

Notice of Meeting



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Western Area Planning Committee

Wednesday, 3 November 2021 at 6.30pm

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

The Council will be live streaming its meetings.

This meeting will be streamed live here: <https://www.westberks.gov.uk/westernareaplanninglive>

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 2 November 2021, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the Council Chamber. Remote attendance at the meeting is therefore encouraged at this time.

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.

Date of despatch of Agenda: Tuesday, 26 October 2021

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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: planningcommittee@westberks.gov.uk



WestBerkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday, 3 November 2021
(continued)

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

Any queries relating to the Committee should be directed to Jenny Legge on
(01635) 503043 Email: jenny.legge@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 3 November 2021
(continued)

To: Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth (Chairman), Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston

Substitutes: Councillors Jeff Beck, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers

Agenda

Part I

Page No.

1. **Apologies**

To receive apologies for inability to attend the meeting (if any).

2. **Minutes**

Minutes of the meeting held on 13 October 2021 will be available for the next meeting of this Committee.

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: 21/01911/FULD, Land Adjoining, 11 Pond Close, Newbury**

7 - 22

Proposal:

Removal of derelict garages and erection of 2 no houses and 2 no flats, together with associated landscaping and parking.

Location:

Land Adjoining, 11 Pond Close, Newbury.

Applicant:

A, D and E Property Ltd.

Recommendation:

To DELEGATE to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions set out in section 8 of this report.



West Berkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday, 3 November 2021
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- (2) **Application No. and Parish: 21/02022/CERTE, Land at Coldborough Hill, Eastbury, Hungerford, Lambourn** 23 - 32
- Proposal:** Application for a Lawful Development Certificate for an Existing Use: retention of the use of part of an existing stable building as an independent dwelling.
- Location:** Land at Coldborough Hill, Eastbury, Hungerford.
- Applicant:** Miss Nicola Henton
- Recommendation:** To DELEGATE to the Service Director of Development and Regulation to GRANT a Lawful Development Certificate for the retention of use of part of the existing stable building as an independent dwelling.
- (3) **Application No. and Parish: 20/02922/FUL, 39 Newbury Street, Lambourn** 33 - 54
- Proposal:** Demolish existing bungalow and redevelopment to provide 4 No. 3 bedroom dwelling houses with associated parking and amenity areas.
- Location:** 39 Newbury Street, Lambourn, Hungerford, RG17 8PB.
- Applicant:** Mr S Church
- Recommendation:** To DELEGATE to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions set out in section 8 of this report.

Background Papers

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

Sarah Clarke

Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	21/01911/FULD Newbury	17 th 2021 ¹	September	Removal of derelict garages and erection of 2 no houses and 2 no flats, together with associated landscaping and parking Land Adjoining, 11 Pond Close, Newbury A, D and E Property Ltd
¹ Extension of time agreed with applicant until 5 th November 2021				

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01911/FULD>

Recommendation Summary: To DELEGATE to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions set out in section 8 of this report.

Ward Member(s): Councillor Adrian Abbs
Councillor David Marsh
Councillor Tony Vickers

Reason for Committee Determination: Over 10 objections received

Committee Site Visit: 28th October 2021

Contact Officer Details

Name: Cheyanne Kirby
Job Title: Planning Officer
Tel No: 01635 519489
Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for removal of derelict garages and erection of 2 no houses and 2 no flats, together with associated landscaping and parking.
- 1.2 The application site is within a residential street, surrounded by houses and residential gardens. The site has been previously occupied by garages, most of which have been demolished, and is covered with hardstanding. The site constitutes previously developed land.
- 1.3 At the western end of the application site a two storey detached building comprising two flats is proposed; a 3 bedroom flat on the ground floor with two parking spaces and private amenity space to the west of the building and a 3 bedroom flat on the first floor with two parking spaces and private amenity space to the east of the building. At the eastern end of the application site two semi-detached two bedroomed dwellings are proposed with two parking spaces each located to the front and each having private amenity space to the rear.

2. Planning History

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

Application	Proposal	Decision / Date
12/01164/FULD	The construction of 8 no.1 bedroom flats together with external works.	Refused / 13.08.2012 – Appeal Dismissed 20.03.2013
12/01319/FULD	Construction of 3 No 3 bedroom detached houses together with external works.	Refused / 13.08.2012 – Appeal Dismissed 15.08.2013
20/00014/FULD	Removal of derelict garages and erection of 2 no. dwellings and 4 no. flats, together with associated landscaping and parking.	Refused / 09.06.2020 – Appeal Dismissed 23.02.2021

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 9th August at the site; the deadline for representations expired on 30th August 2021.

- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 Initial assessment, based on the CIL PAIR form, it appears that the CIL liability for this development will be based on a floor area of 341 sq. metres, and charged at the Newbury and Thatcham multiplier as indexed. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	Objection - Overdevelopment, parking issues and limiting emergency vehicle access.
WBC Highways:	Conditional Approval – Subject to Section 278 and Section 38 Agreements
Trees:	Conditional Approval
Archaeology:	No Objections
Ecology:	No Response
SUDS:	No Response
Waste:	No Response
Thames Water:	No Response

Public representations

- 4.2 Representations have been received from 14 contributors, 14 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Narrow roads
 - Impact on emergency vehicles
 - Parking issues
 - Highways/pedestrian safety
 - Overdevelopment

- Character and appearance
- Ecological impacts
- Environmental impacts
- Impacts on residents mental health
- Waste collection
- Health and safety
- Overlooking

5. Planning Policy

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

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- WBC House Extensions SPG (2004)
- Sustainable Drainage Systems SPD (2018)
- Cycle as Motorcycle Advice and Standards for New Development (2014)
- Newbury Town Design Statement July (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highways Matters
- Flooding and Drainage
- Ecology
- Other Matters

Principle of Development

6.2 The application site is situated within the settlement boundary of Newbury, which is one of the settlements in which policies ADPP1 and C1 say there will be in a presumption in

favour of development and redevelopment. The principle of residential development of the site is accepted, subject to the consideration of the following matters.

- 6.3 The previous application 20/00014/FULD, comprising the same external appearance as is proposed in this application but for more dwellings, was refused due to lack of affordable housing. The appeal was dismissed as the Inspector agreed that the proposal would not be in accordance with CS6 of the West Berkshire Core Strategy (2006-2026) which requires affordable dwellings to be provided for developments of 5 dwellings or more. Within the appeal decision the Inspector stated that the provision of six dwellings within the settlement of Newbury would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal. Furthermore, the proposal would lead to the development of previously developed land as distinct from greenfield land.
- 6.4 The current application is for the provision of 4 dwellings, therefore there is no requirement for affordable housing to be provided.

Character and Appearance

- 6.5 Policies CS14 and CS19 require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and that particular regard will be given to (amongst other things) the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.6 The application is proposing a pair of semi-detached two bedroom houses, and flats split over two floors of a detached building which will have a hipped roof. Both buildings are proposed to be finished in materials to match the dwellings in Pond Close, which are brick with a tiled finish. The brick colour to the north of the street, the same as the application site are a lighter colour than those on the southern side. A condition can be added to a permission to ensure that the materials blend well with the existing street scene. Some of the objections raised referred to the flats not being in character with the street. However this is a primarily residential area, and while two storey houses are the predominant form of housing, the design and height of the building to accommodate the flats with a two storey appearance and hipped roof blends with the design of houses within Pond Close.
- 6.7 In dismissing the appeal against the refusal of permission for 8 one bedroom flats on the site (12/01164/FULD), the Inspector concluded that the scheme would appear cramped in the street scene, due to the building abutting the pavement and little separation distances, and a poor relationship with 11 Pond Close. The relationship in the second appeal (12/01319/FULD) included that setback, however there was limited private amenity space proposed, and so the proposal was dismissed due to the cramped appearance within the plot, and insufficient amenity space. In this application the pair of semi-detached houses are aligned with 11 Pond Close. The block of flats are set further forward closer to, but set back from, the pavement. The proposed car parking spaces break up the built form and the amenity space proposed to the side of the houses, provide some degree of the spaciousness around the buildings. Therefore, whilst the space to the front of the buildings proposed is not as generous as it is for the houses on the southern side of Pond Close, the proposed positioning of the houses and flats is considered to be appropriate within the street scene. This current application has been submitted with a landscaping scheme, which the Tree Officer has confirmed is acceptable, subject to tree protection and landscape implementation conditions.
- 6.8 The site layout plan has indicated amenity space provision for both the flats and the dwelling house. The Quality Design SPD sets out guidance for assessing the amenity

space provision for residential development, and requires for 2 bedroom houses a minimum of 70 sq. metres per dwelling, and for 3 bedroom flats from 40 sq. metres of communal space per unit for flats. The proposed site plan indicates an area to the front of the units for individual space, however, given its size, and proximity to the pavement it does not offer private amenity space, and is excluded from the calculation. Amenity areas to the either side of the flats of approximately 72 sq.metres and 62 sq.metres respectively are proposed, including bin and bike storage areas, which is considered to provide sufficient space to meet the amenity needs of the occupiers, in accordance with the SPG. The amenity space proposed for the dwellings is approximately 113 sq. metres and 134 sq. metres respectively. In dismissing the previous appeal for 3 dwellings the Inspector stated that the size of amenity space, and quality due to the insufficient depth of the gardens was unacceptable. This site layout has overcome those concerns, as the amenity space accords with the guidance. Whilst the garden areas for the houses proposed are irregular in shape, with the shortest depth of approximately 8 metres at the closest point to the boundary to the rear of the dwellings, both gardens exceed that depth in other places, and so the amenity provision is in accordance with the Quality Design SPD. The proposed design and layout is acceptable in terms of the character and appearance within the street scene and overcomes the concerns raised by the Inspectors in dismissing the previous two appeals on the site.

Neighbouring Amenity

- 6.9 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Advice on assessing the impact of the proposal on the living conditions of adjoining occupiers is contained within the Quality Design SPD, which also references the House Extensions SPG.
- 6.10 There have been objections raised by residents about the impact of the proposal on privacy and loss of sunlight and daylight, particularly to residents in Elizabeth Avenue, who are situated at a lower level due to the topography of the site and its surroundings. There is a bedroom window on the first floor west elevation of the block of flats which face 53 Elizabeth Avenue at a distance of approximately 30 metres, which exceeds the minimum separation distance set out in the Quality Design SPD. The proposed houses have habitable room windows which face towards 41-45 Elizabeth Avenue, with houses in Elizabeth Avenue being at a significantly lower level. The separation distance between habitable room windows is in excess of 40 metres, and so even with the added height there will not be a loss of privacy to the houses in Elizabeth Avenue. A close boarded fence is proposed along the rear boundary which will also provide privacy to the garden areas. The separation distance between the proposed buildings and neighbouring properties is such that there will not be a significant loss of sunlight and daylight to surrounding properties, in Elizabeth Avenue, or to 11 Pond Close. In assessing the previous appeals on the site neither Inspector raised concerns about the impact of the proposal on the living conditions of existing occupiers in Elizabeth Avenue. Therefore, the proposed flats and houses are not considered to harm the living conditions of adjoining occupiers due to loss of privacy or sunlight and daylight.

Highways Matters

- 6.11 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for residential development. There have been a number of objections raised by local residents about the highways safety implications of the proposal, due to the width of the carriageway, and the level of existing car parking in the road. The application site was previously used for parking and there had been a number of garages on the site, most of which have been demolished, and a further 6 are proposed to be demolished as part of this development. Information submitted during the course of the previous application indicated that the garages have not been

used for parking purposes for a period of 6 years and are now dilapidated, as they have no roofs, and they are too small for modern vehicles.

- 6.12 The Highways Officer has assessed the application, and considers that whilst the poor state of the garages in themselves is not a justification for their loss for parking purposes, as repairs could be made to them, their size is impractical for the width of many modern vehicles. The Highways Officer has considered the proposed extension to the carriageway to enable vehicles to pass. The proposed works would require a Section 278 and a Section 38 agreement to enable works to the highway and for those works to be adopted. In the previous appeals on the site the Inspector assessed the highway safety impacts of those proposal and concluded that the provision of the widened carriageway would enable vehicles, including lorries to pass safely. There were concerns raised by residents about the passing of vehicles to allow emergency access and for refuse lorries as well as the safety of pedestrians. In respect of those matters, the Highways Officer has concluded that the details submitted are acceptable.
- 6.13 There were objections raised about the levels of parking for the new dwellings, and concerns about additional congestion as a result of the development. Off-street parking has been provided in accordance with the requirements of policy P1 and cycle stores are also provided. The plans also include the provision of electric vehicle charging points to serve both the flats and the houses. The parking requirements comply with policy P1, and conditions can be attached to the permission to ensure the parking, cycling and electric vehicle charging points are provided.
- 6.14 There were objections raised about the potential congestion caused during construction works, The highways officer has recommended a condition requiring the submission of a Construction Method Statement (CMS) to be approved before works commence on site which would include details of parking for contractors, loading and unloading of deliveries, and other matters to safeguard amenity and highways safety during the construction phase. The Highways Officer has concluded that subject to the addition of conditions, the proposal is satisfactory in accordance with policies CS13 and P1.

Flooding and Drainage

- 6.15 Policy CS16 requires that on all development sites surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods, to provide attenuation to greenfield run-off rates and volumes, and to provide other benefits where possible, such as water quality, biodiversity and amenity. The Sustainable Drainage Systems SPD, sets out further advice on suitable drainage systems, and the level of information which is required. The application site is not at risk of flooding from rivers or groundwater, or surface water flooding. There have been previous objections raised about potential flooding or increase seepage particular to house below in Elizabeth Avenue. The Council's Drainage Officer did not respond to the consultation request for this application. For the previous applications the Council's Drainage Officer had no objection to the proposal subject to a condition requiring the approval of sustainable drainage methods before development takes place on site, to ensure that surface water is adequately dealt with in accordance with policy CS16. As such, it is recommended that the same approach is applied to this application and a condition is proposed requiring the approval of sustainable drainage methods before development takes place on site, should the application be approved.

Ecology

- 6.16 Policy CS17 says that biodiversity and geodiversity assets across the District will be conserved and enhanced. The application was submitted with a habitat survey which indicated that no protected species would be affected by the development. The report suggested ecological enhancements which could be incorporated into the development

to provide biodiversity enhancements, including wildlife friendly planting; bird boxes attached to either the building or fencing; bat boxes and two hedgehog shelters. These can all be secured through appropriate conditions, to ensure that the development proposed accords with policy CS17.

Other Matters

- 6.17 There were objections submitted as part of application 20/00014/FULD which raised concerns about the position of service cables and utilities which may be across the site. This would be a matter for the developer to resolve as part of the development process rather than being a material planning consideration. In addition there were also objections raised about the potential for blocking of satellite dish signals and Wi-Fi signals. The repositioning which may be required of a satellite dish as result of a development is not a material planning consideration. Similarly the blocking of Wi-Fi signals, which usually enter a house through telephone cables, is not a planning matter.

7. Planning Balance and Conclusion

- 7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 7.2 The proposal makes a contribution to wider social and economic roles of planning by providing additional mixture of housing development and construction of dwellings within the local area, which would provide short and long term economic benefits.
- 7.3 With regard to the environmental role, contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and it is considered that the proposal would respect the prevailing pattern of development.
- 7.4 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.
- 7.5 For the reasons given above it is considered that the proposal, on balance, accords with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS), Policies C1 and P1 of the West Berkshire Housing Site Allocations Development Plan Document 2006-2026, Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Quality Design Supplementary Planning Document 2006.

8. Full Recommendation

- 8.1 To delegate to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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	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.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Planning, Design and Access Statement JUNE 2021 BR P19-0741 received 7th July 2021;</p> <p>Proposed Plans G.A Dwellings 19/012/01A received 7th July 2021;</p> <p>Location, Site and Block Plans 19/012/02E received 7th July 2021;</p> <p>Ecological Appraisal Version 3 dated 5th May 2021 prepared by J Taylor Ecological Consulting received by the Local Planning Authority on 7th July 2021;</p> <p>Planting specification and Maintenance Schedule supporting plan A,D and E/MO/001 received 7th July 2021;</p> <p>Landscape Masterplan ref: A,D,E/LM/001/AP rev: B received 7th July 2021;</p> <p>Tree Protection Plan Barrell Plan Ref: 19306-BT2 received 7th July 2021;</p> <p>Arboricultural Assessment and Method Statement by Barrell tree consultancy ref: 19306-AA-CA-27112019 received 7th July 2021.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Section 78 Highways</p> <p>No development to commence until a S38 agreement for the adoption of the highway works detailed on the plan titled Location, Site and Block Plans 19/012/02E received 7th July 2021, has been entered into.</p> <p>Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
4	<p>Schedule of Materials</p> <p>The construction of the dwellings shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the approved materials will be used throughout construction.</p>
5	<p>Construction Method Statement</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (f) Wheel washing facilities;

	<p>(g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</p> <p>(h) A scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
6	<p>SUDS</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ol style="list-style-type: none"> 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, particularly the WBC SuDS Supplementary Planning Document December 2018; Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels; Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates; Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; Include detailed run-off calculations, discharge rates and storage capacity calculations for the proposed SuDS measures, identifying connectivity between the features, based on a 1 in 100 year storm +40% for climate change; Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes; Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater; Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines; Include details of how the SuDS measures will be maintained and managed after completion. These should be site specific and detail the party responsible for the maintenance regime; Provide written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow. <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before any dwelling hereby permitted is first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved Condition 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</p>

	the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.
7	<p>Electric Charging Point (as per the plans)</p> <p>No dwelling shall be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the use of electric vehicles.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
8	<p>Access Closure with reinstatement (between the drop kerbs for the accesses)</p> <p>The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved have been brought into use. The footway shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
9	<p>Carriageway and Footway widening/provision</p> <p>No dwelling shall be occupied until the carriageway and footway have been widened and constructed in accordance with the approved drawing 19/012/020 Revision E dated April 2021 and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway.</p> <p>Reason: In the interest of road and pedestrian safety and to ensure adequate and unobstructed provision for all users of the highway. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
10	<p>Parking in accord with plans</p> <p>No dwelling shall be occupied until the vehicle parking spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, 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).</p>
11	<p>Cycle parking</p> <p>No dwelling shall be first occupied until the cycle parking for that dwelling has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p>

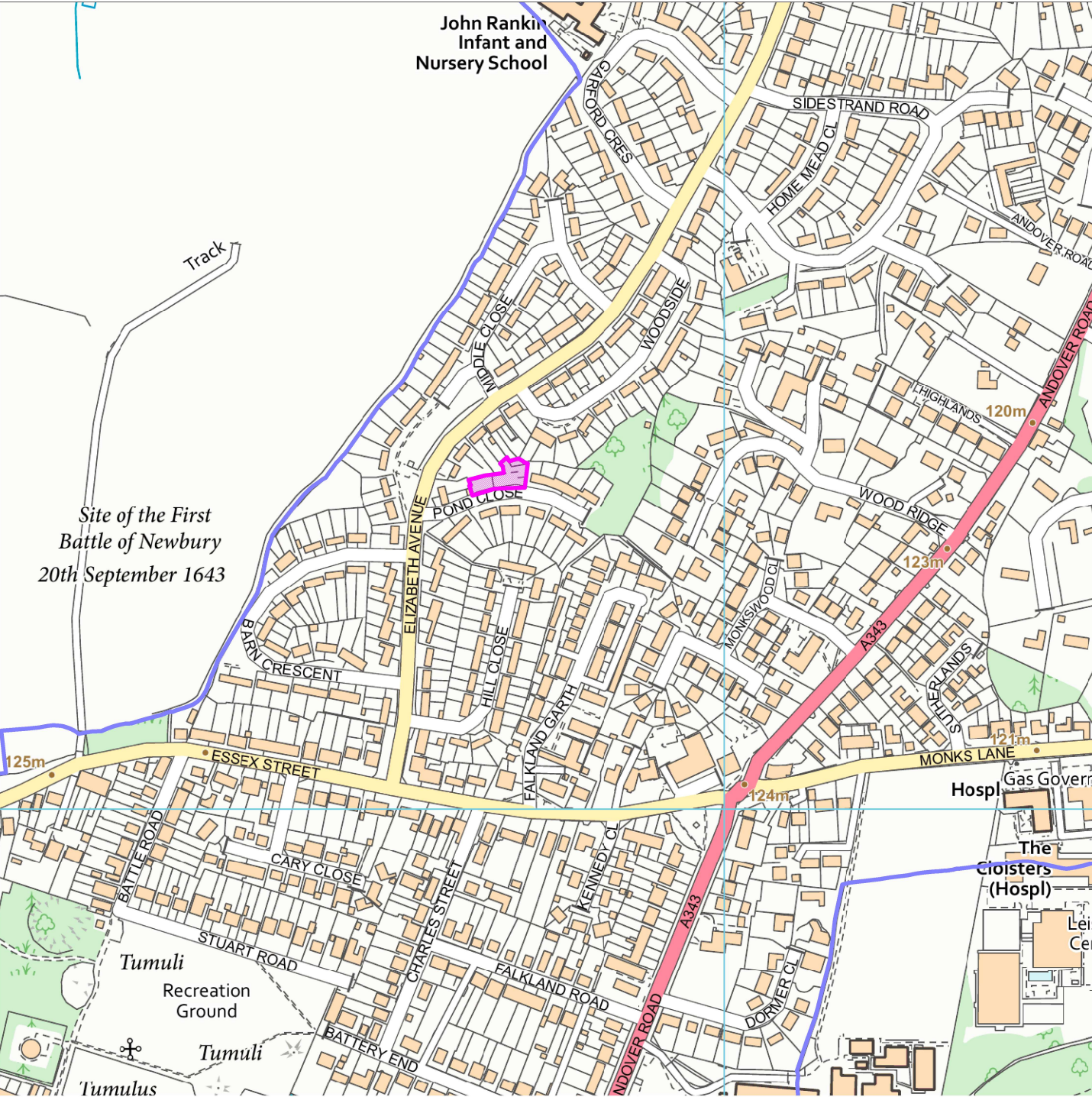
	Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
12	<p>Tree works and protection</p> <p>The Arboricultural Assessment and Method Statement by Barrell tree consultancy ref: 19306-AA-CA-27112019 and tree protection measures ref: 19306-BT2 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
13	<p>Landscaping</p> <p>All landscape works shall be completed in accordance with the following submitted plans: Planting specification and Maintenance Schedule supporting plan A,D and E/MO/001 received 07.07.2021; Landscape Masterplan ref: A,D,E/LM/001/AP rev: B received 07.07.2021; Location/block/site/ landscape plan received 07.07.2021.</p> <p>The approved landscaping plan shall be implemented within the first planting season following completion of building operations / first occupation of any new dwelling (whichever occurs first). 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.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
14	<p>Hours of work (construction/demolition)</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 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.</p> <p>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.</p>
15	<p>Ecological Mitigation</p> <p>The development hereby permitted shall be undertaken in accordance with the recommendations of the Ecological Appraisal Version 3 dated 5th May 2021 prepared by J Taylor Ecological Consulting received by the Local Planning Authority on 7th July</p>

	<p>2021. The mitigation and enhancement measures described in Section 7 of the assessment shall be implemented in full before the development is brought into use, or in accordance with a schedule to be submitted before the development is brought into use and approved in writing by the Local Planning Authority. Thereafter the measures shall thereafter be carried out and retained in accordance with the approved details.</p> <p>Reason: To ensure the protection of protected species which are subject to statutory protection under European Legislation and ecological enhancements on site. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
16	<p>Obscure glazing of windows</p> <p>The following windows; Flats – north elevation ground and first floor windows and east elevation first floor landing window. Houses – north elevation first floor bathroom windows, west and east elevation ground and first floor windows. Shall be fitted with obscure glass in accordance with the Proposed Plans G.A – Dwellings received 7th July 2021 before the dwellings hereby permitted are first occupied. The obscure glazing shall be permanently retained in that condition thereafter.</p> <p>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).</p>
17	<p>Hard Landscaping</p> <p>The dwellings hereby permitted shall not be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>

Informatives

1.	<p>Approval – objection/support received</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
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2.	<p>CIL Liability</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3.	<p>Access construction – for the works to the accesses</p> <p>The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.</p>
4.	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
5.	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
6.	<p>Excavation in close proximity to the highway</p> <p>In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.</p>
7.	<p>Incidental works affecting the highway</p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.</p>

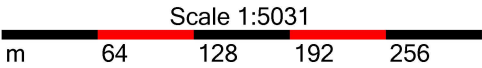


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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 October 2021
SLA Number	0100024151

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Agenda Item 4.(2)

Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(2)	21/02022/CERTE Lambourn		29 th 2021 ¹	September	Application for a Lawful Development Certificate for an Existing Use: retention of the use of part of an existing stable building as an independent dwelling. Land at Coldborough Hill, Eastbury, Hungerford Miss Nicola Henton
¹ Extension of time agreed with applicant until 5 th November 2021					

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02022/CERTE>

Recommendation Summary: To DELEGATE to the Service Director of Development and Regulation to GRANT a Lawful Development Certificate for the retention of use of part of the existing stable building as an independent dwelling.

Ward Member(s): Councillor Adrian Abbs
Councillor David Marsh
Councillor Tony Vickers

Reason for Committee Determination: Over 10 objections received

Committee Site Visit: 28th October 2021

Contact Officer Details

Name: Cheyanne Kirby
Job Title: Planning Officer
Tel No: 01635 519489
Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 This application seeks application for a lawful development certificate for an existing use: retention of the use of part of an existing stable building as an independent dwelling.
- 1.2 The application site is located at Eastbury Fields in Coldborough Hill around 683m north of Eastbury Settlement Boundary, the site comprises of a stable building, arranged adjacent to the road and is set within an area of curtilage some 0.17 ha in total area. The site is in private equestrian use and is used as grazing land for the applicants' horses.
- 1.3 Section 171B (2) of the Town and Country Planning Act (1990) states that the time limit for enforcement of a change of use of all or part of a building to residential use is 4 years.
- 1.4 This application for a lawful development Certificate is accompanied by evidence that seeks to demonstrate that the change of use of part of an existing stable building to residential has been carried out for over 4 years, thereby establishing that the use of part of the stable as a residential dwelling is lawful by virtue of the amount of time that it has taken place for exceeding the period for which enforcement action could be taken to require its cessation. The residential use is limited to the barn area with the stables remaining in private equestrian use. The application therefore seeks the grant of a Lawful Development Certificate to establish that the existing residential use is lawful by virtue of time.
- 1.5 Determination of Certificate of Lawfulness applications for an existing use is strictly limited to consideration of the matters of fact related to the application, those being the evidence presented with the application, the evidence retained by the Council, and any other relevant evidence pertaining to the use of the building submitted by third parties. Other matters, such as planning policy and other material planning considerations cannot be taken into account in determining such an application.

2. Planning History

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

Application	Proposal	Decision / Date
06/02167/FUL	Demolition of existing stables/storage building. Replaced with stables, tack and feed store.	Refused / 20.12.2006
07/01075/FUL	Demolish stables, replace with stables and tackroom	Approved / 18.07.2007

- 2.2 The application site has been subject to enforcement cases however no enforcement notices were served and was dealt with via officer discussions.

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

- 3.2 Site notice displayed on 20th August at the application site; the deadline for representations expired on 11th September 2021.
- 3.3 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

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.

Lambourn Parish Council:	Objection - illegal
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Public representations

- 4.2 Representations have been received from 13 contributors, 13 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Outside settlement boundary
 - Agricultural Land
 - AONB
 - Inappropriate Development
 - Precedent for future development
 - Not fit for human habitation
 - Impact on local sewage networks
 - Impact on highways/pedestrian safety

5. Planning Law

- 5.1 Under Section 191 (2) and (3) breaches of planning control which become immune from enforcement action after a passage of time also become lawful in planning terms. Under Section 171 B (2) of the Act the time limit for taking enforcement action with regard to part of the building having been used as a dwellinghouse is 4 years beginning with the date of commencement the breach.
- 5.2 An application under section 191 of the Act must specify the paragraph of subsection (1) under which the application is made, the applicant's reasons for regarding the use described in the application as lawful and such other information as the applicant considers to be relevant to the application. The application is required to be accompanied by a plan identifying the land to which it relates, such evidence verifying the information as the applicant can provide, and a statement setting out the applicant's interest in the land.

- 5.3 With applications under section 191 of the Act the burden of proof is firmly with the applicant (Planning Practice Guidance 2014, "Lawful development certificates, who is responsible for providing sufficient information to support an application"). The relevant test for determining applications under section 191 of the Act is the "balance of probability", and if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

6. Appraisal

- 6.1 The application registered on the 4th August 2021 comprises a completed application form stating that the part of the building has been used as a dwellinghouse for more than 4 years. The supporting evidence describes that part of the building has been used as a dwellinghouse in excess of 4 years; evidence of this has been provided with submission of supporting statements including utility bills, statutory declaration, bank statements and personal statements.

- 6.2 The evidence submitted by the applicant comprises the following documents and information:

- Water bill
 - date August 2007 to March 2008
 - dated February to May 2014
 - dated May to August 2014
 - dated May to August 2016
 - dated August to November 2016
 - dated November to December 2017
 - dated May to October 2017
- Electricity bill
 - dated quarter 2 2013-14
 - dated May to August 2013
 - dated Feb to May 2014
 - dated quarter 1 2014-15
 - dated December 2016 to April 2017
 - dated April to June 2017
 - dated June to October 2017
 - dated October 2018 to February 2019
- Phone bill
 - dated December 2014
 - dated March 2015
 - dated March 2016
 - dated July 2016
 - dated June 2019
- TV license
 - dated September 2016
 - dated August 2017

The applicant has provided utilities bills that show that the applicant has been in residence at the stable for more than 4 years.

- Bank statement
 - dated November 2014
 - dated February 2015
 - dated March 2015
 - dated November 2016
 - dated July 2017
 - dated October 2017
 - dated March 2018
 - dated May 2018
 - dated June 2018
 - dated October 2018
 - dated November 2018
 - dated December 2018
 - dated May 2019
 - dated July 2019
 - dated March 2020
 - dated April 2021
 - Number of additional bank statements showing utility bills payments

The applicant has provided bank statements showing utility bill payments which show that continuous payments including monthly direct debits for the provision of domestic services including, water payments, electric payments and TV licence these have also been provided individually to show the applicant has been using the site address as their main residential postal address which corroborates the additional evidence that has been submitted in that the residential use at the stable has been carried out for more than 4 years.

- Doctors letter registered address since July 2008
- Voting letter registered address since October 2015

The applicant has provided a letter from her GP surgery and the electoral roll records to confirm that the applicant has been using the site address as their main residential postal address which corroborates the additional evidence that has been submitted in that the residential use at the stable has been carried out for more than 4 years.

- Resident letters
 - Letter 1 since 2009
 - Letter 2 over 10 years
 - Letter 3 12 years
 - Letter 4 over 10 years
 - Letter 5 11 years
 - Letter 6 since 2009
 - Letter 7 since 2009
 - Letter 8 since 2011

The application is supported by 8 letters from local residents that all state that the applicant has been in residence at the stable. While these vary in terms of the amount of time that the writer's have had knowledge of the applicant using the stables as a dwelling, they all agree that this has occurred for more than 4 years

- Statutory declaration confirming residential use since July 2008

The application is supported by statutory declaration made by the applicant that states that the applicant has been in residence at the stable and utilised it as her primary dwelling since July 2008.

6.3 The evidence retained by the Council comprises the following documents and information:

- Enforcement record from 2008 state that changes to the building had been made but no further action was taken
- Enforcement record from 2009 states that a site visit was carried out in June 2010 with a letter sent to the planning agent at the time requesting the cessation of residential use.

The Council's evidence comprises the above enforcement records. These records do not support or contradict the applicant's version of events.

6.4 In considering the applicant's evidence it is noted that the residential occupation of the building has been stated in the provided evidence including; utility bills, doctors letter, electoral role, several letters and a statutory declaration by the applicant. The evidence provided in utilities bills, bank statements, TV license records, the electoral roll and the letter from the doctor would appear to corroborate the applicant's version of events that the stables have been in residential use by the applicant for a period of more than four years

6.5 Section 191 of the Act states that if the Local Planning Authority does not have evidence to suggest that the applicant's version of events less than probable a Certificate of Lawfulness should be granted. Whilst the site has been subject to enforcement action it has been demonstrated that the residential use has not ceased. This has been confirmed by the submission of evidence by the applicant. As described above, the application is accompanied by a package of utility bills, bank statements, supporting letters and the applicant's statutory declaration that provide evidence that the applicant undertook the works to change the use of part of the stables to residential in 2008, subsequently taking part of the stables into residential occupation in July 2008. The evidence accompanying the application is considered sufficient to demonstrate that part of the building has been used as a dwellinghouse in excess of four years, and as such a Certificate of Lawfulness should be granted.

7. Other matters – objections

7.1 It is noted that a number of objections have been submitted in respect of the matters considered within this application for a Certificate of Lawfulness. In respect of these concerns it is important to note that this form of application can take into account **only** considerations of matters of fact. Other matters, including, planning policy and other material planning considerations, cannot be taken into account when determining whether, on the balance of probability, the evidence submitted and held by the Council would support the conclusion that the residential use of the part of the stable building has taken place unlawfully for a period of 4 years or more, and therefore is lawful by virtue of having exceeded the relevant time limit for enforcement action to be taken.

8. Planning Balance and Conclusion

- 8.1 In accordance with the assessment of the evidence set out above, the information submitted with the application is considered to demonstrate to your officers' satisfaction that on the balance of probabilities that part of the building has been used as a dwellinghouse for a period of time in excess of 4 years. Therefore it is your officers' recommendation that the use of part of the stable building as a residential dwelling is lawful by virtue of the time that this use has been established in the evidence.
- 8.2 It is therefore recommended that a Lawful Development Certificate be granted.

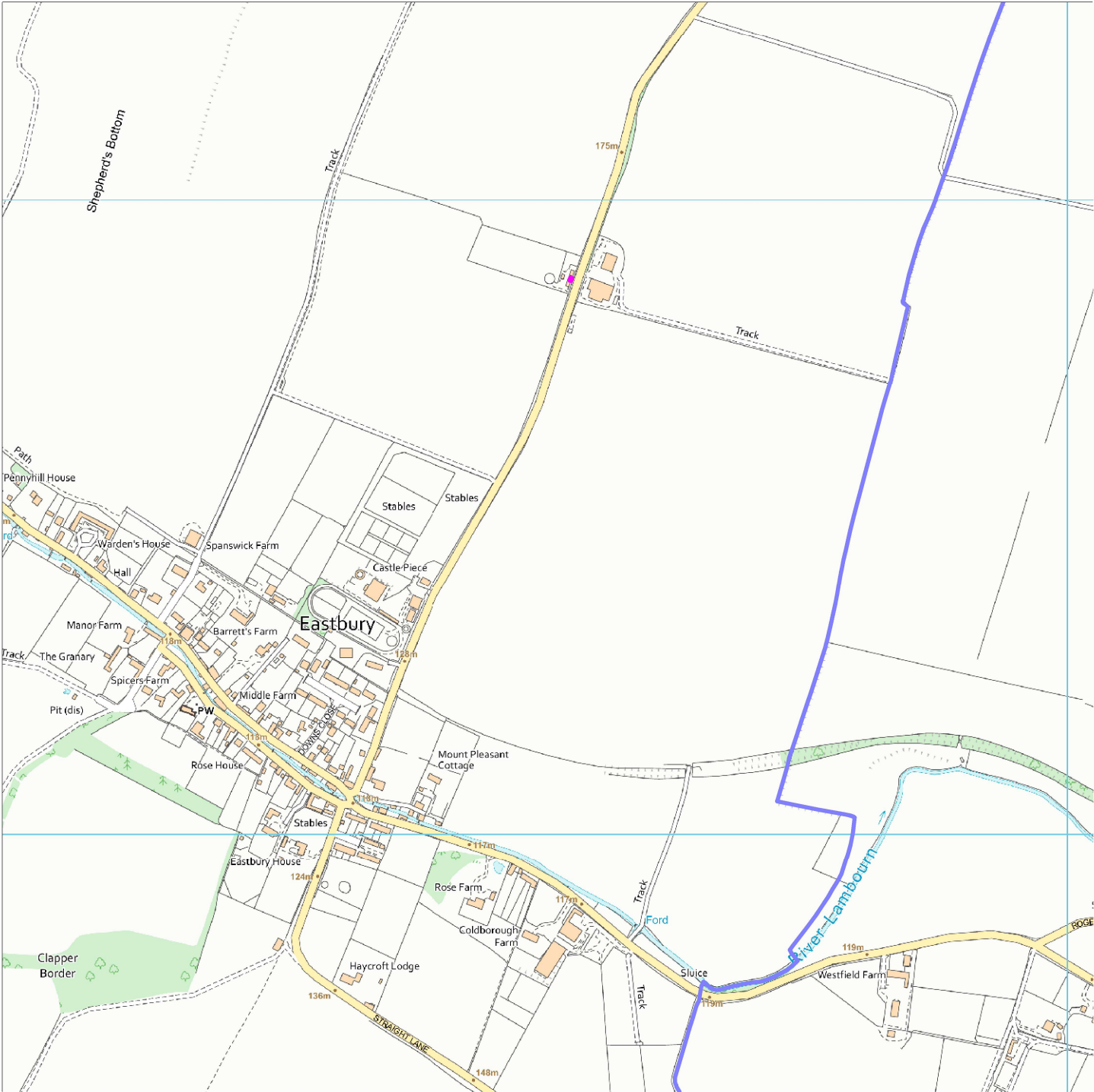
9. Full Recommendation

To **DELEGATE** to the Service Director, Development and Regulation to **GRANT** a Lawful Development Certificate for the retention of use of part of the existing stable building as an independent dwelling for the reason set out below.

Reason

1.	<p>Approval</p> <p>Based on the evidence submitted by the applicant and the evidence available to the Council, the Council is satisfied that the applicant's evidence is sufficiently precise to prove that, on the balance of probability, the use of part of the building as a dwellinghouse as shown by the red line on location plan received on 4th August 2021 at Land at Coldborough Hill, Eastbury, Hungerford has been carried out for 4 years or more prior to 4th August 2021. Accordingly the provisions of Section 171B and Section 191 of the Town and Country Planning 1990 Act have been satisfied.</p> <p>On the balance of probability, a Certificate of Lawfulness is granted.</p> <p>Evidence submitted:</p> <p>Location Plan NH1 P3837.100A received on 4th August 2021; Internal Layout Plan NH4 P3837.101 received on 4th August 2021; Photo of completed building NH3 on 4th August 2021; Planning Statement 15687 received on 4th August 2021; Approved Plans and Decision Notice for Application 07/01075/FUL NH2 received on 4th August 2021; Utility Bills NH5 received on 4th August 2021; Letter from Lambourn Surgery NH6 received on 4th August 2021; Confirmation of Voting Address NH7 received on 4th August 2021; Bank Statements NH8 (part 1 and 2) received on 4th August 2021; Letters from Residents NH9 received on 4th August 2021; Statutory Declaration received on 4th August 2021.</p>
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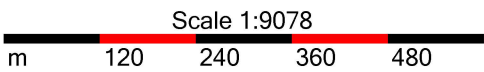


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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 October 2021
SLA Number	0100024151

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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	20/02922/FUL Lambourn	10 February 2021 ¹	Demolish existing bungalow and redevelopment to provide 4 No. 3 bedroom dwelling houses with associated parking and amenity areas. 39 Newbury Street, Lambourn, Hungerford, RG17 8PB. Mr S Church
¹ Extension of time agreed with applicant until 8 November 2021			

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02922/FUL>

Recommendation Summary: To DELEGATE to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions set out in section 8 of this report.

Ward Member(s): Councillor Howard Woollaston

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

Committee Site Visit: 28th October 2021

Contact Officer Details

Name: Jake Brown
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: jake.brown@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the demolition of the existing bungalow and redevelopment of the site to provide 4 no. 3 bedroom dwelling houses with associated parking and amenity areas.
- 1.2 The application site is located on the corner of Newbury Street and Station Road, within the defined settlement of Lambourn, it is approximately 15 metres from the edge of the Lambourn Conservation Area and lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The existing bungalow appears to have been constructed during the 1960's, having replaced an earlier building dating from the mid-1800s. There is a wide area of highway verge immediately to the south-east of the site, between Station Road and the site boundary. There are two trees (Whitebeam and Swedish Whitebeam) on this land, along with a telegraph pole. This open area of land and trees makes a positive contribution to the eastern approach into Lambourn and the Conservation Area. The site is in an established residential area comprising a variety of house types, styles and ages, the majority of which are two storey. To the north-west, adjacent to the site, are two storey dwellings, dating from the mid-1800s. There is a modern housing development adjacent to the south-western boundary fronting Station Road.
- 1.3 The application site and existing bungalow are located at a higher level than Newbury Street and the ground level from Newbury Street gradually rises south-westwards. The application proposes to replace the existing bungalow with four terraced dwellings, two storeys in height with rooms in the roof, respective rear gardens and car parking. The dwellings would have a ridge height similar to the neighbouring dwellings adjacent to the application site. The proposed dwellings would front onto Station Road, behind the existing grassed verge, with the north-eastern most dwelling also addressing the car parking area proposed and Newbury Street. The existing vehicular access point onto Newbury Street will be moved south-eastwards and widened to be more centrally located when viewed from Newbury Street and to serve the car parking area located in the north-eastern part of the site, comprising 10 parking spaces. The existing front boundary to Newbury Street is proposed to be set back within the site to enable the provision of a 1.6 metre pedestrian footway along that section of Newbury Street.

2. Planning History

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

Application	Proposal	Decision / Date
15/02781/FULD	Demolition of existing bungalow and redevelopment to provide four 1 bed flats and four 2 bed flats with parking and ancillary areas.	Application refused 27/10/17.
17/03127/FULD	Demolish existing bungalow and redevelop to provide 2 x 1 bed flats and 4 x 2 bed flats with parking and ancillary areas.	Resolution to approve by the Western Area Planning Committee on 25/4/18 subject to the completion of a s106 agreement (planning obligation). At the time of writing this report the s106 agreement had not been completed and the application is undetermined.

- 2.2 In respect of application 17/03127/FULD above, Members are advised that matters regarding the planning obligation associated with that application are now progressing.

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore "Schedule 2 development" within the meaning of the Regulations.
- 3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered "EIA development" within the meaning of the Regulations.
- 3.3 Site notices were displayed on 8/9/21 on the telegraph pole at the front of the property; the deadline for representations expired on 29/9/21.
- 3.4 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 Based on the CIL PAIR form, it appears that the development proposed will be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil [Others]

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.

Lambourn Parish Council:	No objections.
WBC Highways (1st response):	Further information and amended information required regarding footway, parking and electric vehicle charging.
WBC Highways (2nd response following receipt of additional and amended information):	No objections subject to conditions securing electric vehicle charging point, construction method statement, access closure, provision of 1.5 metre wide footway, access surfacing, visibility splays, parking and turning area and cycle storage.

Archaeologist:	No objections.
Waste Services:	Only the end house on the left appears to have access to the rear amenity area for the storage of bins. Dedicated bin stores at the front of each dwelling have been provided however it is not clear if they are large enough for the bins provided by West Berkshire Council. Please ensure they are if they are to be provided.
Conservation Officer:	No objections.
Environment Agency:	Do not wish to be consulted on this application.
Thames Water:	No objections.
Environmental Health:	No objections.
Tree Officer:	No objections subject to condition securing tree protection scheme.
Lead Local Flood Authority (1st response):	Request further information regarding detailed drainage design and calculations.
Lead Local Flood Authority (2nd response following receipt of additional information):	No objections subject to a condition to secure suitable sustainable drainage.
Ecology:	No response received.
North Wessex Downs AONB:	No response received.

Public representations

- 4.2 Representations have been received from 10 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Overdevelopment of site;
 - Impact on character and appearance of the area and AONB;
 - Impact on highway safety;
 - Lack of parking provision resulting in additional street parking;

- Inadequate visibility for vehicles exiting the site;
- Prominent location;
- Impact on existing drainage issues in Lambourn;
- No application site notice posted;
- Lack of neighbour notification of the application;
- Plans submitted not to scale;
- Existing site is elevated therefore exacerbating impact;
- Development will be out of place;
- Inadequate sewage system capacity in the area for further development;
- Submitted Flood Risk Assessment refers incorrectly to Sulham Brook;
- Lack of access to rear gardens for two plots resulting in garden rubbish being brought through dwellings;
- Lack of street elevations showing levels and adjacent properties;
- Existing roads surrounding site already suffer from on street parking.

5. Planning Policy

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

- Policies ADPP1, ADPP5, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

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

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development;
- Design, Character and Appearance;
- Neighbouring Amenity;
- Highway Matters;
- Flooding and Drainage;
- Other Matters.

Principle of Development

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

Design, Character and Appearance

- 6.4 Policies ADPP1 and ADPP5 of the Core Strategy seeks to ensure that new development responds positively to the local context, particularly in the latter regard to the AONB landscape in which the site is set. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The site is situated outside, approximately 15 metres from the edge, of the Lambourn Conservation Area where the existing character should be conserved and enhanced under Policy CS19.
- 6.5 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD). Part 1 of SPDQD provides design guidance including key urban design principles. Part 2 of SPDQD provides detailed design guidance on residential development. Part 3 of SPDQD provides a residential character framework for the prevailing residential developments in the district.
- 6.6 The site lies within the settlement of Lambourn in an area which is largely characterised by two storey semi-detached and terraced dwellings of varying ages and styles. The application is to replace the existing bungalow with a four terraced dwellings, two storeys in height with rooms in the roof, respective rear gardens and car parking. The development has been designed to respect existing building lines in the immediate area. The north-east and south-east elevations are appropriately designed to address the street scene of Newbury Street and Station Road respectively. The layout, scale and form is considered appropriate to the locality, relating well to existing neighbouring dwellings and with space about the development such that it would not appear as an overdevelopment of the site. The external appearance of the proposed development will reflect the mixed development pattern in the area. Full details of materials can be secured by condition. The building will be constructed close to the south-eastern and south-western boundaries of the site. There will be opportunity for some landscaping to the front of the dwellings facing Station Road and around the boundaries of the car park adjacent to Newbury Street. With careful boundary treatments facing Station Road, the building will be read through the existing retained highway verge and not detract from the approach to the Conservation Area.

- 6.7 There are two existing trees close to the development site on the highway land adjacent to Station Road. These could be affected by the development and their long term survival could be at risk as a result of construction activities. The Tree Officer has reviewed the application and raises no objections subject to a condition to ensure adequate tree protection during the development of the site.
- 6.8 In respect of garden areas for each of the dwellings proposed, these range from approximately 48sqm. to 64sqm. Part 2 of the Quality Design SPD suggests that 3 bed dwellings require a garden size of 100sqm. but recognises that it is the quality of outdoor space that matters most and gardens should be large enough to accommodate such features as garden shed, washing lines and other domestic features and should allow for opportunities for sitting outside in comfort and reasonable privacy and, in family dwellings, for children's play. Whilst the development proposed does not meet the suggested garden sizes set out in Part 2 of the Quality Design SPD, it is considered that sufficient quality outdoor space is provided and would not be out of keeping with the wider area.
- 6.9 It is important to note the previous application, 17/03127/FULD, for the demolition of the bungalow and redevelopment of the site to provide two 1 bed flats and four 2 bed flats with associated parking. That application comprised a built form that was similar in footprint, slightly taller in height and positioned closer to Newbury Street with a car parking area occupying the majority of the north-western half of the site. The development proposed in this application is approximately 1.5 metres greater in depth than that considered under application 17/03127/FULD and has rooms within the roof. That application was presented to the Western Area Planning Committee on 25th April 2018 who resolved to approve the application subject to the completion of a planning obligation to provide a contribution toward off site affordable housing provision and a two year maintenance contribution of new trees to be planted on the adjacent highway verge fronting Station Road. At the time of writing this report, the planning obligation had not been completed and that application remains undetermined. However, the previous resolution to approve application 17/03127/FULD is a material consideration for this application. It is not considered that the proposed development in this application introduces any significant impacts upon that previously approved.
- 6.10 It is considered that, subject to appropriately worded conditions, the proposed development would not adversely affect the character of the area, street scene nor visual distinctiveness of this part of the settlement or nearby Conservation Area. The development will therefore comply with development plan policies ADPP5, CS14 and CS19 and advice set out within the NPPF.

Neighbouring Amenity

- 6.11 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The West Berkshire Quality Design SPD provides guidance on the impacts of development on neighbouring living conditions and provision of amenity space for future residents. Local Plan Saved Policy OVS.6 relates to potential noise impacts of development.
- 6.12 The proposed built form will be located approximately 12 metres from the side of No.37 Newbury Street (a two storey semi-detached Victorian dwelling) at the closest point and 3 metres from the side of Saddleford, an end of terrace dwelling fronting Station Road. The siting of the proposed built form will not extend forward of the front of either of these dwellings. The siting is such that the new building would not be overbearing for either neighbouring dwelling nor would there be any undue loss of day light or sunlight.

However, it is acknowledged that the outlook of dwellings opposite the site on Station Road and Newbury Street would be altered. There would be some direct overlooking into the rear garden area of the property at 37 Newbury Street. However this type of rear/side relationship with a separation distances of 12-15 metres occurs elsewhere in this part of Lambourn and indeed in most built up areas and is not considered sufficient to warrant a refusal.

- 6.13 The Environmental Health Officer has not raised an objection to the proposal. Your officers propose that a condition to secure a construction method statement, including details of hours of construction and dust minimisation, is required due to the proximity to existing residential dwellings, should the application be approved.
- 6.14 For the reasons set out above the development would not adversely affect amenity of neighbouring properties and would comply with development plan policies ADPP5, CS14, OVS.6 and advice set out within the NPPF.

Highway Matters

- 6.15 The existing vehicular access point onto Newbury Street will be stopped up and a new widened access is proposed onto Newbury Street to serve the car parking area located in the north-eastern part of the site, comprising 10 parking spaces. A new front boundary wall to Newbury Street is proposed to be set back within the site to enable the provision of a 1.6 metre pedestrian footway along that section of Newbury Street.
- 6.16 Two 22kW electric vehicle charging points are proposed within the car park.
- 6.17 Many of the representations received raise concerns regarding inadequate visibility for vehicles exiting the site and a lack of parking provision resulting in additional on-street parking.
- 6.18 Visibility splay plans have been submitted and reviewed by the Highways Officer who raises no objections to the development proposed subject to condition securing the provision of electric vehicle charging points and a construction method statement in the interest of highway safety.
- 6.19 In respect of the parking provision proposed, Policy P1 of the HSA DPD requires 10 parking spaces for a development of this type and size. Ten parking spaces are proposed within the application site and therefore the development proposed accords with this policy, as confirmed by the Local Highway Authority.
- 6.20 Cycle storage is proposed in the rear gardens of each dwelling, the details of which can be secured by condition. In respect of refuse storage, adequately sized bin stores are proposed to the front of each dwelling.
- 6.21 Therefore the development proposed is considered to accord with development plan policies CS13, P1 and TRANS1, current guidance set out in the Manual for Streets and advice set out within the NPPF.

Flooding and Drainage

- 6.22 The application site is located within Flood Zone 1 (lowest risk of fluvial flooding) but within a designated critical drainage area as identified within the West Berkshire Strategic Flood Risk Assessment. It is noted that a number of residents have expressed concern in respect of sewerage capacity and surface water flooding.

- 6.23 Thames Water have been consulted and raise no objections as they consider that the scale of the development proposed does not materially affect the sewer network. In respect of surface water, Thames Water request that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Thames Water advise that where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 6.24 The flood risk assessment submitted with the application identifies that sustainable drainage methods will be required to ensure that surface water is adequately managed within the site. The Lead Local Flood Authority (LLFA) have reviewed the application and raise no objections subject to a condition to secure adequate details of SuDS within the site to prevent surface water discharge off site and into public sewers, as was the case for the previous application, 17/03127/FULD, for flats on the site.
- 6.25 Therefore the development proposed is considered to accord with development plan policy CS16, subject to the submission of a sustainable drainage management scheme and implementation that can be secured by condition.

Other Matters

Tree Matters

- 6.26 There are two trees adjacent to the application site located on the grassed verge. These could be affected by the development and their long term survival could be at risk during construction works. The Tree Officer has reviewed the application and raises no objections subject to a condition securing adequate tree protection during the development of the site.

Ecology

- 6.27 No response has been received from the Ecologist. The existing dwelling appears to be in reasonable condition, reducing the likelihood of protected species such as bats occupying parts of the existing dwelling. However, to ensure that any bats that may be present are appropriately dealt with during the demolition of the existing dwelling, it is recommended that a condition is imposed requiring a soft strip of the existing roof supervised directly by a licensed ecologist, should the application be approved.
- 6.28 In addition, it is proposed to impose a condition preventing the removal of any existing hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful, detailed check of vegetation or buildings/structures for active birds' nests immediately before the vegetation is cleared, should the application be approved.
- 6.29 In order to maximise the opportunities for biodiversity enhancement and net gain in biodiversity in accordance with Policy CS17 of the Core Strategy, a condition is also proposed requiring details of bird and bat boxes to be installed at the site, should the application be approved.

Permitted Development

- 6.30 It is noted that no openings at second floor level on the rear elevation other than a dormer on the south western most dwelling is proposed. That dormer is not considered to introduce a significant degree of overlooking and loss of privacy due to the distance from the neighbouring garden area and degree of possible view. No openings are proposed on the second floor of the side (south west) elevation. To prevent the introduction of any additional openings at second floor level on the rear (north-west) elevation and side (south-west) elevation that are reasonably likely to introduce a harmful impact on the amenity of neighbouring dwellings, your officer considers it necessary to impose a condition to restrict the addition of openings on those elevations under the Town and Country (General Permitted Development) (England) Order (as amended), should the application be approved.
- 6.31 In addition, Part 3, Class L of the Town and Country (General Permitted Development) (England) Order (as amended) enables dwellings under use class C3 to change to houses in multiple occupation (HMO) without the need for planning permission. It is considered necessary to restrict that permitted development right as the use of the dwelling(s) as HMOs would generate a greater need for car parking which would not be available to the occupants and result in on street parking, harmful to highway safety.

7. Planning Balance and Conclusion

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

8. Full Recommendation

- 8.1 To delegate to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall begin not later than three years from the date of this decision.</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>
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2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Block and Location Plan, drawing number 11420-11 received on 10th December 2020;</p> <p>Proposed Site Plan, drawing number 11420-01 Rev C received on 15th October 2021;</p> <p>Visibility Splay Plan, drawing number 11420-12 received on 10th December 2020;</p> <p>Proposed Rear and Front Elevations Plan, drawing number 11420-06 Rev A received on 24th September 2021;</p> <p>Proposed Side Elevations Plan, drawing number 11420-07 Rev A received on 24th September 2021;</p> <p>Proposed Ground Floor Plan, drawing number 11420-02 Rev A received on 24th September 2021;</p> <p>Proposed First Floor Plan, drawing number 11420-03 Rev A received on 24th September 2021;</p> <p>Proposed Second Floor Plan, drawing number 11420-04 Rev A received on 24th September 2021;</p> <p>Proposed Roof Plan, drawing number 11420-05 Rev A received on 24th September 2021.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Construction Method Statement</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (f) Wheel washing facilities; (g) Measures to control dust, dirt, noise, vibrations, odours, and surface water run-off during construction; (h) A scheme for recycling/disposing of waste resulting from demolition and construction works; (i) Hours of construction and demolition work. <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
4.	<p>Tree Protection</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is</p>

	<p>submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
5.	<p>Sustainable Drainage</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the Sustainable Drainage Systems SPD (December 2018); b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels; any soakage testing should be undertaken in accordance with BRE365 methodology; c) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted; d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; e) 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; f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater; g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines; h) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate; i) 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; j) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site; k) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans

	<p>and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</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), Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Systems SPD (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application and sustainable drainage measures may require work to be undertaken throughout the construction phase, therefore it is necessary to approve these details before any development takes place.</p>
6.	<p>Ground and Finished Floor Levels</p> <p>No development shall take place until details of existing and proposed ground levels, and finished floor levels of the dwellings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
7.	<p>Biodiversity measures (prior approval)</p> <p>No development shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include bat boxes and bird boxes. Thereafter, no dwelling shall be occupied until the measures related to that dwelling have been installed/constructed in accordance with the approved details.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
8.	<p>Protection of breeding birds during construction</p> <p>No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful,</p>

	<p>detailed check of vegetation or buildings/structures for active birds' nests immediately before the vegetation or buildings/structure is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.</p> <p>Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p>Soft stripping before mechanical demolition</p> <p>No mechanical demolition of the existing dwelling and garage will take place until a soft strip of the roof has been undertaken. The roof tiles will be lifted carefully by gloved hands, or with handheld tools as necessary, supervised directly by a licensed ecologist or 'Registered Consultant' under the Bat Mitigation Class licence. In the event that bat(s) are discovered during the course of the work, the ecologist will capture the bat(s) and transfer it/them directly to a bat box erected in advance of the works. If a bat is found during work to the remainder of the property when the ecologist is not present, works will stop immediately, and a licensed ecologist will be called back to site to provide further advice. Mechanical demolition shall not take place until the licensed ecologist has confirmed that all potential roosting sites have been stripped adequately.</p> <p>Reason: To avoid harm to protected bat species during demolition operations. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p>Materials</p> <p>No construction above slab level of any dwelling shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
11.	<p>Soft landscaping</p> <p>No dwelling hereby permitted shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of any new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme</p>

	<p>shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
12.	<p>Hard landscaping</p> <p>No dwelling hereby permitted shall be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
13.	<p>Provision of Footway</p> <p>No dwelling shall be first occupied until the 1.5-1.6 metre wide footway to be constructed on the western side of Newbury Street fronting the application site has been provided in accordance with drawing number 11420-01 Rev C received on 15th October 2021 and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
14.	<p>Electric Charging Point</p> <p>No dwelling shall be first occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. Thereafter, the charging points shall be maintained and kept available and operational for the charging of electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
15.	<p>Access Closure with reinstatement</p> <p>The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The footway shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>

16.	<p>Surfacing of access</p> <p>No dwelling hereby permitted shall be first occupied until the surfacing arrangements for the vehicular access to the highway has been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be maintained in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
17.	<p>Parking/turning in accordance with plans</p> <p>No dwelling shall be first occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking and manoeuvring (of private motor cars) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
18.	<p>Cycle storage</p> <p>No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
19.	<p>Visibility splays before development</p> <p>No dwelling shall be first occupied until visibility splays of 2.4 metres x 43.0 metres have been provided in both directions at the new access onto Newbury Street in accordance with the approved plans. Thereafter, the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning</p>

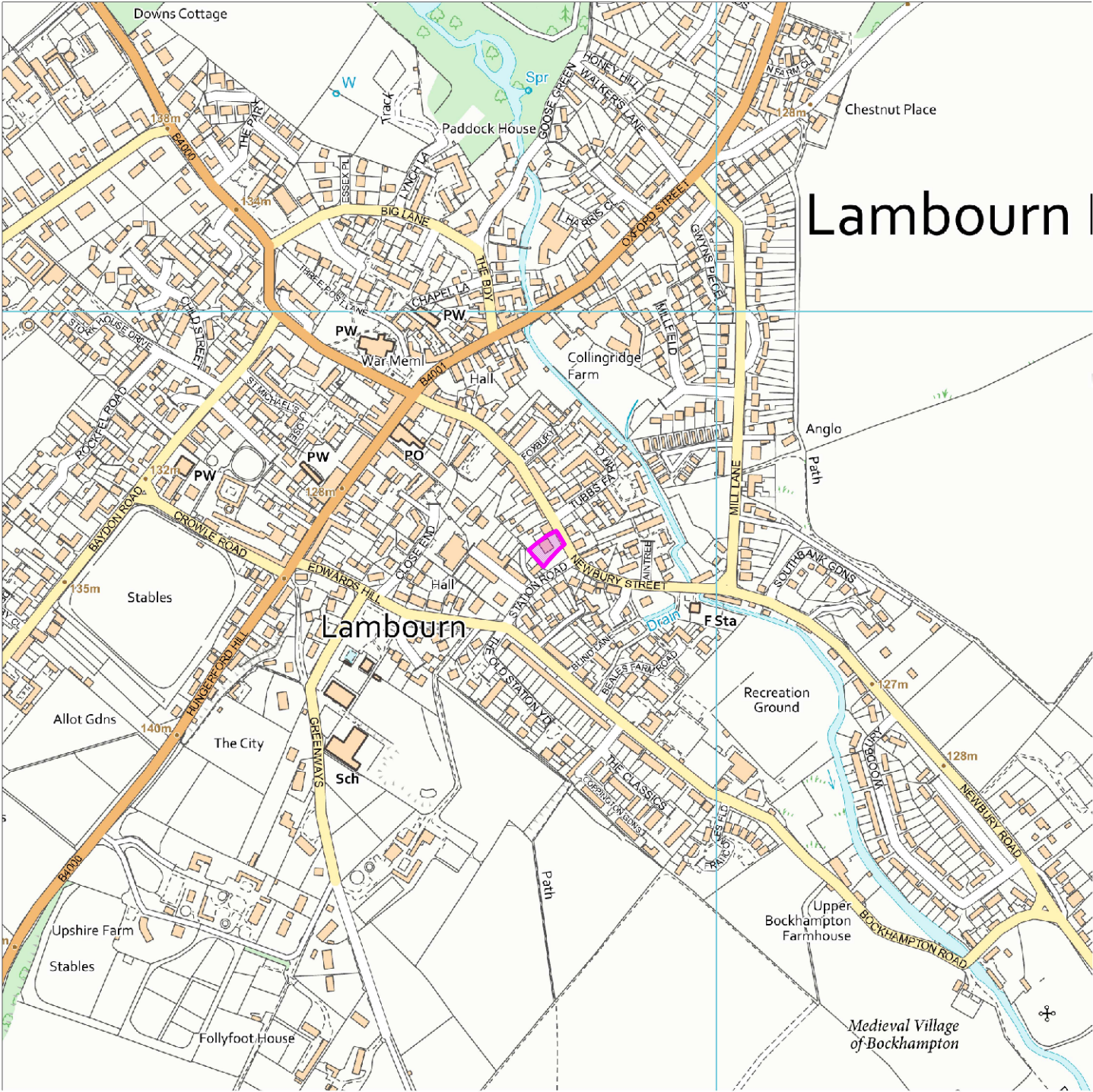
	Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.
20.	<p>Refuse Storage</p> <p>No dwelling shall be occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in accordance with details, including any means of enclosure, which have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
21.	<p>HMO restriction</p> <p>Notwithstanding the provisions 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), the dwellings hereby permitted shall only be used as a single dwellinghouse (Use Class C3), and for no other purpose (including any other purpose in Class C4 (House of Multiple Occupation) on the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that order with or without modification).</p> <p>Reason: There would be insufficient parking to use any of the dwellings as a house of multiple occupation under Use Class C4 without detriment to highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Quality Design SPD (June 2006).</p>
22.	<p>Permitted development restriction (windows/dormers)</p> <p>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 (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at second floor level on the rear (north-west) and side (south-west) elevations of the dwellings hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>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).</p>

Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>CIL Liability</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3.	<p>Compliance with conditions</p> <p>Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.</p>
4.	<p>Pre-conditions</p> <p>Conditions nos. 3-8 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.</p>
5.	<p>Compliance with approved drawings</p> <p>Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.</p>

6.	<p>Access construction</p> <p>The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.</p>
7.	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
8.	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
9.	<p>Excavation in close proximity to the highway</p> <p>In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.</p>
10.	<p>Incidental works affecting the highway</p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.</p>
11.	<p>Bats</p> <p>All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.</p>

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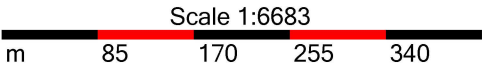
Map Centre Coordinates :

Scale : 1:6683

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 October 2021
SLA Number	0100024151



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