.40 Any short term impacts associated with the construction process can be controlled through the implementation of a construction environmental management plan (CEMP) secured via planning condition. The CEMP can control matters such as dust suppression, hours of work and deliveries.
- 6.41 In respect of land contamination, potential risks can be adequately managed through remediation where required through the use of planning conditions. In addition, no objections have been received from the Councils Environmental Health Team.
- 6.42 For these reasons, the proposal would have an acceptable impact on neighbouring residential amenity.

#### **Flood risk and Sustainable Drainage**

- 6.43 According to Core Strategy Policy CS16, the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. Core Strategy Policy CS16 also requires that all developments incorporate sustainable drainage techniques. The Planning Practice Guidance supports this position for major developments
- 6.44 The site is located in Flood Zone 2 (medium risk of flooding) and Flood Zone 3 (high risk of flooding) according to Environment Agency Flood Mapping. The LFFA have carefully considered the proposal and advises that the proposed artificial playing pitches would include a permeable subbase as such the proposal would not have an adverse impact on the risk of flooding within the site. In addition, no objections have been received from the Environment Agency.
- 6.45 For these reasons, the proposal would not have an adverse impact on flooding within the site or locality in accordance with the provisions of Core Strategy Policy CS16 and the NPPF.

#### **Biodiversity**

- 6.46 According to Core Strategy Policy CS17, biodiversity assets across West Berkshire will be conserved and enhanced.
- 6.47 The proposal would be largely within the foot print of the existing playing pitch and facilities within the site as such it would not have an adverse impact on any ecology/biodiversity within the site. However, it is noted that the River Kennet SSSI is located beyond the southern boundary of the site therefore it is prudent to ensure appropriate avoidance and ecological mitigation measures are secured via planning condition to ensure any protected species are not adversely affected during the construction process.

6.48 For these reasons, the proposal would not have an adverse ecological impact in accordance with the provisions of Core Strategy Policy CS17 and the NPPF.

### **Trees and Woodland**

6.49 The site contains a number of trees to the east and south of the existing playing pitch. The Council Tree Officer has carefully considered the proposal and raises no objections subject to measures to protect retained trees being secured via planning condition. In addition, it is noted that the supporting plans demonstrate sufficient areas are retained for new tree planting where required to off-set any loss of trees and ensure a net gain in tree planting within the site overall.

6.50 For these reasons, it is considered that retained trees would be adequately safeguarded from any potential adverse effects and a net gain in trees planting would be achieved within the site to off-set any removed trees in accordance with the provisions of policy CS18 and the NPPF.

## **7. Planning Balance and Conclusion**

7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the proposed development complies with the development plan when considered as a whole and is therefore considered acceptable.

## **8. Full Recommendation**

8.1 The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is supported.

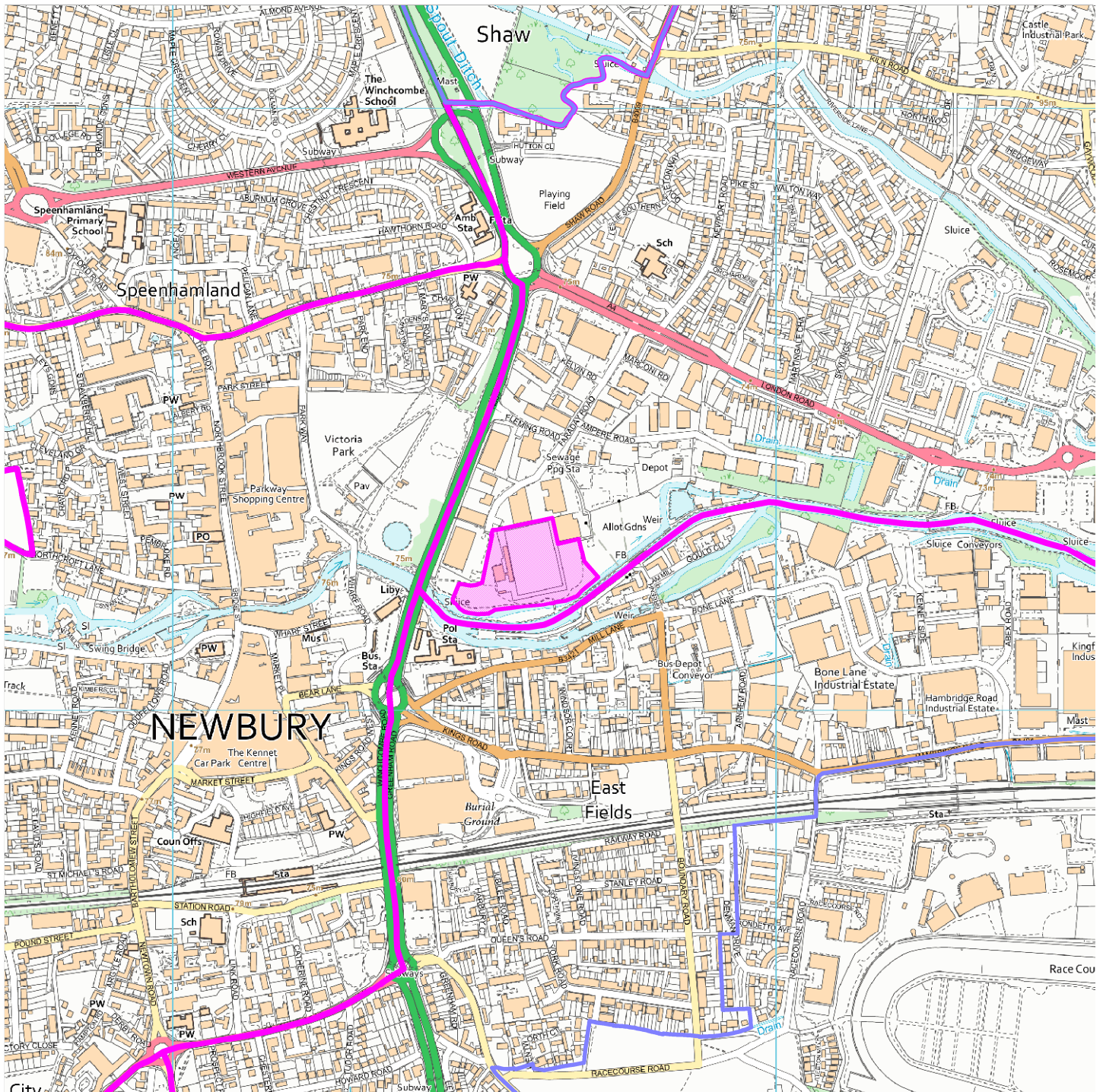
8.2 Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions.

8.3 The full recommendation is as follows:

8.4 To **DELEGATE** to the Head of Development and Planning to make representations at appeal that planning **permission should be granted** subject to conditions.

DC





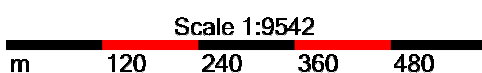
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	03 January 2020
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	18/00604/OUT Newbury Clay Hill	13 September 2019	Outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout.  Newbury Football Club, Faraday Road, Newbury, RG14 2AD  Newbury Community Football Group (NCFG)

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00604/OUT>

**Recommendation Summary:** **DELEGATE** to the Head of Development and Planning to make representations at appeal that outline planning **permission should be granted** subject to conditions.

**Ward Member(s):** Councillor Jeff Cant  
Councillor Jeff Beck

**Reason for Committee Determination:** Significant public interest and the proposal affects Council owned land

**Committee Site Visit:** 9th January 2020

## Contact Officer Details

**Name:** Jay Singh  
**Job Title:** Consultant Planner  
**Tel No:** 01635 519111  
**Email:** Jay.singh1@westberks.gov.uk

## 1. Introduction

- 1.1 **Proposal** – Outline planning permission is sought for a replacement clubhouse (including changing rooms) and a new spectator stand with associated car parking at Newbury Football Ground. Matters to be considered: Access and Layout.
- 1.2 The proposed changing rooms and club house would measure approx. 35m in width x 10m in depth and would be located the western end of the senior playing pitch. Whilst scale is not for determination at this stage, the supporting plans suggest the clubhouse would be a two-storey building. The proposed spectator stand would measure approx. 15m in width x 6m in depth and would be located to the south of the senior playing pitch. The revised car parking area will be located to the western boundary of the site and would include 44 off road car parking spaces and 16 cycle spaces.
- 1.3 An application to enhance and expand the football pitches within the site is subject to a separate planning application 18/00603/COMIND.
- 1.4 The full supporting documentation can be viewed on the council's website.
- 1.5 **Site description** - The application site covers 0.2 hectares and forms part of the wider 'Newbury Football Ground' which is an existing recreational facility covering some 1.47 hectares to the east of Newbury Town Centre. The application site forms part of the western portion of the football ground site which is currently occupied by a clubhouse, car parking area and up until recently a spectator stand (that has been dismantled and taken off site).
- 1.6 To the north of the site is the London Road industrial estate with a variety of uses, to the east is landscaped areas including trees and allotments, to the south-east approx. 50m beyond the Kennet Canal are residential properties, to the south are trees within grassed areas beyond which the southern edge of the site falls within a Conservation Area. Further south are footpaths and a Public Right of Way (NEWB/28/7) beyond which is the Kennet and Avon Canal, which contains narrow boat moorings, and the River Kennet, which is designated as a SSSI. To the west of playing pitch is an existing car parking area. The existing vehicular access into the site is through the industrial estate to the north.
- 1.7 The site falls within flood zones 2 (medium risk) and 3 (high risk) according to Environment Agency Flood Mapping.
- 1.8 The football ground is currently registered as an Asset of Community Value (ACV).

## 2. Planning History

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

Application	Proposal	Decision / Date
18/00603/COMIND	Renewal and expansion of existing football pitch including artificial pitches  Applicant: Newbury Community Football Group (NCFG)	Subject to planning appeal
19/00814/FUL	Creation of 4 x multi-use games areas with replacement gates and new fencing; 8 x new floodlights (replacing existing 6 x	Pending consideration

	floodlights) Applicant: West Berkshire Council	
18/02046/DEMO	Application for prior notification for demolition of spectator stand	Approved/further details not required for approval - 14.09.2018
94/45314/FUL	Stands (standing only) - 8no units; 3m high north boundary fence.	Approved - 18.10.1994
93/43408/ADD	Replacement of existing floodlights & stands.	Approved – 12.10.1993
93/42876/ADD	Renovation of clubhouse & new building for entrance shop toilets & groundsman store.	Approved - 28.06.1993
93/42875/ADD	Replacement grandstand & additional car parking.	Approved - 28.06.1993
89/35983/ADD	Day time car park for racial vodafone evening and weekend training area for football club	Refused – 06.12.1989
82/18107/ADD	Small 100 seater grandstand	Approved - 08.11.1982
81/16061/ADD	Erection of grand stand for spectators	04.11.1981
79/10044/ADD	Proposed new pavilion & change of use to football ground	Approved - 06.03.1979
77/07234/ADD	Non illuminated hoarding	Approved - 23.11.1977
77/06859/ADD	Extension to clubhouse	Approved - 23.09.1977
75/03793/ADD	Extension to provide changing rooms	Approved - 11.02.1976

### 3. Procedural Matters

- 3.1 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required.
- 3.2 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices and press notices being advertised in the Newbury Chronicle. In addition,

the applicant has served notices on the Council to confirm the proposal affects Council owned land.

- 3.3 The proposed development would not would require any financial contributions to be made in respect of the Councils Adopted CIL Charging Schedule.

## 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.

<b>Ward Member:</b>	No comments received
<b>Newbury Town Council:</b>	No objection. The Committee's decision is based solely on planning considerations with regard to the site.
<b>WBC Highways:</b>	No objection subject to conditions
<b>WBC Property:</b>	<p>West Berkshire Council is the freeholder of the land upon which the application (18/00603/COMIND and 18/00604/OUT) has been submitted.</p> <p>The Council's status as the land owner is not material to determining this application. However, for the avoidance of doubt, West Berkshire Council as land owner wishes it recorded that the applicant has not been encouraged to make this application and where proposals run counter to the Council's own proposals for regeneration of the site.</p> <p>The Council's regeneration proposals for the whole of the London Road Industrial Estate, of which the proposed development site forms a critical part, are publicly known. The Council, as land owner, feels that planning documentation should record the above position and that the agent acting for the applicant is duty bound to inform the applicant of the land owner's position and that any potential consent will not influence how the Council proceeds with future regeneration proposals.</p>
<b>WBC Drainage:</b>	No objection
<b>WBC Conservation:</b>	No objection
<b>WBC Ecology:</b>	No comments received
<b>WBC Leisure:</b>	No comments received
<b>WBC Landscape:</b>	No objection subject to conditions
<b>WBC</b>	No objection subject to conditions



<b>Archaeology:</b>	
<b>WBC Public Rights of Way:</b>	No comments received
<b>WBC Environmental Health:</b>	No objection
<b>Environment Agency:</b>	No comments received
<b>Ramblers Association:</b>	No comments received
<b>Kennet and Avon Canal Trust</b>	No comments received
<b>Canals and River Trust</b>	No comments received
<b>Newbury Society</b>	Support
<b>Sport England</b>	No objection

### ***Public representations***

4.2 An electronic petition with approx. 1800 signatories and a hard copy with approx. 259 signatures has been submitted in support of the application. The petition includes supporting comments which may be viewed within the application documents on the Council's website using the link at the start of this report. In summary the supporting comments indicate:

- West Berkshire Council are requested to grant permission which is crucial to the provision of much needed community football facilities in Newbury.
- The development will enhance Newbury's premier ground and clubhouse which is an essential facility for senior and junior football, particularly because it delivers a vital succession opportunity thereby encouraging young players to participate in the sport. This goes to the heart of enhancing fitness, health and wellbeing in accordance with the social objectives of the council's planning policies.
- It is essential for the health and wellbeing of young people in particular that we have facilities that encourage community participation and bring all ages of the community together.
- The proposal addresses a shortfall of such sports facilities within the district including lack of 3g and 4g pitches which allow use all year round including by local schools.

- The proposal supports a football team/community organisation for Newbury and retains them within in a sustainable edge of town centre location reducing the need to travel to alternative facilities further afield.
- The use of the facilities for sport is more beneficial to the community than redevelopment for housing, coupled with there being more suitable brownfield sites for housing elsewhere within the town.
- Once this essential leisure infrastructure/facility is lost to housing, it is unlikely the Council would provide compensatory facilities elsewhere.
- The redevelopment of the site for housing would harm the character and appearance of the area including the setting of the canal
- The proposal would reduce existing anti-social behaviour associated with the site currently being unused
- The Newbury Town F.C. football stadium has provided opportunities for players of all ages and abilities to play at a local enclosed stadium which has been in the past and should be in the future a credit to the Newbury community. The stadium has hosted many finals for all competitions for all groups, in particular the Newbury & District Primary Schools annual finals, the Newbury & District Association squad in annual matches against Jersey and Guernsey and for many seasons the English Schools' Football Association under 18 England trials. In addition, there are many players who have played at the stadium which was their first experience of playing in such a venue before progressing to play in the Premier League - Theo Walcott now at Everton and Charlie Austin, now at Southampton. David Gent President Newbury & District Primary Schools Football Association
- In light of the social benefits and strength of community support, the retention of these sports facilities should be supported by the council and its councillors.

## 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, ADDP2, CS5, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, 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)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)
- Sport England 'Playing fields policy and guidance' (2018)
- Newbury Vision 2026 and 2036



## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Highways matters;
- Character and appearance (including design);
- Heritage assets;
- Residential amenity;
- Flood risk and sustainable drainage;
- Biodiversity;
- Trees and woodland.

### ***Principle of development***

6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

6.3 Policies ADPP1, ADPP5, and CS18 of the West Berkshire Core Strategy (2006-2026) are key policies relevant to the principle of proposed development. There are also other development plan policies that relate to specific issues and these are considered further on in this report.

6.4 Policies ADPP1 and ADPP2 comprise the spatial strategy for the district. New development will be located in accordance with the settlement hierarchy (ADPP1) and area delivery plan policies (ADPP2). According to Core Strategy Policy ADPP1, the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited. Newbury is included on the first tier of the settlement hierarchy. It is thereby the focus for development within the district.

6.5 Policy ADPP2 indicates Newbury will continue to fulfil its key role as the administrative centre and major town centre for the District, with a wide range of retail, employment, leisure and community services and facilities. The policy indicates community infrastructure will be provided to meet the growth in population and existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors.

6.6 Policy CS18 sets out The District's green infrastructure (which includes outdoor sports facilities) will be protected and enhanced, new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. It goes on to say, developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

6.7 The supporting text to the policy recognises the multi-functional nature of GI in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes.

- 6.8 The Newbury Vision 2026 and 2036 sets out the Councils and community aspirations for the future of Newbury. The document indicates support for the growth of recreational and sporting facilities within Newbury and the preservation and enhancement of the Districts open space.
- 6.9 The proposal would accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 through the provision of additional sports facilities within a sustainable location.
- 6.10 *Sport England*
- 6.11 Sport England have assessed the proposal and is satisfied that the proposed development would meet exception 2 of its playing fields policy, in that 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use'. Accordingly, Sport England are supportive of the proposal.
- 6.12 *Wider Regeneration Proposals for London Road Industrial Estate*
- 6.13 It is recognised that the Council has aspirations for the wider regeneration of the London Road Industrial Estate (in which the application site is located). However, they can only be afforded limited weight at this stage.
- 6.14 *Asset of Community Value*
- 6.15 It is recognised that the application site is registered as an Asset of Community Value. However, the proposal would not affect this status.
- 6.16 For these reasons, the proposed development is considered acceptable in principle subject to the detailed material considerations set out below.

### **Highways Matters**

- 6.17 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst others): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.
- 6.18 The application site is within a sustainable location within walking distance of the town centre. The proposal would utilise the existing vehicular access arrangement and would incorporate a revised car parking layout. The revised parking layout would result in the reduction of existing car parking provision within the site to 44 spaces but would provide 16 cycle spaces. The application is supported by a parking survey that has assessed car parking capacity within the locality.
- 6.19 The proposal has been carefully considered by the Highways Team who confirm the parking survey demonstrates sufficient car parking capacity is available nearby as such the reduction in on-site car parking provision would not have an adverse impact on the local highways infrastructure. Overall, the Highways Team confirm that subject to the imposition of relevant planning conditions, the proposal is considered acceptable in terms of highways impact.
- 6.20 In terms of refuse storage and cycle parking provision, the supporting plans demonstrate the site would have sufficient capacity to meet the refuse storage and off-road cycle requirements of the development.
- 6.21 For the above reasons, taking into account any cumulative impacts, the proposal would not have an adverse impact on highway safety and the free flow of traffic within the local

highways infrastructure, and would provide satisfactory off cycle and car provision to meet the needs of future users of the facility in accordance with the provisions of Policy CS13, and the National Planning Policy Framework.

### **Character and Appearance (including design)**

- 6.22 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. 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. Development shall contribute positively to local distinctiveness and sense of place. Development proposals will be expected to (amongst others) make efficient use of land whilst respecting density, character, landscape and biodiversity of the surrounding area.
- 6.23 Part 1 of the Quality Design SPD indicates new development should begin with an understanding of the area's existing character and context and its design should evolve from West Berkshire's rich landscape and built heritage. Development should seek to complement and enhance existing areas, using architectural distinctiveness (through construction materials and techniques) and high quality urban design, to reinforce local identity and to create a sense of place. The Town Design Statement echoes the above design considerations.
- 6.24 The surrounding built form has a variety of architectural design and form, of varying quality. In this context, the modern leisure development proposed which largely occupies the existing footprint of the facilities within the site would harmonise with the surroundings subject to details of scale, appearance (including external materials and boundary treatment) and landscaping being carefully considered at the reserved matters stage.
- 6.25 The proposal would have some adverse impact on views for users of the PROW and the canal way to the south of the site. However, taking into account the existing structures within the site and subject to appropriate boundary treatment and new soft landscaping being secured, on balance, the harm would not be considered to be significant.
- 6.26 Overall, the proposal would harmonise with the surroundings and would have an acceptable impact on the character and appearance of the area.
- 6.27 **Historic Environment**
- 6.28 Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides "In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 6.29 Policy CS.19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Listed Buildings, Scheduled monuments, Conservation Areas. Paragraphs 184 - 192 of the NPPF seek to protect heritage assets. Paragraph 196 indicates where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.30 As indicated above, the southern boundary of the application site falls within a conservation area. The proposal has been assessed by the Councils Conservation Officer who advises the development is not considered to cause any additional impact on the setting or character of the conservation area, over and above what already exists and therefore the Conservation Officer raises no objections to the proposal.

- 6.31 In terms of archaeological impact, The Council's Archaeological Officer has reviewed the application using the approach set down in the NPPF and has checked the proposed development against the information the Council currently holds regarding the heritage assets and historic land uses in this area. The officer has advised subject to planning conditions securing a written scheme of archaeological investigation, the proposal would have an acceptable impact on features of potential archaeological significance within the site.
- 6.32 For these reasons, the proposal complies with Core Strategy Policy CS19 and the National Planning Policy Framework in terms of conserving the historic environment.

### **Residential Amenity**

- 6.33 According to paragraph 127 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers. According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations. The Council's adopted Quality Design SPD and House Extensions SPG provide guidance on such matters that may be applicable to all development proposals
- 6.34 The layout plans demonstrate the proposal would maintain adequate separation distances from existing housing ensuring no material impact on neighbouring residential amenity by way of loss of light, outlook or privacy, or result in any overbearing impact. Planning conditions can also be imposed to control the hours of use of the clubhouse e.g. for late night events, in order to further reduce any potential nuisance to neighbouring properties.
- 6.35 The proposal would intensify the use of the site and increase traffic movements within the industrial estate. However, the overall increase in use and the level of traffic movements would not be so significant such that it would materially harm neighbouring residential amenity in terms of increased noise and disturbance.
- 6.36 Any short term impacts associated with the construction process can be controlled through the implementation of a construction environmental management plan (CEMP) secured via planning condition. The CEMP can control matters such as dust suppression, hours of work and deliveries.
- 6.37 In respect of land contamination, potential risks can be adequately managed through remediation where required through the use of planning conditions. In addition, no objections have been received from the Councils Environmental Health Team.
- 6.38 For these reasons, the proposal would have an acceptable impact on neighbouring residential amenity.

### **Flood risk and Sustainable Drainage**

- 6.39 According to Core Strategy Policy CS16, the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. Core Strategy Policy CS16 also requires that all developments incorporate sustainable drainage techniques. The Planning Practice Guidance supports this position for major developments

6.40 The site is located in Flood Zone 2 (medium risk of flooding) and Flood Zone 3 (high risk of flooding) according to Environment Agency Flood Mapping. The proposal would result in a reduction in built form within the site (the new clubhouse would be some 300m<sup>2</sup> smaller than the existing clubhouse) as such subject to the finer details of the drainage strategy being secured via planning condition, the proposal would not have an adverse impact on the risk of flooding within the site. In addition, the LFFA have carefully considered the proposal and raises no objection.

6.41 For these reasons, the proposal would not have an adverse impact on flooding within the site or locality in accordance with the provisions of Core Strategy Policy CS16 and the NPPF.

### **Biodiversity**

6.42 According to Core Strategy Policy CS17, biodiversity assets across West Berkshire will be conserved and enhanced.

6.43 The proposal would be largely within the foot print of the existing facilities within the site as such it would not have an adverse impact on any ecology/biodiversity within the site. However, it is noted that the River Kennet SSSI is located beyond the southern boundary of the site therefore it is prudent to ensure appropriate avoidance and ecological mitigation measures are secured via planning condition to ensure any protected species are not adversely affected during the construction process.

6.44 For these reasons, the proposal would not have an adverse ecological impact in accordance with the provisions of Core Strategy Policy CS17 and the NPPF.

### **Trees and Woodland**

6.45 There are a number of trees to the east and south of the existing playing pitch. The Council Tree Officer has carefully considered the proposal and raises no objections subject to measures to protect retained trees being secured via planning condition. In addition, it is noted that the supporting plans demonstrate sufficient areas are retained for new tree planting where required to off-set any loss of trees and ensure a net gain in tree planting within the site overall.

6.46 For these reasons, it is considered that retained trees would be adequately safeguarded from any potential adverse effects and a net gain in trees planting would be achieved within the site to off-set any removed trees in accordance with the provisions of policy CS18 and the NPPF.

## **7. Planning Balance and Conclusion**

7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the proposed development complies with the development plan when considered as a whole and is therefore considered acceptable.

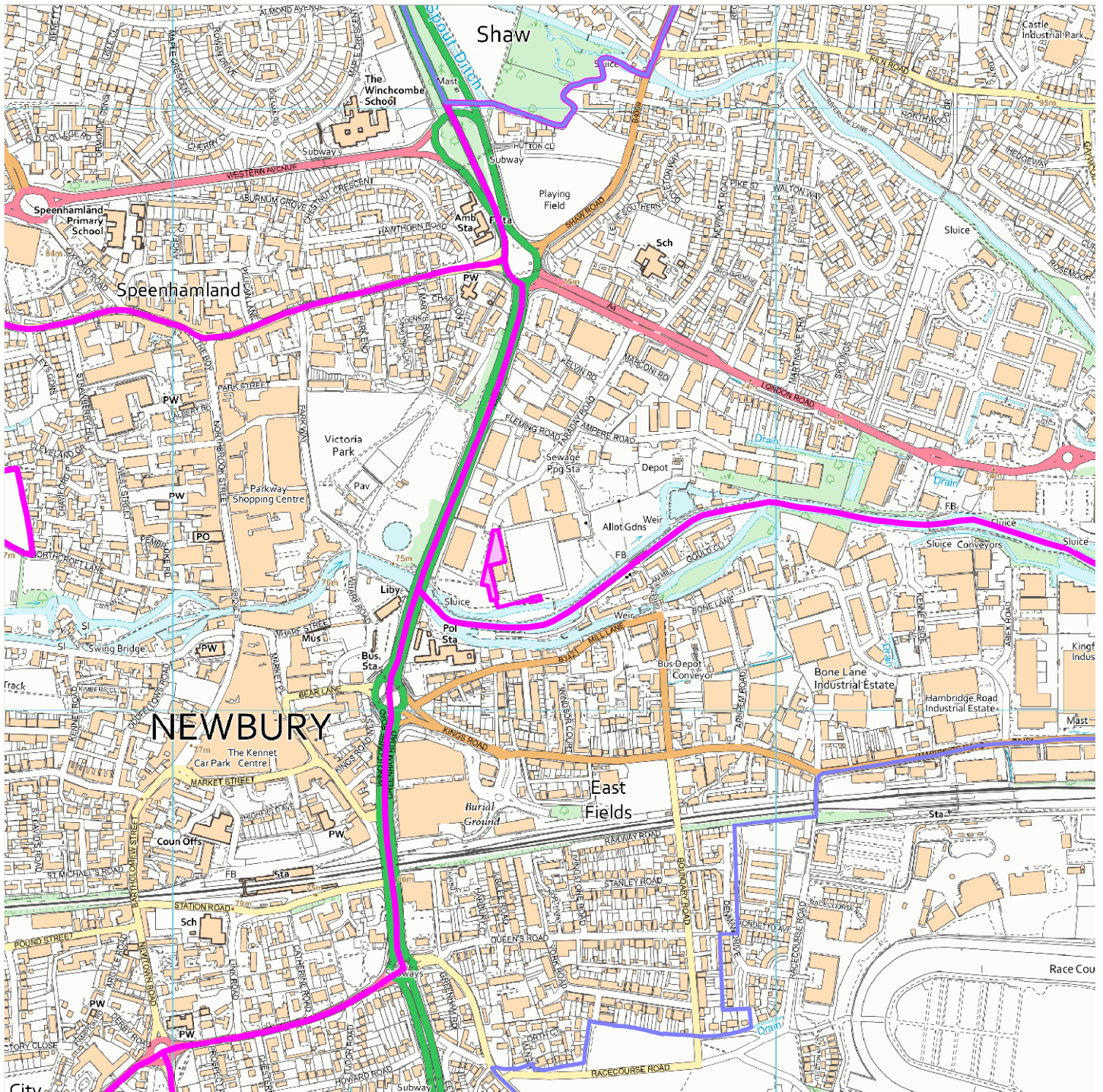
## **8. Full Recommendation**

8.1 The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is supported.

- 8.2 Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions.
- 8.3 The full recommendation is as follows:
- 8.4 To **DELEGATE** to the Head Development and Planning to make representations at appeal that outline planning **permission should be granted** subject to conditions.

DC





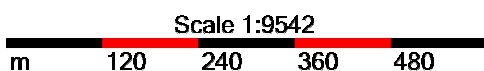
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	03 January 2020
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(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.  
Deferred from 18 December 2019

**Committee Site Visit:**                                9<sup>th</sup> January 2020

<b>Contact Officer Details</b>	
<b>Name:</b>	Liz Moffat
<b>Job Title:</b>	Assistant Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:elizabeth.moffat@westberks.gov.uk">elizabeth.moffat@westberks.gov.uk</a>

## **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 As a result of discussions at the last Western Area Planning Committee, shadow diagrams are to be shown at the next committee meeting and the following amendments have been submitted:

- a 300mm reduction to the projection of the rear extension
- the first floor rear extension has a 200mm reduction to its width, taken from the east side, and in turn a slight reduction to the ridge height
- the first floor extension has also been positioned 100mm further west, in total the side wall of the first floor rear extension is 300mm further away from no. 35
- the single storey roof closest to no. 35 has also been lowered by 200mm

Any comments following the consultations will be included in the update. The remainder of the report remains as before except Condition 2.

1.3 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 19<sup>th</sup> 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. 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](http://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 be 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 2855-04C received on 19 December 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).

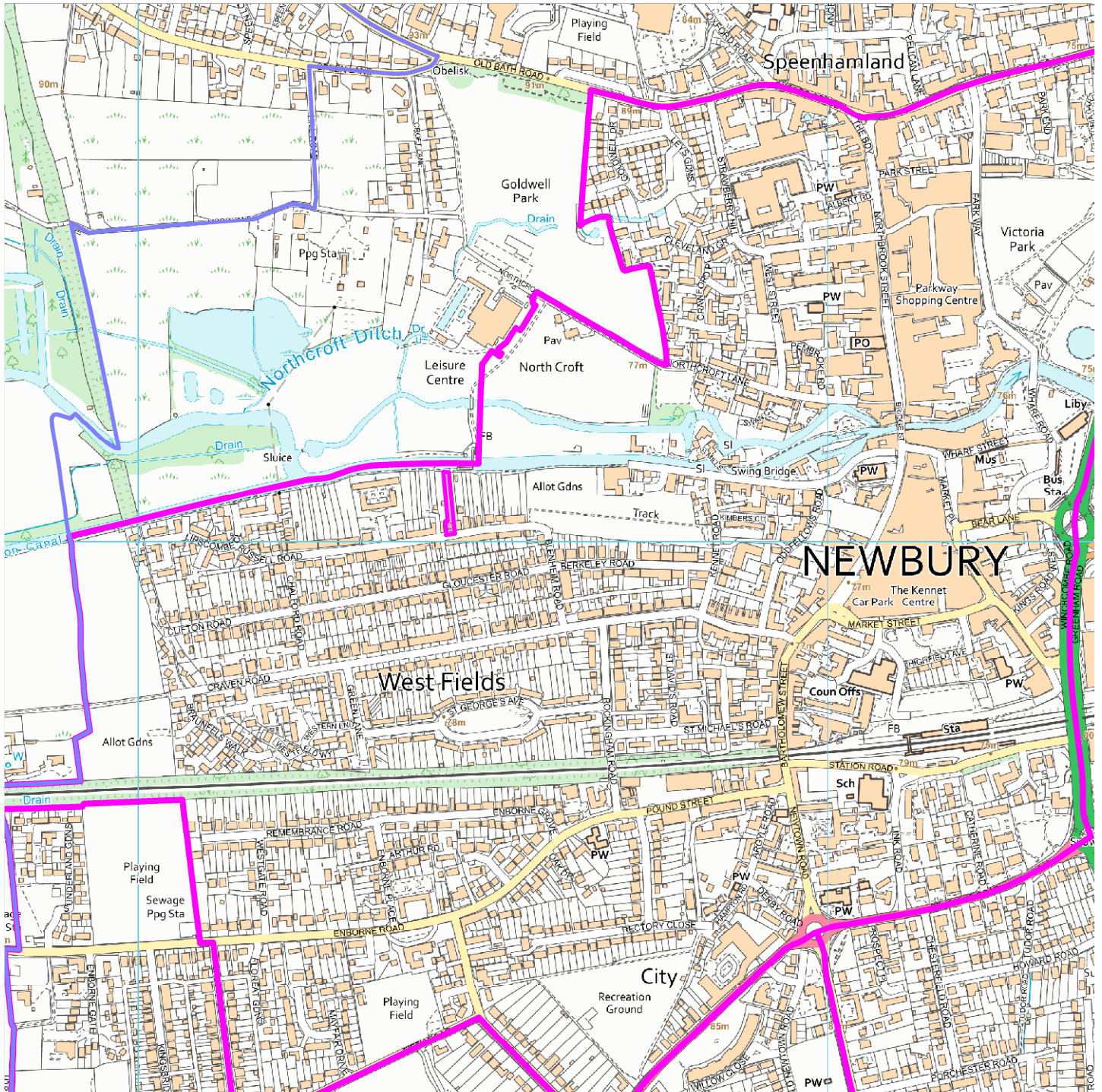
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19/02676/HOUSE

37A Russell Road, Newbury RG14 5JX



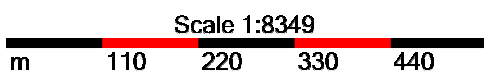
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	03 January 2020
<b>SLA Number</b>	0100024151



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# Agenda Item 5.

NEWBURY 19/01060/FUL  Pins ref: 3235440	60 Grove Road Newbury Berkshire RG14 1UL	Part retrospective application for erection of domestic shed to be used for hair salon (A1 use) to rear amenity and application for dropped kerb to highway.	Dele Refusal	Dismissed. 16.12.2019
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## **Procedural matters**

The shed has already been erected and internally arranged as a hairdresser's business. The business was not in use during my site visit. However, parties have confirmed that the use has already commenced, although the proposed dropped kerb has not yet been installed. The Inspector therefore determined the appeal on this basis.

The proposal is subject to an appeal against enforcement action. This will be considered separately in due course.

The Inspector's observations of the development were undertaken on site from both the site's rear garden and from the rear garden of 58 Grove Road. The Inspector was satisfied that no parties have been prejudiced by his doing so.

## **Application for costs**

An application for costs was made by Mr A Cornish against West Berkshire District Council. This application is the subject of a separate Decision.

## **Main Issues**

The main issues are:

- the effect of the proposal on the residential character of the host dwelling and the wider area, and
- the effect of the proposed use on highway safety

## **Reasons**

### *Residential character*

The shed is located in the rear garden of the dwelling. The garden is relatively short and rises by around 0.5 metres toward the rear. The frontage of the dwelling consists of hardstanding and loose gravel. The site makes a neutral contribution to the character and appearance of the area. The shed is visible over neighbouring boundary fences and from Sutton Road. However, the visual impact of the proposal would be limited. The structure does not appear out of place within this residential setting.

The appellant has stated that the use operates between 09:00 and 14:30 Monday to Friday, with late opening on Wednesday until 19:30, and 09:00 to 17:00 on Saturday. It employs two staff, consisting of the appellant's partner and her mother. The business has an average of 6 customers daily. The unit is arranged with a small reception area, two stylist's stations, an area for hair washing and a WC.

The proposed use takes place within a dedicated building to the rear of the dwelling. Home-working can be incidental to the enjoyment of the dwelling house. However, this is exceeded by the proposal, due to its relationship to the existing dwelling and intensity of use. The proposal would consequently erode the residential character of the site.

The frequent attendance of customers to the rear garden would have a fundamental impact on the site's residential character. Furthermore, the rear garden would be used as part of the access to the premises. The level of commercial activity would be greater than the appellant's

examples of a child-minding service or normal activities associated with a dwelling with frequent visits throughout the day. Although unlikely to have a significant effect on neighbour's living conditions, the nature of the use would be incongruous with the local residential character. Furthermore, although the proposed use would not receive deliveries, walk-in customers, or have on-site advertisement, the commercial activity would be overt.

The proposed plan shows parking for four vehicles on the frontage. The spaces would need to be marked out to enable all 4 spaces to be readily available. The existing loose gravel, on half of the frontage, would therefore need to be replaced with hard-surfacing for marking out purposes. However, the appearance of hardstanding and its marking out would result in the visual commercialisation of the frontage. Consequently, the associated commercial activity of the use would demonstrably alter the residential character of the site. The appearance of the frontage and the associated commercial activity would be harmful to the character of the residential area.

Accordingly, the proposal would fail to comply with policies CS14 and ADPP1 of the West Berkshire District Council Core Strategy Development Plan Document 2012 (CS). These seek amongst other things, for development that respects the character and appearance of an area and for the scale and density of development to be appropriate to a site's accessibility, character and surroundings. Furthermore, the proposal would not comply with policy CS19 of the CS, which requires new development to be appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The Inspector found that this policy is not exclusive to historic areas and requires a holistic approach to development that considers the District as a whole. Also, the proposal would not comply with the National Planning Policy Framework (The Framework) which seeks development that is sympathetic to the local character.

Policy CS9 of the CS, states that new office development will be directed towards West Berkshire's town and district centres. The supporting text to the policy, at paragraph 5.48, explains that the policy relates to uses falling within the B1, B2 and B8 use class. Conversely, Policy CS11 relates to retail use and seeks to direct 'main town centre uses' to the town and district centres to protect their vitality and viability. Consequently, policy CS9 is not directly related to retail use and has no bearing on the merits of the proposal.

#### *Highway safety*

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

Policy P1, of the West Berkshire District Council Housing Site Allocations Development Plan Document 2017 (DPD), establishes parking standards for new residential development. This requires 2.5 parking spaces for new dwellings with 3+ bedrooms in zone 21. This provides a useful guide as to the Council's general expectations for parking provision for a dwelling of the size found on the appeal site. This enables me to understand the level of parking that might remain for the proposed commercial use. Furthermore, appendix 5 of the West Berkshire District Council Local Plan 2007 (LP) provides commercial parking standards. These require parking of 1 space per 30sqm of retail use. Saved policy TRANS1 of the LP, states that parking requirements will depend on the availability of alternative modes and standards below the maximum may be applied in more accessible locations. The appellant also identifies that there are bus stops within 200 metres of the site and that the site is within the settlement boundary of Newbury.

On his visit, the Inspector observed that on-street parking was unrestricted and readily available. Moreover, the majority of local dwellings have on-plot parking provision which would limit demand for on-street parking. Also, he would expect demand from residents and their

visitors for on-street parking to be less in the day-time than during evenings and weekends. There would, therefore, be only a limited overlap with the proposed use at peak times on a Saturday. Representations have suggested that the proposal has created on-street parking which has been hazardous and disruptive. Furthermore, representations also indicate that the nearby recreation ground attracts on-street parking at weekends. However, based on the Council's policy expectations and his site observations, on street parking demand for the proposal would be limited. Consequently, the proposed on-site commercial parking, the availability of on-street parking and the availability of public transport, would be sufficient to prevent an unacceptable impact on highway safety.

Turning to the effect of the use of the proposed parking, Grove Road is a classified road with footways either side and with streetlights. The highway is flat and straight for a significant distance in both directions. The junction of Sutton Road is nearby, but there are closer driveways to it.

The proposed parking activity would result in up to 4 vehicles reversing onto Grove Road. Visibility splays could be hampered by the proximity of adjacent parked cars. However, space is available behind the parking area for motorists to see clearly before entering the highway. As a consequence, the intensification of the frontage would not have an unacceptable impact on highway safety. The Inspector noted the concerns of a neighbour regarding anti-social parking. However, these effects could be mitigated through road traffic enforcement. Furthermore, in any event this activity could result from visitors to the existing residential use.

Accordingly, the proposal would comply with policy CS13 of the CS, which requires development to provide travel choice and access to sustainable travel. Furthermore, policy P1 of the DPD relates to parking provision associated with residential development and is therefore not relevant to the determination of the proposal.

#### **Other matters**

The property of 71 Northfield Road was subject to planning permission in 2018. This was for the conversion of an outbuilding to a hair dressing salon. Although each case must be determined on its own merits, the approved scheme shares many characteristics with the appeal proposal. However, the outbuilding was adjacent to the main dwelling, it retained a large separate rear garden and did not include customers passing through the rear garden. Also, the forecourt enabled the on-site turning of vehicles. Accordingly, although the Inspector had limited details of that case, he found material contextual differences between these cases.

The appellant offers conditions that would impose a personal consent and limit the hours of use to those stated. These would reduce the effect of the proposal on residential amenity and parking provision but would have only a limited bearing on its adverse impact on the residential character of the area.

Some retail activity can be found in residential areas away from local centres, such as the Tesco express store identified by the appellant. However, the Framework and policy CS11 of the CS, seeks to primarily locate retail development within centres to ensure users have good access to public transport and joined up travel patterns. Furthermore, the planning merits associated with the Tesco store was not before the Inspector and he could not therefore be certain that the planning context is comparable.

#### **Conclusion**

For the above reasons, the appeal is dismissed.

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NEWBURY 19/01084/FULD  Pins ref: 3237061	Brook House 60 - 62 Northbrook Street Newbury	Erection of a mansard style roof extension to facilitate the provision of 4 no. self- contained dwelling houses comprising 2 no. 1 bed flats and 2 no. studios.	Dele Refusal	Dismissed. 19.12.2019
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### **Application for costs**

An application for costs was made by Mr James Sieradzki against West Berkshire Council. This application is the subject of a separate Decision.

### **Procedural Matters**

The application form only refers to the company that made the submission. The appeal form does the same in addition to a named representative. For completeness the Inspector referred to the details in the appeal form in the banner heading above.

A signed and dated unilateral undertaking (UU) was submitted by the appellant following the submission of the appeal and relates to a contribution towards a car club for use by future residents. The Council has been given the opportunity to comment on the UU. He had considered this further below.

The Inspector determined the appeal on its own merits. However, he noted that the appeal proposal is a resubmission of the scheme previously determined at appeal. He had had regard to this decision, where the development of four self-contained flats/studios was dismissed on the grounds that no acceptable mitigation was offered to offset the parking deficiency the Inspector identified. He also had regard, in his assessment, to evidence submitted by the Council that was not before the previous Inspector.

### **Main Issue**

The main issue is the effect of the proposed parking arrangements on highway safety.

### **Reasons**

The appeal site, a large three storey building, incorporating a mix of retail, commercial and residential uses is located in Newbury town centre amongst shops and amenities and in close proximity to rail and bus services. The proposal would involve the construction of a mansard style roof extension that would incorporate 4 self-contained residential units.

The streets surrounding the appeal site and those in the town centre generally, have parking restrictions such as yellow lines and resident parking bays. Parking provision in the town centre is largely limited to pay and display parking. Recognising parking capacity issues in the town centre, the Council's policy on residential parking states that residents of new development will not be eligible for parking permits. Nevertheless, they can obtain season tickets at public car parks, however, based on the Council's evidence, availability is limited currently with applicants being placed on a waiting list. Other parking options include a nearby multi-storey car park that closes at 19:00.

Although only a snapshot in time, the Inspector observed during his lunchtime site visit that the town centre car parks around the appeal site were largely at or nearing capacity.

Policy P1 of the Council's Housing Sites Allocation Development Plan Document (DPD) sets out appropriate parking levels for new residential development. It recognises that central locations have good accessibility to other modes of transport and therefore the level of parking required is lower than in other parts of the town. In this case the proposal generates a requirement for 3 parking spaces. Whilst the proposal would not make provision for any parking at the site, Policy P1 (iii) recognises that there may be exceptional circumstances for

providing parking that does not accord with the expected levels and allows for consideration of cases on an individual basis.

The previous Inspector considered that the availability of public car parks and the use of a car club was an exceptional circumstance in this case. However, he stopped short of allowing the appeal on the basis that there was no mechanism in place to secure a financial contribution towards membership of a car club.

The car club operated locally has 5 vehicles located in the town centre area. Three of the cars are in use by the Council during working hours in the week, whereas the nearest available car during these hours is located approximately 680m away from the appeal site. All the vehicles would be available to future residents of the appeal site on weekends and outside of the hours allotted to the Council. The Inspector recognised the benefits of a car club and the contribution it would have to the provision of alternative modes of transport, therefore, he attached weight to the availability of this mode of transport.

The Inspector acknowledged that the previous Inspector was satisfied that a legal agreement would contribute towards future residents' membership of a car club, which in turn would mitigate the parking shortfall. He also accepted the convenience and monetary benefits associated with car club membership. However, based on the evidence relating to the availability of cars within the scheme during the working week, this, in his view, greatly reduces the reliability of having access to a vehicle. The reduced availability of cars he believed would then make private car ownership a more reliable alternative. The Inspector accepted that the car club could grow the provision of vehicles thereby increasing availability for its members, however, he could not be certain that this would be the case. Furthermore, the recent residential permissions referred to would likely place considerable demand upon the car club's existing vehicle stock. Therefore, he was not convinced that it would be acceptable mitigation to the proposal's parking deficit.

Against this background, the submitted planning obligation would not satisfy all of the tests in Section 122(2) of the Community Infrastructure Regulations 2010 and paragraph 56 of the Framework. Moreover, in the absence of satisfactory mitigation the Inspector had not identified any exceptional circumstances that would allow the proposal to proceed with the current parking shortfall.

Without acceptable mitigation in place and despite the appeal site's town centre location and proximity to a range of alternative modes of transport to the private car, it would be realistic to expect that some future occupiers would own a vehicle. This is highlighted by historic increases in demand for parking permits following the approval of dwellings in the town centre. Moreover, the Appellant has provided details of future trip generation which accepts that some of these would relate to journeys by car. Consequently, the Inspector considered that the proposal's location and access to other modes of transport would not completely negate future car ownership amongst future occupiers.

The central position of the appeal site would mean residents would favour parking in the town centre within convenient walking distance. However, the limited parking opportunities would likely result in car owning future residents parking on nearby streets in restricted areas with consequent risks to highway safety. This would add to existing capacity issues which would in turn erode the quality of the local environment. The Inspector acknowledged that future residents could park further afield away from the town centre where restrictions are not in place, however, this would be inconvenient and less attractive.

The proximity of public pay and display car parks would provide a convenient location for parking for future visitors and residents. However, regular use would involve a cost that would likely deter the use of those facilities, particularly by the future residents. Other nearby parking



opportunities, such as the on street parking bays opposite the appeal site, would further limit the ability to park as these spaces can only be used for a short period of time.

Reference has been drawn to the precedent established by other permissions that approved residential dwellings in the town centre without complying with the parking standards and relying on car clubs to mitigate the under provision. However, the Inspector did not have full details of the circumstances that led to these proposals being accepted, so he could not be sure that they represent a direct parallel to the appeal proposal. He was unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as he had done in this instance and that other developments did not lead him to a different conclusion in respect of the appeal proposal.

The parking arrangements proposed are inadequate and would have an unacceptable impact on highway safety. Consequently, the proposal would be contrary to Policy P1 of the DPD, Policy CS13 and Saved Policy TRANS.1 of the West Berkshire Core Strategy (2006-2026). These policies, require, amongst other considerations, new developments meeting parking standards that transportation needs are met by the provision of a range of different transport modes and that impacts of development on the local transport network are mitigated. The proposal also fails to accord with the Framework, where it requires developments to be refused on highway grounds if there would be an unacceptable impact on highway safety.

#### **Other Matter**

The appeal property is located within the Newbury Town Centre Conservation Area (CA), and close to listed buildings. The previous Inspector found that the development would not harm the setting of the listed buildings, while it would preserve the character and appearance of the CA. As this current proposal remains unaltered in terms of its design, he had no reason to disagree with his view. Notwithstanding the lack of harm identified this is a neutral factor that weighs neither for or against the appeal.

#### **Conclusion**

For the reasons given above and taking into account the other matter, the Inspector concluded that the appeal should be dismissed.

### **Application for costs**

#### **Decision**

The application for the award of costs is refused.

#### **Reasons**

Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

The application for an award of full costs is made on substantive grounds. The Appellant's case essentially rests on the Council affording no weight to the conclusions in the previous Inspector's decision<sup>1</sup>, where it was stated that a planning obligation could overcome the harm identified in respect of parking arrangements. The Appellant in turn prepared a planning obligation which the Council went on to consider would be unacceptable in determining the planning application.

In response, the Council say that they took into consideration new evidence that was material to the assessment of highway matters, which was not before the Inspector when he determined the previous appeal. In assessing the new evidence, they also had regard to the previous Inspector's decision and the comments made in respect of the planning obligation relating to a car club.

The Inspector was satisfied that the Council's evidence that related to the general provision of parking represented material changes in circumstances since the previous appeal. This in turn led them to come to a different conclusion than the previous Inspector on the effect on parking provision. He was also satisfied that the Council provided detailed and robust evidence to support its reason for refusal.

The Inspector therefore concluded that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

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