

# Notice of Meeting



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## Eastern Area Planning Committee Wednesday 26th January 2022 at 6.30pm In the Second Floor Meeting Area Council Offices Market Street Newbury

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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](mailto:planningcommittee@westberks.gov.uk)) by no later than 4.00pm on Tuesday 25th January 2022, 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 meeting area. 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, 18 January 2022

### 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](mailto:planningcommittee@westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 26 January 2022**  
*(continued)*

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

Any queries relating to the Committee should be directed to Stephen Chard / Jessica Bailiss on (01635) 519462/503124 Email: [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk) / [jessica.bailiss@westberks.gov.uk](mailto:jessica.bailiss@westberks.gov.uk)

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 26 January 2022**  
(continued)

**To:** Councillors Alan Law, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask (Chairman), Richard Somner and Keith Woodhams

**Substitutes:** Councillors Graham Bridgman, Jeremy Cottam, Nassar Hunt, Owen Jeffery, Joanne Stewart and Andrew Williamson

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# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting.
2. **Minutes** 5 - 16  
To approve as a correct record the Minutes of the meeting of this Committee held on 17<sup>th</sup> November 2021.
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. & Parish: 18/00964/FULEXT - Land South of Lower Way, Thatcham** 17 - 50

**Proposal:** The erection of 91 residential dwellings together with associated infrastructure and landscaping.

**Location:** Land South of Lower Way, Thatcham

**Applicant:** Persimmon Homes

**Recommendation:** Delegate to the Service Director of Development and Regulation to grant planning permission subject to conditions and the completion of a legal agreement.

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(continued)

- (2) **Application No. & Parish: 21/02012/FULMAJ - Land at West Lodge, Basildon** 51 - 68
- Proposal:** Demolition of existing dwelling, erection of replacement dwelling.
- Location:** Land at West Lodge, Basildon
- Applicant:** Mrs Julie Rees
- Recommendation:** Delegate to the Service Director of Development and Regulation to grant conditional permission.
- (3) **Application No. & Parish: 21/01835/FUL - Jackaways Cottage, White House Green, Sulhamstead, Reading** 69 - 96
- Proposal:** Erection of four incidental Koi Ponds to be used in conjunction with the establish Koi Carp Business at Jackaways Cottage, removal of unauthorised fence.
- Location:** Jackaways Cottage, White House Green, Sulhamstead, Reading, West Berkshire, RG7 4EB
- Applicant:** Dominic Taylor / The Pond People
- Recommendation:** Delegate to the Service Director of Development and Regulation to grant conditional planning permission.

### 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 telephone (01635) 519462.



West Berkshire  
C O U N C I L



## DRAFT

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

### **EASTERN AREA PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 17 NOVEMBER 2021**

**Councillors Present:** Jeremy Cottam (Substitute) (In place of Keith Woodhams), Alan Law, Tony Linden, Royce Longton, Alan Macro (Vice-Chairman), Graham Pask (Chairman) and Richard Somner

**Also Present:** Jessica Bailiss (Policy Officer (Executive Support)), Gareth Dowding (Principal Engineer - Traffic & Road Safety), Bob Dray (Development Control Team Leader), Kim Maher (Solicitor) and Shiraz Sheikh (Service Lead - Legal & Democratic)

**Apologies for inability to attend the meeting:** Councillor Ross Mackinnon, Councillor Geoff Mayes and Councillor Keith Woodhams

#### **PART I**

##### **25. Minutes**

The Minutes of the meeting held on 27 October 2021 were approved as a true and correct record and signed by the Chairman.

##### **26. Declarations of Interest**

There were no declarations of interest received.

##### **27. Exclusion of Press and Public**

**RESOLVED that** members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution also refers](#).

##### **28. Supplemental item regarding agenda item 6(1) - planning application for land at Lawrences Lane, Thatcham (21/02112/FUL)**

*(Paragraph 1 – information relating to an individual)*

*(Paragraph 2 – information identifying an individual)*

The Eastern Area Planning Committee considered an exempt report (Agenda Item five) relating to planning application 21/02112/FUL.

**RESOLVED that** the Committee noted the report.

##### **29. Schedule of Planning Applications**

###### **(1) Application No. & Parish: 21/02112/FUL - land at Lawrences Lane, Thatcham**

The Committee considered a report (Agenda Item 6(1)) concerning Planning Application 21/02112/FUL in respect of the change of use to 7 no. Gypsy/Traveller pitches

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comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans and associated works.

Mr Bob Dray, Planning Officer, introduced the report to Members and highlighted the key points. The Officer recommendation was for refusal and the reasons were set out under section eight of the report.

In accordance with the Council's Constitution, Mr Simon Pike and Mr Richard Crumly, Town Council representatives, Mr Bernard Clark, Adjacent Parish Council representative and Councillor Lee Dillon, Ward Member, addressed the Committee on this application.

### **Parish Council Representation:**

- Mr Simon Pike and Mr Richard Crumly (Thatcham Town Council) in addressing the Committee raised the following points:
- Mr Pike reported that he was the Chairman of the Highways and Planning Committee of Thatcham Town Council. Thatcham Town Council had objected to the application and its concerns fell in to three categories, including the location of the site; deficiencies in the planning application and community cohesion.
- The site was outside of the settlement boundary and was outside of the settlement boundary for the proposed local plan. It was within the open countryside, which separated Thatcham and Cold Ash.
- A planning application for permission in principle had been submitted for land on the opposite side of Lawrences Lane, which might have been prompted by the unauthorised development.
- The Council had also previously objected to the conversion of livery stables on the adjacent land for residential use.
- Lawrences Lane was extensively used by walkers and cyclists. The Town Council had supported the Active Travel Proposal for the lane by West Berkshire Council (WBC). Thatcham town Council felt that the lane was unsuitable for motor traffic. The traffic generated by the site if approved would be hazardous to walkers and cyclists.
- The improvements required by the West Berkshire Council's (WBC) Highways Development Control Department to the access to the site, if the application was approved would destroy the rural character of the site and southern end of the lane.
- The documentation for the application included only site plans and elevations of the proposed buildings. There was no information included on the construction of the buildings, sewerage, surfaces of the driveways or management of surface water. Thatcham Town Council's Highways and Planning Committee expected to be able to review all of these elements when considering an application.
- Thatcham Town Council had declared a climate emergency and therefore it was expected that all developments should be to a high environmental standard. There was no information included in the application so that this could be assessed.
- Thatcham Town Council endorsed the view of the Highways Department in that each plot should have a vehicle charging point.
- Regarding community cohesion, WBC had received nearly 300 letters of objection to the application. Many of these had been prompted due to the contravention of planning laws and regulations during the construction and occupation of the site.

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Residents were therefore concerned that in future there might be other unlawful activities.

- Thatcham Town Council urged the Committee to refuse the application.
- Mr Crumly stated that he was present to support Councillor Pike with any questions that might be raised.

### **Member Questions to the Parish Council:**

There were no questions raised by Members.

### **Adjacent Parish Council Representation:**

Mr Bernard Clark (Cold Ash Parish Council) in addressing the Committee raised the following points:

- Mr Clark praised and thanked WBC on behalf of Cold Ash Parish Council for its speed and cleverness in responding to the unexpected application.
- Cold Ash had talked to the Highways Department and others regarding Lawrences Lane and what a joy it could be to the community. The Lane was within the countryside and joined Cold Ash to Thatcham. It was a narrow lane that it was not sensible to drive down as two cars were unable to pass each other.
- Discussion that had taken place regarding the lane included turning it in to a cycle way or for use by horse riders or rambblers.
- After crossing a road at the top of the Lawrences Lane, it connected to Bucklebury Common, an area of Outstanding Natural Beauty, which consisted of 18 miles of magnificent walk ways and bridleways.
- Mr Clark stressed that the Parish Council's point was just how positive Lawrences Lane could be for the area. This would however, be completely destroyed if the development was approved. Cold Ash Parish Council felt that Lawrences Lane should be made a non-road area. This would suit the community; the 300 objectors and all the others who enjoyed the countryside.
- Mr Clark asked the Committee to imagine how the community must have felt when it was discovered that the development was taking place without permission or warning.
- Mr Clark concluded that Cold Ash strongly objected to the proposal. The Parish Council understood that the Gypsy and Traveller Community needed places to settle however, it was felt that WBC had satisfied this need.
- Mr Clark felt that it was an opportunity to propose that Lawrences Lane should become pedestrian use only for generations to come.

### **Members Questions to the Adjacent Parish Council:**

There were no questions raised by Members.

### **Ward Member Representation:**

Councillor Lee Dillon in addressing the Committee raised the following points:

- Councillor Dillon supported the overall recommendation from Officers that the application should be refused.
- Council Dillon stated that he wished to cover in more detail the principle of development and nature of the lane. He also wished to talk about community cohesion.

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- Councillor Dillon supported all of the concerns raised regarding drainage given the town's history of flooding.
- Regarding the principle of development and the nature of Lawrences Lane, the site itself was outside of the settlement boundary and sat on a quiet country lane.
- Lawrences Lane had recently been consulted on as a new Active Travel Route with one way access. This had been widely supported by the community and importantly predated the application and the development that had taken place on the bank holiday weekend.
- Any further development on Lawrences Lane would cause too much traffic to make the community supported scheme viable. It would result in the lane having to be opened back up for southern access to the application site, whereas the proposed Active Travel Scheme would close it up and make it one way.
- As voiced by Mr Pike, the proposal would prevent Lawrences Lane becoming a Rambler's paradise.
- Councillor Dillon stated that Members would have noted from the site visit that wet banks had needed to be climbed to move out of the way of vehicles using the lane. He asked the Committee to imagine how much work would be required to make the lane safe. This would change the nature of the lane and the weight of vehicles using the lane would cause further damage.
- Councillor Dillon stated that it was hoped that local views regarding the lane, prior to the current application, would be taken into account. If the development went ahead the community's wish would cease.
- Regarding community cohesion, Councillor Dillon stated that he had looked at the LGA's guide on building cohesive communities. It talked about the role of Councillors and stated that as leaders of local places they were in the best place to understand local areas, the local challenges and any specific cohesion issues and feed this into the vision for the area. Councillor Dillon stated that this was the role he was undertaking and he was advocating on behalf of his constituents.
- Since the issue of the application had arisen, Councillor Dillon had been heavily involved in supporting the community through the local Whatsapp group by responding to questions and concerns. In 17 years as a Councillor he had never felt such a large concern from residents over a single planning application.
- Councillor Dillon noted the number of objections and that no-one had wished to make a representation at the Committee. He queried if this was because there had not been an open and transparent approach when the application was first started.
- The action WBC had taken through the courts also stressed the concerns over further works and this was because a quiet rural lane was deliberately targeted over a bank holiday weekend to build the site. It was the view of many that this was done because agencies had less ability to respond over a bank holiday. Local residents had been confused, fearful and angry that a country lane had become gridlocked with heavy machinery with work being undertaken late into the night with no consideration given for local residents.
- Councillor Dillon stated that residents had also asked him to state that it was their belief that the site had not been in full occupation for any prolonged period of time and it was believed that it was being presented to the Council in this way to improve the chances of approval.

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- Councillor Dillon asked for it to be recorded in the minutes that the response to one resident at the site visit was 'we can park on his drive way instead'. This did nothing to help community cohesion.
- The previous actions on the site had left residents very concerned for ongoing community cohesion.
- In summary Councillor Dillon stated that the proposal was completely inappropriate for the size of the lane, being outside of the settlement boundary. Any highways work would change the lane's nature. The inaccurate plans and the approach taken by the landowners had resulted in negative community cohesion. He urged the Committee to reject the application.

### **Member Questions to the Ward Member:**

There were no questions raised by Members.

### **Member Questions to Officers**

Councillor Jeremy Cottam raised a number of points/questions for Officers including why did the Highways Authority feel Lawrences Lane was an unsafe access for pedestrians and vehicles; were there concerns about possible contaminants that might be in the materials of the site; would water 'run-off' from the site contribute to flooding in the local area including the lane and local neighbourhood; what sanitation was proposed for the site as he had not noted any details on this; the street scene was often considered in the first instance and he was concerned about the fortress style impact of the proposal on the countryside, which would involve fencing the whole way around and finally Councillor Cottam queried if Officers were aware if there was any passing places along Lawrences Lane.

The Chairman asked if Mr Dray could cover the drainage, sanitation and potential contamination issues raised by Councillor Cottam and Mr Gareth Dowding (Principal Engineer) to comment on the Highways issues. Mr Dray reported that in respect to contaminants there was no evidence of pre-existing contamination. Regarding whether contaminations had been found on the site since development had commenced, Officers did not have this information. He expected that this was something that could be covered under conditions if the Committee were minded to grant permission.

Regarding Councillor Cottam's question on surface water run-off, Mr Dray reported that there were no in principle objections in terms of flood risk. The site was in flood zone one and was not in a critical drainage area. Drainage engineers had suggested that any concerns could be dealt with using conditions. Officers were not comfortable recommending a condition at the current time based on the fact that the application was partly retrospective and it was unknown what changes would be required to the layout of the development. This had formed one of the reasons for refusal in the Officer's report.

Mr Dray referred to Councillor Cottam's question regarding services to the site and stated that the information that had been provided was set out on page 64 of the report and detailed that this would be in the form of septic tanks. There was no reason why this could not be achieved and it was an area that was normally dealt with using conditions.

Regarding Councillor Cottam's question regarding the street scene and the timber fencing, Mr Dray reported that the visual impact had been taken into account when forming the recommendation.

Mr Dowding provided a response to Councillor Cottam's question regarding why the Highway's department considered the highways element of the application to be unsafe. Mr Dowding reported that the lane was very narrow and did not facilitate two vehicles passing in opposite directions. To make the lane safe opportunities for vehicles to pass

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each other would be required. The lane was also unsafe for pedestrians as there was no secure pedestrian link. Currently pedestrians had to step on to the verge to allow vehicles to pass.

Regarding Councillor Cottam's question about passing places, Mr Dowding stated that the late information submitted did show a passing place and track plots. The information received had been reviewed and it was not considered to be up to the acceptable standard. Additional work would be required to provide acceptable passing places. It was confirmed that there were no existing passing places along Lawrences Lane.

Councillor Macro noted in the report that it was detailed that for the proposal to be considered acceptable at least one passing place would need to be provided that was 12m long. He queried if 12m would be long enough for a vehicle towing a large touring caravan. Mr Dowding confirmed that 12m was the minimum length for a passing place and it was highlighted in the report that 12m would be the minimum length required. It would need to be ensured that a vehicle towing could pass another vehicle towing in the opposite direction and therefore the passing place might need to be longer than 12m and provide tapers at each end.

Councillor Alan Law drew attention to paragraph 6.85 on page 56 of the report regarding intentional unauthorised development. It was clear from the conclusion that the development was an intentional unauthorised development and the policy was clear that this placed weight against granting planning permission. Councillor Law queried how much weight in the Officer's recommendation to refuse planning permission, had related to this point. Mr Dray confirmed that this would not be a determinative reason on its own; however he had listed four areas within the report where harm had already been caused relating to the policy referred to by Councillor Law. This included the impact on the trees; drainage issues experienced; the absence of an archaeological watching brief proposal and finally the development had undermined community cohesion. These areas had added significant weight in this instance.

Councillor Law raised a question regarding local need and supply. It was clear from the report that there was a five year land supply for pitches and therefore no further sites required in the short term. Councillor Law however, noted that there was a long term need up until 2038 and 12 further sites were required. He noted that paragraph 6.25 stated that this application would contribute positively to meeting the overall need. Councillor Law queried if Officers were confident that the long term shortfall of 12 sites would be addressed through the Local Plan. Bryan Lyttle reported that the Local Plan was based on an up to date Gypsy and Traveller needs assessment. The Local Plan Review Regulation 18 clearly stated what the Council's policy would be going forward. It was recognised that that there would be a shortfall towards the end of the period of the Local Plan and this would be addressed in future Local Plan updates.

### **Debate:**

Councillor Richard Somner stated that he would abstain from voting due to briefings within his portfolio connected to the others aspects. He would take part in the debate on the item but would not take part in the vote.

Councillor Cottam stated that he considered the application to be unsafe, not just for the local community but for those who would live on the site. It was not suitable for children to walk along the lane unaided and it was felt a pavement would be required if the proposal was approved. Towing vehicles would be using the lane and therefore a passing point was required and not just within the southerly section of the lane. Councillor Cottam stated that he avoided using the lane because it was dangerous and

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there was poor visibility. It had become a rat run for delivery vehicles. Councillor Cottam was concerned for the safety of the community and anyone else using the lane.

Councillor Cottam stated that he was also concerned regarding flooding on the site. He had witnessed the floods in Thatcham and the suffering this had caused. Mitigation and reservoirs had been put in place to prevent this happening again however, the proposal could cause a localised issue for the lane and surrounding properties.

Councillor Law referred to the site visit and felt that it had been interesting to see how rural the lane was. Councillor Law commented that the Officer's report was very comprehensive and all the points were covered including the positive and negative aspects of the proposal. Councillor Law queried what the reaction would be if the proposal was not for a Gypsy and Traveller site but rather a number of houses and he felt that a number of the reasons for refusal were also very valid in this context, particularly regarding highways and the setting. Councillor Law stated that he was leaning towards supporting the Officer's recommendation.

Councillor Macro commended the quality of the Officer's report. Councillor Macro agreed with the points raised by the Ward Member and Town and Parish Councils. Councillor Macro referred to the point raised by Councillor Law and stated that if that application had been for a normal caravan site, the comments from those objecting to the proposal would have been very similar. Councillor Macro felt that it was an unsuitable site for a caravan site and he was particularly concerned about the effect of caravan's being towed along a narrow lane with or without a passing place, on pedestrians and cyclists. Councillor Macro was minded to not support the application.

Councillor Cottam confirmed that he supported Councillor Law's comments. The development had been harmful to the site and this should be a material consideration because both the ecology and environment had been ignored.

Councillor Richard Somner echoed comments regarding the quality of the report and the concerns raised. He referred to a point raised by Councillor Law on within paragraph 6.15 on page 45 of the report, which detailed that the Planning Policy for Traveller Sites (PPTS) and stated that planning authorities should very strictly limit new traveller site development in open countryside that was away from existing settlements. Councillor Somner stated that proposals outside of the settlement boundary had historically been rejected by the Committee, including well designed applications. The current proposal was noted as 'outside but close to the settlement boundary' and in his view it needed to be in the open countryside. He acknowledged that each application should be considered on its own merits however, the current proposal was close to an existing settlement and was not in open countryside.

Councillor Cottam proposed that the recommendation by Officers to refuse planning permission be supported. This was seconded by Councillor Macro. The Chairman invited the Committee to vote on the proposal by Councillor Cottam, seconded by Councillor Macro and at the vote the motion was carried.

**RESOLVED** that the Service Director – Development & Regulation be authorised to refuse planning permission for the following reasons:

### **1. Inaccurate drawings**

The submitted drawings include the following inaccuracies:

- a) There are conflicting measurement annotations on drawing number 001 09/08/2021 Rev 1:1 (plans and elevations of day rooms): the title states 800m x 400m whereas the plan dimensions are 8000mm x 4000mm.
- b) The size and shape of plots 6 and 7 as built deviate from the proposed

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site plans, as the boundary location between the two is markedly different.

- c) The site plan does not show the two stable buildings that have been erected on plots 1 and 5, and no elevations or plans have been provided.

### **2. Principle of development (CS7)**

According to Policy ADPP1, the scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Policy CS7 (Gypsies, Travellers and Travelling Showpeople) is the principal development management policy for this proposed development. It states that to meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. For the purpose of considering planning applications relating to sites not identified in the relevant DPD, Policy CS7 gives nine criteria which must be satisfied for sites outside settlement boundaries.

The provision of additional pitches at the application site would contribute positively to meeting the overall need in West Berkshire. However, for the reasons elaborated below, the proposed development fails to comply with Policy CS7 because it does not comply with the following criteria:

- a) Safe and easy access to major roads and public transport services;
- b) The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;
- c) The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements...;
- d) Will not materially harm the physical and visual character of the area;
- e) Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.

The proposed development also fails to comply with the following criteria of Policy TS3 (Detailed Planning Considerations for Travellers Sites):

- a) Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).
- b) Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.
- c) Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods



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(SuDS).

- d) Identify measures to be provided to mitigate the impact of development on the local road network....
- e) Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.
- f) Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.

Consequently, the application conflicts with Policies ADPP1 and CS7 of the West Berkshire Core Strategy 2006-2026, Policy TS3 of the Housing Site Allocations DPD 2006-2026, the National Planning Policy Framework, and the Planning Policy for Travellers Sites. The intentional unauthorised development undertaken is also contrary to national policy set out in the DCLG Chief Planning Officer letter dated 31st August 2015, and the associated Ministerial Statement to Parliament on 17th December 2015.

### **3. Substandard road**

The proposal would generate additional traffic on Lawrences Lane, which is sub-standard in respect of road width and would result in the increased risk of accidents to road users. This would be contrary to the National Planning Policy Framework, and Policies CS7, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **4. Substandard pedestrian access**

The proposal would generate additional pedestrian traffic on Lawrences Lane which is sub-standard in respect of road width, lighting and security and would result in the increased risk of accidents to road users. This would be contrary to the National Planning Policy Framework, Policies CS7, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy LTP3 of the Local Transport Plan for West Berkshire 2011-2026, and the Council's declared Climate Change Emergency.

### **5. Landscape and visual amenity**

The application site is located in a sensitive rural location within open countryside to the north of Thatcham that forms part of the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Lawrences Lane is an unclassified, narrow and winding, rural road that connects Thatcham and Cold Ash. It is locally valued as a recreational route for pedestrians and cyclists, as demonstrated by recent proposals to restrict motor vehicle traffic and create a quiet route for recreational access to the countryside.

The West Berkshire Landscape Character Assessment (2019) includes the land within the Cold Ash Woodland and Heathland Mosaic (WH4) character area. The area is dominated by an east-west orientated, heathland ridge and characterised by varied topography, from flat plateau area to steeply

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undulating slopes. It provides a rural setting to the adjacent towns of Thatcham and Newbury and also in containing settlement within the area and contributing to the rural character. Open farmland on lower slopes contributes to a sense of separation between the elevated character area and the towns of Thatcham and Newbury in the valley below. The strong network of public rights of way, the extensive areas of open access land, and the proximity of these to the settlements of Newbury and Thatcham give the character area a high recreational value.

The proposed development would detract from the landscape character of the area as the characteristics of the development are consistent with identified detractors in the LCA. Firstly, the development would extend development further up Lawrences Lane, thereby decreasing the separation between settlements and eroding the transition between settlement and countryside. This is contrary to the area's landscape strategy which seeks to avoid extended linear development along roads, which creates a more developed character.

The proposed development also has an adverse visual impact through the introduction of fencing and the siting of caravans on the land. Whilst the visual impact is localised to the stretch of Lawrences Lane outside the application site, and some distance glimpsed views further up Lawrences Lane and from the public footpath to the east, the visible development is nevertheless a detracting feature in the landscape.

The propensity of the development to introduce additional traffic, including occasional larger vehicles, would further detract from the landscape character of the area. Heavy traffic on narrow rural lanes is another recognised detractor within this landscape character area. The Council's draft proposals to restrict access for vehicles to create quiet routes for access to the countryside demonstrates that this is a key issue along Lawrences Lane, and increases the weight that should be given to this consideration. The increased traffic generated by the development would be inconsistent with these draft proposals, which are another element of the landscape strategy for the area.

The application is therefore contrary to the National Planning Policy Framework, Policies CS14 and CS19, the West Berkshire Landscape Character Assessment (2019), and the North Wessex Downs AONB Management Plan and Position Statement on Setting.

### **6. Amenity**

According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Specific to traveller sites, Policy CS7 also seeks to consider the compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements.

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Concerns have been raised regarding the vehicle movements associated with the unauthorised development that has taken place to date. Whilst the frequency of vehicle movements after construction is likely to be less, the nature of a caravan is that it is mobile and capable of being moved. It is considered that any movements of caravans (either towed or carried) along Lawrences Lane is likely to have a noticeable impact on neighbouring amenity, particularly in place where it is necessary to navigate the more narrow and winding sections of the road. From a perspective of safeguarding neighbouring residential amenity, there is considered to be an adverse effect on neighbouring amenity in this respect. This application is therefore contrary to the National Planning Policy Framework, and Policies CS7 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **7. Drainage**

The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As minor development, a Flood Risk Assessment (FRA) is not required by Policy CS16, and there are no fundamental policy objections to the development on grounds of flood risk. However, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The application is not accompanied by any drainage strategy to indicate how the development could comply with Policy CS16. Whilst detailed specifications may be reserved for consideration by condition, the key principles of a drainage strategy are required before any planning permission can be granted. The application is contrary to Policy CS16, the Council's adopted Sustainable Drainage SPD, and the National Planning Policy Framework.

### **8. Green infrastructure**

Green infrastructure (GI) is the network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes, and is integral to the health and quality of life of sustainable communities. For the purposes of the Core Strategy, green infrastructure is defined as including (amongst others): natural and semi-natural green spaces (including woodlands, urban forestry, scrub, grassland; and green corridors (including rights of way). According to Policy CS18, the district's green infrastructure will be protected and enhanced. Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

As open grassland (before the development commenced), the application site comprised green infrastructure. This GI has been lost without replacement, contrary to Policy CS18. There has also been tree loss associated with the development, as elaborated below. Overall, there is a net loss of green infrastructure as a result of the proposed development, contrary to Policy

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CS18.

**9. Trees**

Whilst the application site does not contain any tree preservation orders (TPOs) and is not within a conservation area, there are many trees around the perimeter of the site that collectively make a positive contribution to the street scene and character of the area. The site is bounded to the north and west by old hedge on a bank, parts of which seem to have been removed to facilitate the erection of fencing. Other direct impacts that have been noted include at least one HGV was parked very close to a Hazel stool, and excavations have been made around individual trees on the site to facilitate the localised levelling and surfacing of land.

The parking of vehicles, laying of aggregate and compaction of the soil close to the boundary hedge will negatively impact the root protection area of the trees within it. There are other trees on the eastern side which will also be affected by increased vehicle movements into and out of the site. These factors have caused and will lead to further loss of trees, thereby negatively impacting on local amenity, and no mitigation measures are proposed. In the absence of an acceptable Arboricultural Method Statement and remediation, and a proposed site layout that responds accordingly, the proposal will result in an unacceptable threat to the sustainability of trees that contribute to the landscape character of the area, and damage that would lead to decline is unacceptable because tree loss would impact on local amenity. The application is therefore contrary to Policies CS14, CS17, CS18 and CS19, and the National Planning Policy Framework.

*(The meeting commenced at 6.30 pm and closed at 7.46 pm)*

**CHAIRMAN** .....

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

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	18/00964/FULEXT Thatcham	21 <sup>st</sup> September 2018	The erection of 91 residential dwellings together with associated infrastructure and landscaping.  Land South of Lower Way, Thatcham  Persimmon Homes

<sup>1</sup> Extension of time agreed with applicant until 29<sup>th</sup> April 2022

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00964/FULEXT>

<b>Recommendation Summary:</b>	Delegate to the Service Director of Development and Regulation to grant planning permission subject to conditions and the completion of a legal agreement.
<b>Ward Members:</b>	Councillor Jeff Brooks Councillor Keith Woodhams
<b>Reason for Committee Determination:</b>	The Council has received in excess of 10 objections to the application.
<b>Committee Site Visit:</b>	19 <sup>th</sup> January 2022

## Contact Officer Details

<b>Name:</b>	Emma Nutchey
<b>Job Title:</b>	Principal Planning Officer
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<b>Email:</b>	emma.nutchey@westberks.gov.uk

## 1. Introduction

- 1.1 The proposal seeks full planning permission for the construction of 91 dwellings on land to the south of Lower Way. The site comprises a broadly triangular parcel of land of approximately 4.2ha. The site slopes gently from the north east to the south west and is defined along the north, eastern and western boundaries by mature hedgerows and to the south by a line of mature trees. Lower Way runs parallel to the northern site boundary beyond which lies an established residential area, with detached and semi-detached pre-war properties fronting the site in a linear arrangement. Further north and to the east of the site the residential development is defined by 1980s detached and semi detached properties arranged in cul de sacs.
- 1.2 To the south lies the Thatcham Discovery Centre and the Thatcham Reed Beds Site of Special Scientific Interest (SSSI). Footpath THAT/17/1 runs alongside the eastern site boundary and continues south to provide part of a circular walk around the lakes and linking into the wider network of paths which extend south of Thatcham. An existing public right of way, THAT/34/1 runs through the application site. Access to the footpath is achieved opposite Paynesdown Way and is accommodated within the layout of the development. This links into footpath THAT/17/1 that runs parallel to the eastern site boundary.
- 1.3 The site is to be accessed via a single vehicular entrance off Lower Way. The proposed residential development will extend across approximately two thirds of the site with 1.54ha retained as public open space and an open space corridor/buffer of approximately 13m deep along the southern boundary. The boundary here will be enhanced by further native shrub planting supporting the existing mature trees along this boundary. An attenuation basin is proposed within the area of open space.
- 1.4 The proposed development of 91 homes comprises a mix of 15 x 2 bed houses, 40 x 3 bed houses and 16 x 4 bed houses alongside 14 x 1 bed flats and 6 x 2 bed flats. It is noted that all of the flats are affordable units alongside a mix of 2, 3 and 4 bed houses. The proposal makes provision for 40% affordable housing in accordance with Policy CS6.

## 2. Planning History

- 2.1 The application site was allocated for housing as part of the Housing and Site Allocations Development Plan Document (HSA DPD). Policy HSA5 of the HSA DPD sets out a series of parameters to guide the development of this site to provide for approximately 85 dwellings.
- 2.2 There is no other relevant planning history for this site.

## 3. Procedural Matters

- 3.1 **Environmental Impact Assessment (EIA):** The development falls within the description of development in column 1 of Schedule 2 (10a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development is not located within an environmentally sensitive area and is below the given thresholds as defined by the Regulations. A screening opinion was carried out under application 15/01906/SCREEN for 100 dwellings (a larger development than now proposed). This confirmed that the proposal is not considered to be EIA development.
- 3.2 **Publicity:** The application was originally advertised by way of a site notice which expired on the 18<sup>th</sup> July 2018. Following the receipt of amended plans further notices were

displayed at the site which expired on the 25<sup>th</sup> June 2019. Since this time amendments have been made to the drainage strategy and discussions have taken place with regards to ecological issues. All new information has been subject to the necessary consultations.

- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the development. All new dwellings are CIL liable and as such CIL will be charged on this scheme. The relevant forms have been completed by the applicant and 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](http://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.

<b>Thatcham Town Council:</b>	<p>Objection raised for the following reasons:</p> <ul style="list-style-type: none"> <li>- Under the Local Plan Thatcham has already met its housing allocation.</li> <li>- Concern about further strain on existing facilities and infrastructure.</li> <li>- Concerns about potential flood risk of the site.</li> </ul> <p>Comments made in respect of amended plans 17.06.2019:</p> <ul style="list-style-type: none"> <li>- Express concerns for the risk of flooding and concerns Flood Risk Assessment is incomplete.</li> <li>- Impact on Lower Way/A4 junction and safety requires further assessment.</li> <li>- Visually intrusive view from Paynesdown Road looking onto flats.</li> <li>- Condition required to protect the hedgerow along the northern boundary and seek assurance hedgerows will not be netted.</li> <li>- Permanent access should be secured to the open space and footpaths and their maintenance.</li> <li>- Double yellow lines should be considered on Lower Way.</li> <li>- Plot 28 looks directly into number 16 Lower Way.</li> <li>- Landscape masterplan insufficient due to absence of planting along the eastern boundary.</li> <li>- Concerns over ecological impacts.</li> </ul> <p>Comments made in respect of amended plans 04.09.2019</p> <ul style="list-style-type: none"> <li>- Green transport with easy cyclist and pedestrian access should be promoted.</li> <li>- Request pedestrian crossing reinstated</li> <li>- Planting along the eastern boundary should be retained or new trees planted.</li> </ul> <p>Comments made in respect of amended plans 22.10.2020</p> <ul style="list-style-type: none"> <li>- Removal of a crossing on Lower Way is disappointing.</li> </ul>
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	<ul style="list-style-type: none"> <li>- Welcome additional provision for bat/bird boxes, log piles</li> <li>- Request public footpath on southern edge of Lower Way upgraded to a cycle and pedestrian path.</li> </ul> <p>Comments made in respect of amended plans 19.08.2021</p> <ul style="list-style-type: none"> <li>- Seek clarification on who will adopt the footpath running through the site.</li> </ul>
<b>Highway Authority (WBC):</b>	Amended plans have been received during the course of the application alongside a Transport Assessment by Milestone Transport Planning. Following amendments to the scheme no objections are raised subject to conditions.
<b>Waste Management (WBC):</b>	Amended plans have been received during the course of the application. No objection raised subject to a condition seeking details of refuse storage.
<b>Environment Agency:</b>	No objection raised subject to conditions relating to contaminated land.
<b>Trees (WBC):</b>	No objections raised subject to conditions.
<b>Thames Water:</b>	No objection raised with regards to the disposal of waste water. Investigations have however identified an inability of the existing water network infrastructure to accommodate the needs of the proposal. A condition is required for an infrastructure phasing plan. A further condition is required to ensure no development takes place within 5m of the water main.
<b>Berks, Bucks and Oxon Wildlife Trust:</b>	BBOWT defer to the expert opinion of Natural England.  BBOWT have agreed a series of off-site mitigation measures with the applicant by way of a financial contribution to address any impact of the development on the nature reserve to the south of the application site.
<b>Natural England:</b>	Following the receipt of amended plans it is considered the development will not have significant adverse impacts on designated sites and no objections are raised.
<b>Ecology (WBC):</b>	Following a series of amendments no objections are raised subject to conditions.
<b>Archaeology (WBC):</b>	An archaeological desk based assessment accompanies the scheme. It was requested that further work be undertaken however following discussions a condition securing the implementation of a programme of archaeological works before development commences has been agreed.
<b>Housing (WBC):</b>	There is a slight shortfall in the provision of 1 bedroom units and in turn in other units. Given the location on the edge of town and the need for more family accommodation in Thatcham no objections are raised.



<b>Lead Local Flood Authority (WBC):</b>	On-going discussions are being held with the applicant with regards to the final drainage strategy. The applicant has suggested a condition and demonstrated a commitment to work to resolve the latest points raised by the drainage engineers. Drainage officers would like to see the final strategy approved prior to planning consent being granted.
<b>Education Authority (WBC):</b>	Primary schools have sufficient capacity and the impact on secondary schools is very small. The impact can be mitigated by CIL.
<b>Countryside (WBC):</b>	The scheme delivers sufficient open space however concern is held for the potential for antisocial behaviour should the site boundaries not be adequately overlooked. Amended plans have been received to increase overlooking however no further comments have been received from the open space team.
<b>Environmental Health (WBC):</b>	No objection raised subject to hours of work, dust and contamination conditions.
<b>Berkshire Fire &amp; Rescue Service:</b>	There is a requirement for fire hydrant provision on the site. This should be secured by condition.
<b>Public Rights of Way (WBC):</b>	Should the proposed right of way not be secured as part of the application a separate agreement will be completed outside the planning process as claims have been made about historic rights of access.
<b>Mid and West Berkshire Local Access Forum</b>	The forum notes that a new public footpath runs along the southern boundary of the site and then crosses the site to join Lower Way close to its junction to Paynesdown Road. It is suggested this route could be enhanced and extended as a traffic free cycle route along the southern boundary to the entrance of the Discovery Centre and extended eastwards towards The Moors.
<b>West Berkshire Ramblers Association:</b>	Welcome the creation of the new formalised path which traverses the boundary of the development from Lower Way on the West and joins up with Bridleway THAT/17/1 and /17/2 on the east. Wish for consideration to be given as to whether there is the opportunity to create an additional footpath linking up with the Nature Discovery Centre.

### ***Public representations***

4.2 Representations have been received from 24 contributors, 0 of which support, and 24 of which object to the proposal. 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:

- Loss of wildlife – impact on bats
- Increase in traffic particularly at peak times. The junction at Lower Way and the A4 is at or over capacity. There are congestion hotspots and safety problems along Lower Way. Traffic issues will deter shoppers/businesses from Thatcham. Zebra crossing in the development.

- Local infrastructure insufficient to accommodate additional pressure of more residents for example with respect to doctors, West Berkshire Community Hospital, schools, libraries,
- Impact of loss of open space on resident's health, loss of footpaths.
- Proximity of new houses to the hedge and absence of a 12m buffer.
- Absence of details regarding the run-off of surface water and how contaminated water or pollutants created during the construction phases will be disposed of.
- Visual impact on the landscape. Concerns regarding the appearance of the buildings, ridge heights, materials, over development of the site. Plots 77-84
- Additional noise and pollution will impact on the living environment.
- Impact of street lighting.
- Thatcham does not need additional housing.
- Negative impact on wildlife at the Nature Reserve
- Insufficient parking on site
- Increase in crime
- Loss of greenfield land
- Flooding along Lower Way exacerbated by run off from the site.
- Field has been used for recreational purposes
- Concerns about sewer at capacity
- Provision for charging of electric cars
- Environmental Impact Survey required
- Plan inaccuracies: landscaping plan does not match site plan
- Number of dwellings greater than Policy specifies. Provision made for 85 dwellings proposal is greater than this.
- Impact of plot 28 due to east facing outlook and overbearing nature on properties along Lower Way.
- Other properties along the eastern boundary have an overbearing impact on number 14 Lower Way dwellings. Absence of a street scene for the eastern elevation.
- Future potential overdevelopment of the site.
- Reduction in numbers to 91 does not address concerns.
- Flooding
- Loss of open space
- Concern for appearance of the buildings and their height. Density too high.

## 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, ADPP3, CS1, CS4, CS6, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA5 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS1, RL1, RL2, RL3, OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- Manual for Streets
- Conservation of Habitats and Species Regulations 2017
- Supplementary Planning Guidance: Quality Design SPD (2006)
- Supplementary Planning Document: Sustainable Drainage 2017
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- West Berkshire Planning Obligations Supplementary Planning Document (2015)
- West Berkshire CIL Charging Schedule

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Impact on neighbour amenity and the amenity of future residents
- Highways
- Ecology / Natural England/ BBOWT
- Waste management
- Trees
- Archaeology
- Flood Risk & Drainage
- Housing
- Public Rights of Way
- Sustainable Construction & Energy Efficiency

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

- 6.2 The application site is located within the settlement boundary of Thatcham. Policy ADPP1 of the Core Strategy seeks to locate new development within the settlements identified within the hierarchy. Thatcham is classified as an urban area which is identified as having a wide range of services and is the focus for the majority of development. Policy ADPP3 states that Thatcham will accommodate approximately 900 homes over the plan period with some of this delivered through the Site Allocations and delivery DPD.
- 6.3 According to Policy CS1, new homes will be located in accordance with the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily located on suitable land within settlement boundaries, and other land allocated for development within the Local Plan. In this context, Policy C1 of the HSA DPD gives a presumption in favour of development and redevelopment within the settlement boundary of Thatcham. It qualifies that planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.
- 6.4 The application site is allocated for residential development in accordance with Policy HSA.5 of the Housing Site Allocations DPD. As part of a review of the settlement boundaries the settlement boundary for Thatcham has been amended to now include this site which was previously within the countryside. The policy allows for the provision of approximately 85 dwellings with a mix of house types and sizes. The proposed scheme seeks permission for 91 dwellings. Whilst this exceeds the approximate figure set out within the policy it is considered that a scheme of this scale can be accommodated without significant adverse harm as demonstrated by the technical

considerations below. Furthermore this makes efficient use of the site, which is encouraged by national and local policies. The proposal provides a mix of dwelling sizes which is reflective of the area and meets local demand with an emphasis on family housing. As such the proposal is considered to meet with the first criterion of Policy HSA5 and with the aims of policy CS4 of the Core Strategy.

- 6.5 In conclusion the principle of development is considered to be acceptable. The scheme is assessed in detail below in accordance with the Development Plan and other material planning considerations.

### ***Character and appearance***

- 6.6 The scheme has been informed and supported by a Landscape and Visual Impact Assessment as required by criterion 3 of Policy HSA5. Policy CS19 of the Core Strategy seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Consideration must be given to the sensitivity of the area to change and ensuring that the development is appropriate in terms of its scale and design. At a local level, the change from enclosed field to a developed site would represent a noticeable change to the local landscape character. However, there would remain a distinct separation between the residential/developed edge of Thatcham and the sensitive valley floor landscape to the south which incorporates a matrix of lakes and waterways with associated vegetation. The provision of a landscape/open buffer of approximately 13m deep along the southern boundary further allows for a transition between the built up settlement and the lakes and open land to the south. The proposal seeks to retain the existing established boundary treatments and supplement them along the southern and eastern boundaries with further planting which will soften the impact and frame the development.
- 6.7 The scheme has also been designed such that the taller, two and a half storey buildings are located towards the middle of the site. Furthermore the scheme provides for an open buffer adjacent to the eastern and southern boundaries thus creating a softer edge to the development. Policy HSA5 seeks to ensure the built form is set back from the existing public rights of way and this requirement is adhered to. The layout also provides for greater separation distances between properties on the southern edge of the site thus allowing for views through the site and breaking up the built form to help avoid creating a hard edge.
- 6.8 The proposal is highly visible from the existing properties on Lower Way which front the site and to pedestrians and other road users. The proposed properties adjacent to Lower Way are set back to allow for the existing mature hedge to be retained and face towards the road to create a frontage of development, reflecting the linear arrangement of properties to the north. This arrangement of dwellings reflects the requirements of Policy HSA5 and ensures the retention of the hedge adjacent to Lower Way as sought by Thatcham Town Council.
- 6.9 Short and longer views can also be obtained from the network of footpaths which neighbour the site. Along the eastern and southern boundaries the buildings are arranged so that there are larger separation distances between properties thus avoiding hard edges and allowing views through the site. Amendments have been received during the course of the application to ensure these dwellings overlook the open spaces around the site boundaries to provide some natural surveillance and to deter anti-social behaviour.
- 6.10 The proposed layout ensures that the dwellings are served by gardens which meet with the private amenity standards as set out in Supplementary Planning Guidance Quality Design. Provision has also been made for the opportunity for landscaping within the site with areas of green space wrapping around the buildings and trees adjacent to the

highway. Paragraph 131 of the NPPF recognises that trees make an important contribution to the character and quality of the built environment and seeks to encourage the creation of tree lined streets.

- 6.11 In conclusion, the change bought about by the proposal would have very local effects upon the landscape which is already in parts strongly influenced by existing residential development and infrastructure. The proposed buildings are of an architectural form and scale which is appropriate to the character of the existing development along Lower Way and is respectful to the open countryside to the south and longer views from the lakes. A development of this scale which retains a large area of open space at the western end of the site and is viewed against the existing residential backdrop is not considered to have a significant negative impact on the character of the area or on views from within the wider landscape.
- 6.12 For the reasons set out above the proposal is considered to accord with the landscape and visual impact criteria as set out in policy HSA5 of the HSA DPD and Policies CS14 and CS19 of the Core Strategy. The proposal is also considered to meet with the guidance within the NPPF with respect to good design and the need to ensure new development is sympathetic to the landscape setting of the site and conserves the natural environment.

### ***Impact on neighbour amenity and the amenity of future residents***

- 6.13 The existing properties fronting Lower Way are in excess of 30m from the nearest proposed dwellings. This is sufficient to mitigate any adverse overlooking impacts. Concern has been raised by some residents for the loss of the view however this is not a material planning consideration and cannot be afforded any weight in the decision making process.
- 6.14 There is a distance of approximately 6.5m between the edge of number 16 Lower Way (an existing property on the south of Lower Way) and the application site and 19m between this neighbour and the nearest new dwelling (plot 27). No windows are proposed in the side elevation of plot 27. These distances and the design of the proposed dwelling are considered to mitigate any un-neighbourly impacts.
- 6.15 During the course of the application amended plans have been received to remove the proposed first floor windows in the front elevation of plot number 28 which is orientated such that it faces towards the garden of number 16 Lower Way. The removal of any first floor windows eliminates officers' concerns for potential overlooking as raised by the occupiers of number 16 Lower Way. The presence of a 10m buffer along the eastern site boundary and the retention of the 3m high hedge also allows for some mitigation. Permitted development rights have also been removed for new openings above ground floor level in the east facing elevation of this plot and number 72.
- 6.16 The layout of the scheme allows for adequate separation distances between the proposed dwellings with back to back distances of 21m in accordance with the design guidance within SPD Quality Design. The properties are also served by the amenity space standards set out within the guidance. The on site public open space provides for 1.54ha of green open space which is also accessible to existing Thatcham residents.
- 6.17 The proposal is not considered to have an adverse impact on the amenity of neighbouring residents in respect of overlooking, overbearing or loss of light and provides for a quality living environment for future occupiers. As such the proposal complies with Policy CS14 of the Core Strategy and the guidance within the NPPF with regards to protecting neighbouring land uses.

## **Highways**

- 6.18 Paragraph 110 of the National Planning Policy Framework states that “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.19 Paragraph 109 states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

### Traffic Impact

- 6.20 A Manual Classified Turning Count (MCTC) was undertaken on September 28<sup>th</sup> 2016 at the Lower Way / The Moors Roundabout. An Automatic Traffic Counter (ATC) was also conducted near the site along Lower Way from September 28<sup>th</sup> to October 4<sup>th</sup> 2016.
- 6.21 Lower Way has a 30mph speed limit enforced by a nearby speed camera. The ATC also collected 85<sup>th</sup> percentile speed data of 34.9 mph eastbound and 33.9 mph westbound. In accordance with *Manual for Streets*, such speeds require visibility splays at the access of 2.4m x 51m and 2.4m x 49m. These required splays are shown on Drawing No. 16141/003 Rev D.
- 6.22 To model the impact on nearby junctions, Junction 9 Software that incorporates PICADY software for T junctions and ARCADY software for roundabouts has been used. The Lower Way / Sites access and the Lower Way / The Moors Roundabout has been modelled. For the AM and PM peaks the following scenarios have been modelled:
- a) 2016 base
  - b) 2027 base with traffic growth without development
  - c) 2027 as above with development
- 6.23 To account for future traffic growth, the traffic survey results have been factored up to 2027 using the data from the governments TEMPRO growth database. The distribution of development traffic has been based on turning count data and from the ATC surveys considering the proportional flows east and west on Lower Way. The distribution used by Milestone is circa half and half in each direction between east and west. Highways Officers suggest that the distribution is more 2:1 towards the west however this should not be an issue as the higher distribution towards the east is helpful in modelling the Lower Way / The Moors Roundabout. From the results on pages 35 and 36 of the Transport Assessment, it is considered that the proposed Lower Way / Site access junction is well within capacity along with the Lower Way / The Moors roundabout.
- 6.24 With funding from the Newbury Racecourse housing development, the A4 / Hambridge Road / Lower Way traffic signal junctions were improved for capacity reasons during 2020.
- 6.25 Personal Injury Accident (PIA) data for a six year period ending in October 2017 was obtained from WBC and Thames Valley Police. The area covered near the site includes the A4, Green Lane and Lower Way. Within this area there were a total of 10 PIAs, of

which 7 were classified as '*slight*' (minor) and 3 as '*serious*'. Most are in a cluster around the A4 / Green Lane junction. However considering the volume of traffic that uses the A4, while any PIA is regrettable, it is not considered that the number of PIA's is unusually high. Data for the A4 / Hambridge Road / Lower Way has also been reviewed. Again there is cluster of PIA's. However considering the volume of traffic that uses the A4, while any PIA is regrettable, the number of PIA's is not considered unusual. Officers therefore concur with the Transport Assessment on pages 19 and 20 that there is no significant pattern or trend or no issues attributable to deficiencies on the highway network.

### Sustainable Travel

- 6.26 The Chartered Institution of Highways and Transportation's (CIHT's) publication 'Providing for Journeys on Foot' (2000) states that the average length of a walk journey is 1 kilometre with a maximum walking distance of 2 kilometres for commuting / school journeys. Highways Officers concur with the Transport Assessment on page 11 that there are many local amenities within those distances.
- 6.27 The site's sustainability is enhanced by the provision of National Cycle Network Route 4 along the frontage of the site that connects the site to Newbury to the west and towards Reading to the east.
- 6.28 A number of concerns have been raised by residents and the Town Council to the removal of a zebra crossing on Lower Way. Such a crossing was not justified or required as the level of pedestrian's to vehicles does not meet the thresholds set by the Department of Transport Guidance. Notwithstanding the removal of the crossing the scheme seeks to upgrade the existing uncontrolled crossing situated adjacent to the site's north-east corner by providing dropped kerbs and tactile paving at this crossing point. Details of these works are secured by condition.
- 6.29 The application is also supported by a Travel Plan (TP), the implementation, monitoring and updating of which is secured by condition.

### Access and Site Layout

The site will be accessed from Lower Way. The new access will be 5.5 metres wide and is shown on Drawing No. 16141/001 Rev G. The design is supported by an independent Stage 1 Road Safety Audit (RSA), undertaken by Gateway TSP on 4th July 2017. All access roads serving more than five houses are designed and built to adoptable standard.

- 6.30 Policy P1 of the Housing Site Allocations DPD was adopted in May 2017. This sets out the parking standards for new development across the district. The site is within parking zone 2. Following the receipt of a series of amended plans the parking levels across the site meet with the policy requirements, this is provided both within curtilage and on street. Concern has been raised by objectors for the possibility of overspill parking from the development on existing residential roads due to insufficient on site parking provision. The scheme however meets the parking requirements set out in policy and therefore there are no grounds to object in relation to parking provision.
- 6.31 In conclusion, the Highways Officer has advised that a robust Transport Assessment has been submitted to accompany the application which demonstrates that alongside the recent improvement scheme to the A4/Hambridge Road and Lower Way traffic signals the proposal will not have an unacceptable impact on the highways network. Furthermore the proposed access arrangements and site layout are deemed to be acceptable. The access roads are to be built to adoptable standards and the layout meets with the Councils standards with respect to car parking. As such the proposals,

alongside the recommended conditions, are considered to meet with the requirements of criterion a) to c) of paragraph 110 of the NPPF and Policy CS13 of the Core Strategy, Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (saved policies 2007) and Policy P1 of the Housing Site Allocations Plan Development Plan Document.

### ***Ecology/ Natural England/ BBOWT***

- 6.32 The site is located on the western side of Thatcham with significant housing to the north and east of the site. To the south of the site is an extensive area of lakes and woodlands, which extend into designated sites including Thatcham Reed Beds. The site is approximately 1.6km east of the River Lambourn Special Area of Conservation (SAC). Further south are the Bowdown, Chamberhouse Woods Site of Special Scientific Interest (SSSI) and River Lambourn SSSI, River Kennet SSSI, and Woolhampton Reedbed SSSI. These areas are protected by the Habitats Directive (EC Directive 92/43/EEC on the Conservation of Natural and Semi-Natural Habitats and of Wild Fauna and Flora) and the Habitats Regulations (The Conservation (Natural Habitats &c.) Regulations 1994).
- 6.33 The site was originally surveyed in 2014 by Keystone Environmental. The site comprised a ploughed arable field. Improved grassland was located on the edges of the site, with some scrub, a thick tree line and species poor hedgerow. Subsequent surveys conducted by The Ecology Partnership included a hedgerow assessment, reptile, GCN, bat, bird and invertebrate surveys. The site's habitats had not materially changed during the course of the survey period during 2015 and 2017, with an update walkover undertaken in 2020 and 2021.
- 6.34 The site lies approximately 460m north of the Kennet and Lambourn Floodplain SAC which is designated under The Conservation of Habitats and Species Regulations 2017 as being of international importance because of its population of Desmoulin's Whorl Snail (a very rare snail that is only found in a few locations in Europe). This species lives in permanently wet conditions such as marshes lakes and ponds. Natural England and the Consultant Ecologist appointed by the Council conclude that there is no likely significant effect on the Kennet & Lambourn Floodplain SAC and as such an appropriate assessment under the Habitats Regulations is not required.
- 6.35 The Nature Discovery Centre lies directly to the south of the application site, adjoining its boundary. Within the reserve is the Thatcham Reed Beds Site of Special Scientific Interest (SSSI) which overlaps the SAC. The SSSI is designated because of its extensive reed bed, species rich alder woodland and fen habitats and the species that it supports. The reed beds are owned by West Berkshire Council and managed by the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT). This is a flagship site for BBOWT.
- 6.36 The proposals will result in an increased recreational pressure on the Nature Discovery Centre and the Thatcham Reedbeds. Policy CS18 of the Core Strategy seeks to protect and enhance areas of green infrastructure. This policy recognises the Thatcham Nature and Discovery Centre and Reedbeds as an important natural space (para 5.126). In accordance with the three tests set out in paragraph 57 of the NPPF a financial contribution of £79,065 has been agreed between the applicant and BBOWT to secure mitigation works through the maintenance and upgrade of paths around the main lake and to prevent bank erosion by dogs alongside other mitigation measures.
- 6.37 Policy HSA5 requires the development of the site to 'support and make a positive contribution to the West Berkshire Living Landscape.' The West Berkshire Living Landscape is a partnership between BBOWT and West Berkshire Council. Its objective is to restore, reconnect and enhance biodiversity. In accordance with Policy HSA5 and paragraph 57 of the NPPF a contribution of £68,250 has been secured to deliver



appropriate on site landscape and biodiversity enhancements and new home owner packs.

- 6.38 The application is supported by a series of ecological reports and demonstrate that the proposals are unlikely to affect bats, badgers reptiles or great crested newts and will not result in the direct loss of any 'priority habitats' as defined in the NPPF except small sections of native hedgerow.
- 6.39 The application is supported by a Net Gain Biodiversity Calculator. Policy CS17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. It further states that habitats designed or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species will be protected and enhanced. Changes to the Environment Act 2021 received royal assent on the 9<sup>th</sup> November 2021 which means that the Bill is now law. In due course it will be a statutory requirement for new development to deliver a 10% net gain in biodiversity across the site. The site delivers a net gain of 11.94% in habitat units and 83.58% hedgerow units. The site therefore delivers the required net gain.
- 6.40 The scheme will deliver these ecological benefits through enhanced landscaping and the large area of public open space to the west of the site. The design of the attenuation basin however does not have any real ecological value other than for water storage. This is a missed opportunity however given the net gain demonstrated through hedgerow enhancements, scrub and woodland management, no balance no objections are raised to this.
- 6.41 The application is supported by full landscape proposals and a Landscape and Ecological Management Plan which has been approved by the Council's Tree Officer. Amended plans have been submitted showing gaps within the fences for hedgehogs. Conditions have been requested relating to the request for full details of the bat and bird box locations. Plans show which trees/buildings they are to be positioned on but not the height or elevations on which they are to be placed. Other conditions are ones of compliance to secure works and ensure reports are updated if necessary.
- 6.42 In conclusion the information submitted demonstrates that the proposals will not have a likely significant effect on the Kennet & Lambourn Floodplain SAC with the impact of the development on the Desmoulin's Whorl Snail being of particular importance. The proposals will further not impact on the other nearby Special Areas of Conservation or Sites of Special Scientific Interest. The proposals are unlikely to materially affect bats, badgers reptiles or great crested newts and will not result in the direct loss of any 'priority habitats' as defined in the NPPF except small sections of native hedgerow. No objections have been raised to the scheme by Natural England, BBOWT or the Council's consultant Ecologist. As such it is considered that the proposals comply with Policies CS17 and CS18 of the Core Strategy, Policy HSA5 of the HSA DPD and the guidance within the NPPF with regards to protecting and enhancing biodiversity and with regards to securing off site financial contributions.

### ***Waste management***

- 6.43 Policy CS14 of the Core Strategy seeks to promote high quality and sustainable design. Good design relates not only to the appearance of a development but the way it functions. A part of providing for safe and attractive environments is to ensure that refuse and recycling collection facilities can be adequately provided. The internal road layout is to be designed to adoptable standards and the site layout plan is supported by drawing No. 16141/TK01 Rev F which shows a swept-path analyses of a large refuse truck manoeuvring through the layout. No objections have been raised by the Waste Management Officer subject to a condition to ensure the works are carried out in

accordance with the approved plans and a condition seeking details of the proposed refuse and recycling facilities, detailing collection points for the flats in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### **Trees**

- 6.44 The application is supported by a tree survey and impact assessment from Keen Consultants ref 8661-KC-XX-YTREE Rev 0, dated March 2018. This includes a tree protection plan which has been undertaken in accordance with the BS5837:2012 recommendations.
- 6.45 The existing trees and hedges on site are predominately located around the boundary. The proposals seek to retain all of the trees with the exception of T27, a Poplar which has died and the removal of a section of hedge adjacent to Lower Way to facilitate the creation of the vehicular access. The tree protection plan provided will ensure that the existing trees and hedges are suitably retained and protected throughout the development.
- 6.46 The landscaping for the site has been divided up into 2 separate areas. The public open space landscape proposals plan by Pegasus design reference P16-0191\_22 rev. H relates to the creation of the formal open space to the west of the site which contains new native shrub and tree planting. The plan also includes new tree planting along the northern boundary with more ornamental planting proposed closer to the new properties. Additional tree planting is proposed adjacent to the southern boundary with understorey native planting. The scheme secures a landscape buffer along this boundary as required by Policy HSA5 however the presence of the footpath THAT/34/1 has influenced the type of planting proposed which is more low level to ensure a safe and open route for pedestrians. It is considered that a balance has been achieved in delivering a well landscaped softer edge to the development and a safe route for users of the footpath.
- 6.47 The existing hedge along the eastern boundary is to be retained and supplemented with native plants to extend it northwards up to the boundary with Lower Way. The importance of retaining this hedge has been raised within a number of representation letters. There is little opportunity for additional planting along this boundary with the exception of wild grasses given the presence of services which run in a north south alignment and thus requiring access for future maintenance however the retention of the existing hedge provides for a soft edge to the development and enhances the privacy of properties to the east.
- 6.48 Overall the proposed level of landscaping for the area of public open space and around the site boundaries is considered to be acceptable.
- 6.49 The second part of the landscaping covers the areas in and around the new development titled Detailed on Plot Landscape proposals. The proposed landscaping includes new tree and shrub planting. This is however restricted to small spaces in and around the buildings, with the majority of the species being medium size trees. The presence of trees within the grass verges are a welcomed addition to the street scene and no objections have been raised by Highways however details of planting methods etc are required to ensure there are no long term maintenance issues or impacts on the adopted highway. Tree Officers have confirmed that the tree species proposed are suitable in this location.
- 6.50 The proposed landscaping within the public realm is considered to be acceptable and additional street trees have been added. Planting within the proposed gardens is more limited with an absence of any trees or structural planting. This would add value to the scheme aesthetically and ecologically however this has not been forthcoming. No objections can however be raised on this alone.

- 6.51 To conclude, the proposals incorporate suitable tree protection measures to allow for the retention of trees and hedges around the site boundaries. The landscape strategy is comprehensive and allows for the creation of an attractive area of open space within the site and provides for a suitable landscape buffer along the southern boundary as required by policy HSA5. The long term management and maintenance of these areas is secured by the Landscape Management Plan. Notwithstanding the request by the Tree Officer for some garden trees the open space and on plot landscaping is considered to be acceptable. As such the proposal is considered to comply with Policy HSA5 of the HSA DPD and policies CS14 and CS19 of the Core Strategy and the guidance within the NPPF.

### ***Archaeology***

- 6.52 The application is supported by an archaeological desk based assessment as required by Policy HSA5. This demonstrates that the site is of archaeological interest. The site is located within the Kennet Valley where there is extensive evidence of prehistoric and Roman activity. Deposit modelling carried out by Wessex Archaeology and the University of Reading suggests that there is medium archaeological potential for the Upper Palaeolithic to Mesolithic period, although some gravel quarrying has taken place in part of the land parcel. No intrusive archaeological fieldwork is known for this site and it is unfortunate that further information about the presence or character of below ground archaeological remains has not been obtained prior to the submission of this planning application. It is acknowledged however that the applicants accept that further work will be required and are agreeable to a condition to secure a phased programme of archaeological assessment in advance of any groundworks taking place. Subject to such a condition no objections are raised to the scheme.
- 6.53 Such work is likely to start with a geophysical survey, followed by trial trenching and further investigation if needed. Allowance should be made for recording significant archaeological assets, with reporting and archiving. Subject to this work being undertaken it is considered that the proposal will accord with the requirements of Policy CS19 of the Core Strategy with respect to the conservation of the historic environment and the guidance within the NPPF at paragraphs 192 and 193.

### ***Flood risk and drainage***

- 6.54 The site is located within Flood Zone 1. While outside of the application site land to the north of Lower Way is defined as a critical drainage area. Policy CS16 of the Core Strategy requires the submission of a Flood Risk Assessment to accompany applications for development on sites of 1ha or more. Policy HSA5 similarly seeks the submission of such an assessment.
- 6.55 With regard to flood risk the risk of fluvial flooding at the site from adjacent water courses, drains and other water bodies is low. Environment Agency maps show the risk from surface water flooding to be largely 'very low' while those areas of the site with a higher risk are to be public open space and as such no risk is posed to properties. With regards to surface water drainage an attenuation pond is to be located within the public open space to the south-west of the site which will drain the entire site.
- 6.56 It is acknowledged that Thatcham Town Council have raised concerns for flooding and how the development will impact on flood risk off site and particularly with regard to those properties to the north of Lower Way. In accordance with paragraph 167 of the NPPF when assessing planning applications Local Authorities should ensure that flood risk is not increased elsewhere.

- 6.57 The application is supported by a comprehensive drainage strategy which has been subject to discussion and amendments over the course of the application. While a final strategy has not been approved the drainage officers latest comments are being actioned by the applicant and a final strategy will be approved as part of the conditions. The applicant has demonstrated their commitment to resolving the recent points raised by the drainage engineers and planning officers consider it is appropriate to secure the agreement of the final design by way of a condition. The wording of the two drainage conditions have been agreed with the applicant.
- 6.58 The application has been reviewed in the context of national guidance and no objections have been raised by the Environment Agency. While drainage officers have expressed a preference to agree the strategy prior to a decision planning officers recognise that comprehensive discussions have taken place to date and progress has been made with the designs. The applicant is currently working on the latest points raised by the drainage engineer and a condition to secure the completion of this work to the satisfaction of all parties provides a suitable tool to achieve this. Subject to compliance with the two drainage conditions attached the proposal complies with Policy CS16 and HSA5 with respect to flood risk and the guidance within the NPPF.

### ***Housing***

- 6.59 In accordance with Policy CS6 of the Core Strategy 40% of the dwellings should be provided as affordable. The proposed scheme seeks to deliver 37 affordable units in accordance with the policy. This equates to 14 x 1 bed flats, 6 x 2 bed flats, 7 x 2 bed houses, 8 x 3 bed houses and 2 x 4 bed houses. 26 units are provided as affordable rented and 11 shared ownership in accordance with the tenure split set out in the policy. National planning policy now seeks new developments to deliver an element of First Homes. First Homes are a specific kind of discounted market sale housing. To qualify as First Homes the properties must meet with a number of criteria to include a discount of at least 30% against the market value which must be passed onto subsequent buyers and buyers have to meet certain eligibility criteria. The New First Homes policy requirement does not apply to applications where there has been significant pre-application engagement and are determined before 28<sup>th</sup> March 2022. This application was originally submitted in April 2018 and as such by virtue of these timescales the First Homes Policy does not apply to this application.
- 6.60 During the course of the application amended plans have been received altering the dwelling mix and the way the units are distributed across the site. While Housing officers note that the mix falls slightly short on the provision of 1 bed units and in turn higher on all other sizes, given the fact that the scheme sits on the edge of Thatcham and that there is a requirement within the town for more family housing, no objection is raised.
- 6.61 The affordable units will be secured through a legal agreement to ensure their delivery and retention in perpetuity in accordance with Policy CS6 of the Core Strategy.

### ***Public rights of way***

- 6.62 It is understood that the owners of the application site have allowed informal access to walkers across the land for a number of years. This has subsequently resulted in a number of claims of rights of access across the site. Separate to the planning process, on the 25<sup>th</sup> July 2019 a creation order was signed which saw the establishment of Public Footpath Thatcham 34. The definitive route defined by this agreement matches the route for a footpath as shown on the proposed site plan and open space drawings.
- 6.63 This newly established route is accommodated within the development and will be surfaced with a self binding gravel unless otherwise agreed with the Council's Rights of

Way team. This path is likely to be maintained by the Rights of Way team going forward. No objections have been raised to the scheme by the Rights of Way Officer.

- 6.64 Comments have been received from the Mid and West Berkshire Local Access Forum requesting that the new public footpath within the site be enhanced and extended to link to the entrance of the Discovery Centre and eastwards beyond the site to The Moors. While not a formerly designated right of way a pedestrian path will cross the new area of open space and in the south western corner of the site connects to the Thatcham Nature Discovery Centre. As such the scheme delivers a direct pedestrian route from the site as is being sought by the Forum.
- 6.65 At the south eastern corner of the site the new footpath links into an existing right of way which runs in a north/south alignment connecting to Lower Way at the north. The path doesn't extend further eastwards as is being sought by the Mid and West Berkshire Local Access Forum however it does contribute to an existing walking route. In conclusion the scheme is considered to meet with the overall aims of the forum which is in part to promote routes for travel by non-motorised users and provide continuous off road connectivity across routes.

### ***Sustainable construction and energy efficiency***

- 6.66 Policy CS15 also requires residential development to reduce CO2 emissions alongside energy efficiency measures. Whilst sustainable construction methods have largely been moved into Building Regulations with the cancellation of Code for Sustainable Homes, the Council still seeks to reduce carbon emissions in accordance with Policy CS15.
- 6.67 The application is supported by an Energy Statement by Southern Energy Consultants. This confirms that the applicant will commit to delivering at least a 20% reduction in carbon dioxide emissions compared to the standard set by Part L1a of Building Regulations. This can be achieved via energy efficiency measures, introduction of on-site renewable energy technologies or a mixture of these approaches. Such measures include: photovoltaic panels on the roofs of some properties. A total of approximately 54 kWp (approximately 375m<sup>2</sup> in panel area) of solar photovoltaic output across the site would be necessary to achieve compliance with the sought-after emissions reduction of at least 20%. Other energy efficiency measures are proposed within the buildings with regards to energy efficiency of materials, specification of highly efficient heating and ventilation systems.
- 6.68 While the requirements of achieving zero carbon are not met in full it is considered that the inclusion of an energy strategy shows a level of commitment to achieving the aims and objectives of Policy CS15. A condition will be attached to secure the implementation of these measures.

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

- 7.1 All planning authorities are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. In addition, the NPPF seeks to significantly boost the supply of homes and advocates a plan-led approach. The provision of 91 dwellings, 37 of which would be affordable is a significant public benefit in the balance. This site has been allocated for this scale of development, following comprehensive assessment at the plan-making stage against reasonable alternatives at a district level and within the Newbury/Thatcham area. The proposal complies with the housing supply policies and this attracts substantial weight in favour of granting planning permission.

- 7.2 The loss of the current greenfield site is an adverse effect of the development, but the principle of this loss has already been accepted as necessary through the plan-making process. The application is accompanied by detailed layout and landscaping plans which demonstrate that the scale and form of development, incorporating an area of public open space and landscaping buffers around the edge of the site will not have a significantly harmful impact on the rural setting of the site to the south. Furthermore the layout with properties fronting onto Lower Way addresses the street scene and reflects the linear pattern of development opposite. The proposal by virtue of its layout, scale and design is in keeping with the prevailing residential character.
- 7.3 Ecologically the site will deliver a net gain in biodiversity and following a detailed review of the scheme by the Council's consultant Ecologist, Natural England and BBOWT the scheme is not considered to have any significant negative effects on the nearby Sites of Special Scientific Interest or Special Areas of Conservation. The application is supported by a series of ecological reports and demonstrate that the proposals are unlikely to affect bats, badgers reptiles or great crested newts and will not result in the direct loss of any 'priority habitats' as defined in the NPPF except small sections of native hedgerow. A package of mitigation and enhancement measures have also been agreed in accordance with Policy CS17, HSA5 and the guidance within the NPPF. It is recognised that the scheme will not be zero carbon however measures are included to reduce carbon emissions by 22.3% below Building Control standards per year. While not fully compliant with Policy CS15 of the Core Strategy, other environmental and ecological enhancements that are important on this specific site are delivered which weigh in favour of the scheme.
- 7.4 There will be some environmental disadvantages arising from the scheme however. Some of these are temporary in nature and confined to the construction process, for example disruption to local amenity during the construction phase and an increase in traffic movements, albeit within acceptable levels. These matters will be managed to a degree by conditions. Concern has also been raised by some for the impact of additional residents on services within Thatcham, particularly doctors and schools. The development will generate a CIL income and some of this money will be directed to such services. This level of residential growth was planned for within the Local Plan and associated Infrastructure Delivery Plan. Alongside this there are some other public benefits, common to any housing site, for example employment opportunities during the construction phase, an increased choice of homes, and new public open space provision.
- 7.5 Overall it is considered that the public benefit of the proposed housing in this location attracts substantial weight in the planning balance and that the residual adverse impacts would not outweigh the benefits. As such, it is concluded that planning permission should be granted subject to conditions.

## 8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 25<sup>th</sup> April (or such longer period that may be authorised by the Service Director of Development and Regulation, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed to REFUSE PLANNING PERMISSION for the reasons 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.

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

### **2. Approved plans and documents**

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

#### Planning Drawings

Site Location Plan drawing number P16-0191\_23 Rev. A

Site Layout drawing number P16-0191\_12 Rev. U

House Type Pack P16.0191\_15F, July 2019

Plans and Elevations:

Plot 28 drawing number P16-0191\_15\_10-WPLTH3520A

Apartment Type B drawing number P16-0191-15-21E

Apartments LTH 748 Type B drawing number P16-0191-15-21E

Bin Store Plots 1-4 drawing number P16-0191\_17 Rev. A

Bin Store Plots drawing number 52-55 & 73-80 Rev. A

Bin/Cycle Store drawing number Plots 84-87 Rev. A

Cycle Store Plots drawing number 52-55 & 73-80 Rev. B

Single/Twin Carport: Plans and Elevations drawing number P16-0191\_16 Rev. A

Materials Plan drawing number P16-0191\_18 Rev. E

Parking Assessment Plan drawing number P16-0191\_13 Rev. G

Garden Assessment Plan drawing number P16-0191\_14 Rev. H

Building Heights drawing number P16-0191\_20 Rev. B

Tenure Plan drawing number P16-0191\_28 Rev. D

Enclosure Details drawing number P16-0191\_25

#### Landscape Drawings and Documents:

Landscape Masterplan drawing number P16-0191\_21 Rev. I

Detailed Public Open Space Landscape Proposals number P16-0191\_22 Rev. H

Detailed on Plot Landscape Proposals P16-0191-26 Rev E

Tree Pit Details P16-0191-34

Landscape and Ecological Management Plan by Pegasus ref: P16-0191-33D

Tree Protection Plan drawing number 8661-KC-XX-YTREE-TPP02REVA DATED Feb 2018

Tree Constraints Plan drawing number 8661-KC-XX-YTREE-TCP01Rev0

Tree Survey and Impact Assessment by Keen Consultants ref 8661-KC-XX-YTREE Rev C, dated March 2018

#### Highway Drawings and Documents:

Proposed Access Arrangements drawing number 16141/001 Rev. G

Swept Path Analysis Large Refuse Vehicle drawing number 16141/TK01 Rev. F

Swept Path Analysis Fire Tender drawing number 16141/TK02 Rev. D

Swept Path Analysis Private Car drawing number 16141/TK03 Rev. D

Visibility Splay Requirements drawing number 16141/003 Rev. D

EVCP Plan P16-0191-35

Proposed Road Lighting and Illuminance Layout by Nick Smith Associates drawing reference 2474-D-01-B

Lighting Report by Nick Smith Associates reference 2474-SD-Rev B

Transport Assessment by Milestone Transport Planning dated June 2021

Travel Plan by Milestone Transport Planning dated April 2018

Ecological Documents:

Bat Activity Survey 2017 by The Ecology Partnership, September 2017  
Bird Breeding Bird Survey by The Ecology Partnership, August 2016  
PEA and Protected Species Assessment by The Ecology Partnership, September 2017  
Biodiversity net Gain Calculator and maps dated 10.08.2021  
Invertebrate Survey by the Ecology Partnership dated August 2016  
Reptile Survey by The Ecology Partnership dated September 2017  
The Ecology Partnership, Ecological Enhancement Strategy, May 2019  
The Ecology Partnership, Report to inform Habitat Regulations Assessment Screening Assessment, July 2019

Other Documents:

Planning Statement, Pro Vision, March 2018  
Design and Access Statement P16-0191\_09 Rev. E  
Archaeology Desk Based Assessment by Thames Valley Archaeology Services dated September 2016  
Phase I Desk Study by Soils Limited reference 15766/DS September 2016  
Phase II Ground Investigation Report by Soils Limited reference 15766/GIR October 2016  
Soil Gas Monitoring Letter from Soils Limited dated 20<sup>th</sup> February 2017  
Additional Investigations letter from Soils Limited dated 3<sup>rd</sup> November 2017  
Gravel Pit Overlain on Site Layout drawing  
Gravel Pit Capping Areas, drawing number THA-SD-001 Rev.A Nov 2021  
Capping Details drawing number THA-SD-002 Rev.A Nov 2021  
Energy Statement 29<sup>th</sup> November 2021 Southern Energy Consultants

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

**3. Samples of materials**

No development shall take place until samples and an accompanying schedule of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted, 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 materials.

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

**4. Finished floor levels**

No development shall take place until details of the finished floor levels of the dwellings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land and to ensure suitable drainage from the site. A pre-commencement condition is necessary as the levels need to be determined from the outset. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

**5. Boundary treatments**



No dwelling hereby permitted shall be occupied until the boundary treatment for that property has been constructed in accordance with the details shown on the Enclosures Plan drawing number P16-0191\_24 Rev. A, the Enclosure Details drawing number P16-0191\_25 and the drawing titled Landscape Masterplan drawing number P16-0191\_21 Rev. I which shows the wildlife permeable fencing. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development. Measures are also necessary to incorporate biodiversity in and around the development. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 and CS17 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

**6. Hard surfaces**

No development above ground level shall take place until a plan detailing the materials for the block paving and areas of hardstanding within the gardens has been submitted to and approved in writing by the Local Planning Authority. The block paving shall be laid so that it is permeable where possible. The hard surfacing shall be completed in accordance with the approved scheme before dwellings 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 approved hard surfacing shall thereafter be retained.

Reason: In the interests of visual amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS13 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

**7. Plots 28 and 72 – removal of PD rights for additional windows**

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 first floor level or above in the east facing elevations of plots 28 and 72 hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: In the interests of the privacy and amenity of number 16 Lower Way. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

**8. Remove PD rights for extensions to plots 5 and 6**

With respect to plots 5 and 6 only, Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: Ground remediation works have been approved within the site to remove an area of contamination. The measures have been approved with the Local Planning Authority however if new foundations were dug this could be disturbed and

as such special construction measures would need to be employed were the approved dwellings extended by future occupiers. This condition is applied in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

9. **Construction method statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full in accordance with the approved details and retained until the development has been constructed. Any deviation from this Statement shall be first agreed in writing with the Local Planning Authority. The statement shall provide for:

- (a) Phasing of any construction works;
- (b) The 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) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- (f) Wheel washing facilities;
- (g) Measures to control the emission of dust and dirt during construction;
- (h) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (i) Lorry routing and potential numbers;
- (j) Delivery time to avoid school opening and closing times;
- (k) Details of any temporary lighting required during the construction phase.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed as a pre-commencement condition as it seeks to mitigate the impact of construction works in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. **Electric vehicle charging points**

The dwellings hereby permitted shall not be occupied until the EVCP as shown on drawing P16-0191-35 have been provided. A 7kw charging point shall be provided for each house with one 22kw charging point for each block of flats. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.

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.

11. **Footway/cycleway provision**

The dwellings hereby permitted shall not be occupied until details of the dropped kerbs and tactile paving to be constructed at:

- (a) the existing uncontrolled crossing situated adjacent to the site's north-east corner and
- (b) where the footway joins the turning head between plots 1 to 4 and plots 53 to 56

have been submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details. Any statutory

undertaker's equipment or street furniture located in the position of the footway / cycleway shall be re-sited to provide an unobstructed footway / cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**12. Parking and turning**

No dwelling shall not be first occupied until vehicle parking and turning spaces for that dwelling have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is 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.

**13. Access construction before development**

Unless otherwise agreed in writing by the Local Planning Authority, the vehicular, pedestrian and cycle accesses and associated engineering operations shall be constructed in accordance with the approved drawings as the first development operation.

Reason: To ensure that the access into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**14. Cycle parking/storage**

No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

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).

**15. Refuse Storage**

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 the approved details. These facilities shall be retained for this purpose thereafter.

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).

**16. Visibility splays before development**

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

**17. Travel Plan**

The Travel Plan by Milestone Transport Planning dated April 2018 shall be implemented from the date the first property is occupied. It shall be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Policy P1 of the Housing and Site Allocations Development Plan Document and Supplementary Planning Document Quality Design (June 2006).

**18. Fire hydrants**

No development shall commence until details of suitable private fire hydrants, or other suitable emergency water supplies have been submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details prior to the occupation of the first dwelling.

Reason: For the safety of future residents in the event of a fire. This condition is imposed in accordance with the guidance contained with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

**19. Thames Water**

There shall be no occupation beyond the 50th dwelling until confirmation has been provided that either:

- (a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- (b) a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. This is required in accordance with the guidance within the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.

20. **Landscaping**

Within the first planting season following the completion of building operations / first occupation of the new dwellings (whichever occurs first), all landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing entitled Detailed On Plot Landscape Proposals (approved drawing P16-0191\_26 Rev E) and supported by the Landscape and Ecological Management Plan reference P16-0191-33D. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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

21. **Tree protection**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing number 8661-KC-XX-YTREE-TPP02REVA DATED Feb 2018 and supported by the tree report by Keen Consultants ref 8661-KC-XX-YTREE Rev 0, dated march 2018. Within the fenced areas there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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

22. **Ecological mitigation**

All ecological measures and works shall be carried out in accordance with the details and timescales contained in the Lower Way, Thatcham, Landscape and Ecological Management Plan November 2020, reference P16-0191\_33D.

Reason: To enhance biodiversity across the development in accordance with Policy CS17 of the West Berkshire Core Strategy (2006-2026) and the guidance within the National Planning Policy Framework.

23. **Bat and bird boxes**

No works shall progress beyond slab level until full details, to include elevational drawings have been submitted to show the location of the bird nest and bat roosting features, to include bird and bat boxes or bricks on and around new buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved biodiversity enhancement measures have been implanted in full in accordance with the approved details

Reason: This condition is necessary as the LEMP specifies the number of bat and bird boxes to be provided and their approximate location is shown on the Landscape Masterplan however it is not clear where they will be positioned within the buildings or how high up in the trees. To enhance biodiversity across the development in accordance with Policy CS17 of the West Berkshire Core Strategy (2006-2026) and the guidance within the National Planning Policy Framework.

**24. Update ecology surveys**

If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of the planning permission, the approved ecological measures secured through Condition number 22 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of bats and other protected species and (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to works continuing on site. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**IMPORTANT:** If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

Reason: This condition is required as the ecological survey work accompanying this application is already more than 3 years old. As such further survey work may be necessary to ensure the approved mitigation measures are appropriate for the site. The condition is imposed in accordance with Policy CS17 of the West Berkshire Core Strategy (2006-2026) and the guidance within the National Planning Policy Framework.

**25. Lighting Design Strategy**

All external lighting shall be installed in accordance with the specifications and locations set out in the Lighting Report by Nick Smith Associates reference 2474-SD-Rev B and as shown on the Proposed Road Lighting and Illuminance Layout by Nick Smith Associates drawing reference 2474-D-01-B and shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Bats and birds are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

**26. Protection of breeding birds during construction**

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation 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.

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.

**27. Construction Environmental Management Plan**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of “biodiversity protection zones”.
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction. To enhance biodiversity across the development in accordance with Policy CS17 of the West Berkshire Core Strategy (2006-2026) and the guidance within the National Planning Policy Framework.

**28. Hours of work (construction)**

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.

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.

**29. Contamination**

The dwellings hereby approved shall not be occupied until the site remediation works have taken place in accordance with the following documents:

- (a) Phase I Desk Study by Soils Limited reference 15766/DS September 2016
- (b) Phase II Ground Investigation Report by Soils Limited reference 15766/GIR October 2016
- (c) Soil Gas Monitoring Letter from Soils Limited dated 20th February 2017
- (d) Additional Investigations letter from Soils Limited dated 3rd November 2017
- (e) Gravel Pit overlay drawing
- (f) Gravel Pit Capping Areas, drawing number THA-SD-001 Rev.A Nov 2021
- (g) Capping Details drawing number THA-SD-002 Rev.A Nov 2021

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Following completion of remediation measures identified in the approved remediation scheme and prior to occupation, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is attached in accordance with the National Planning Policy Framework and Policy OVS.5 of the West Berkshire Local Plan (1991-2006 Saved Policies 2007).

**30. Piling**

No piling or any other foundation designs using penetrative methods shall be used other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling at this site could potentially mobilise shallow contamination into the underlying chalk principal aquifer. This risk would need to be assessed and addressed. This condition is attached in accordance with the guidance within the National Planning Policy Framework and Policy OVS.5 of the West Berkshire Local Plan (1991-2006 Saved Policies 2007).

**31. Drainage**

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. The approved strategy shall thereafter be implemented in full in accordance with the approved plans/details.

Reason: The detailed drainage of the site is a fundamental part of the design and its implementation will form some of the initial site works it is therefore essential these details are agreed prior to work commencing. The information is requested in accordance with Policy CS16 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.

**32. Drainage verification report**

No occupation of dwellings shall take place until a verification report is 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 in writing by the Local Planning Authority on completion of construction. This shall include: plans 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.

Reason: The detailed drainage of the site is a fundamental part of the design and without the implementation of the approved strategy there could be adverse flood risks. The information is requested in accordance with Policy CS16 of the West



Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.

**33. Archaeology**

No development or site works shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded in accordance with the guidance within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

**34. Carbon emissions**

The scheme will deliver a 20.3% reduction in carbon emissions per annum compared to the Part L1a baseline standard set by Building Regulations (2013). No development beyond damp proof course level shall take place until details of the solar photovoltaics (to include plans to show the location of the buildings and which elevations the cells are to be attached to and details of the appearance of the cells along with a specification of the other measures to be adopted as outlined in the Energy Strategy) have been submitted to and approved in writing by the Local planning Authority. Thereafter no dwelling shall be occupied until the approved measures to be installed in that dwelling have been implemented in full in accordance with the approved details.

Reason: To help deliver a reduction in carbon emissions in accordance with Policy CS15 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

***Heads of Terms for Section 106 Agreement***

**1. Affordable housing**

- 40% on-site affordable housing which equates to 37 units. 26 of which shall be social rented and 11 shall be shared ownership.

**2. Public open space**

- Provision of public open space and the establishment of a management company to carry out the long term management and maintenance of the open space.

**3. Wildlife**

- Provision of an off site habitat strategy contribution and recreational impact mitigation contribution alongside the provision of a contribution towards the preparation of new homeowners packs providing information on the Nature Discovery Centre and other relevant informative print materials.

**Refusal Reasons** in the event the legal agreement is not completed in time.

1. **Planning obligation**

The application fails to provide a Section 106 planning obligation to deliver necessary infrastructure and mitigation measures, including:

- (a) To deliver 40% on-site affordable housing, 37 units, without which the proposal would be contrary to the National Planning Policy Framework, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Planning Obligations SPD.
- (b) Provision of public open space and the establishment of a management company to carry out the long term management and maintenance of the open space within the development, without which the development would be contrary to the National Planning Policy Framework, Policy CS18 of the West Berkshire Core Strategy 2006-2026, Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Council's adopted Planning Obligations SPD.
- (c) Provision of an off site habitat strategy contribution and recreational impact mitigation contribution alongside the provision of a contribution towards the preparation of new homeowners packs providing information on the Nature Discovery Centre and other relevant informative print materials without which the development would be contrary to the National Planning Policy Framework, Policy CS17 of the Core Strategy 2006-2026 and the Council's adopted Planning Obligations SPD.

**Informatives**

1. **Proactive statement**

The Council have sought to work proactively with the applicant to produce a scheme which meets with the policies within the Local Plan and National Planning Policy Framework to deliver a sustainable form of development. Extensive negotiations have been undertaken to find solutions to the issues raised during the consideration of the application.

2. **CIL**

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](http://www.westberks.gov.uk/cil)

3. **Construction / Demolition Noise**

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

4. **Advice to applicant – dewatering**

The Environment Agency note that dewatering may take place on this site. Please be aware that this may now require an abstraction license. These can take up to 3 months

to determine. We would advise that you consult the Environment Agency at the earliest possible stage.

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available on gov.uk: [www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction](http://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction)

**5. Informative on breeding birds**

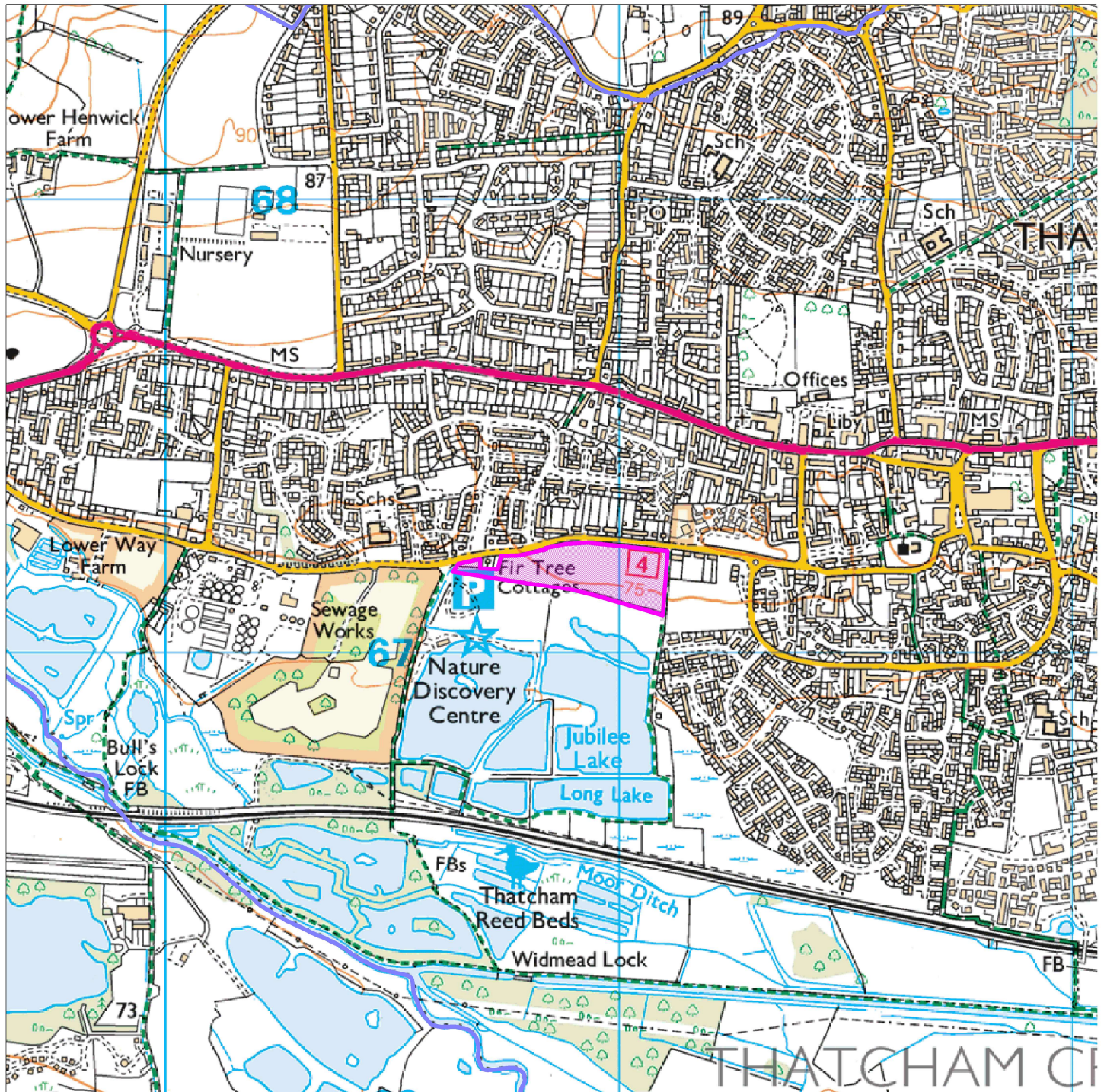
The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**6. Street naming and numbering**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

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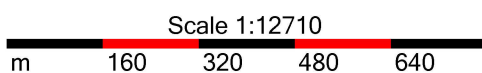
Map Centre Coordinates :

Scale : 1:12709

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	14 January 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

<b>Item No.</b>	<b>Application No. and Parish</b>	<b>Statutory Target Date</b>	<b>Proposal, Location, Applicant</b>
(2)	21/02012/FULMAJ Basildon and Streatley	15 <sup>th</sup> November 2021	Demolition of existing dwelling, erection of replacement dwelling.  Land at West Lodge, Basildon  Mrs Julie Rees

<sup>1</sup> Extension of time agreed with applicant until 28<sup>th</sup> January 2022.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02012/FULMAJ>

**Recommendation Summary:**

Delegate to the Service Director of Development and Regulation to grant conditional permission.

**Ward Member:**

Councillor Law

**Reason for Committee Determination:**

Called in by the local ward member because of very sensitive landscape location overlooking River Thames and the Chilterns AONB on Oxford side of the river. Also within the North Wessex Downs AONB. Size and proportionality of proposed dwelling.

**Committee Site Visit:**

19<sup>th</sup> January 2022

**Contact Officer Details**

**Name:** Michael Butler  
**Job Title:** Principal Planning Officer  
**Tel No:** 01635 519111  
**Email:** Michael.butler@westberks.gov.uk



## 1. Introduction

- 1.1 This application seeks planning permission for the demolition of an existing detached dwelling, West Lodge, and the replacement with a new larger dwelling of Georgian style to the east of the existing footprint of the existing house. The new dwelling will be 8.27m to ridge height with elements to the side being slightly lower. It will sit at a lower ground level than the existing dwelling which is to be demolished once the new one is ready for occupation. There is to be a new formal terrace garden to the front (east) elevation of the dwelling then stepping down to the remaining curtilage. The submitted plans show the proposed elevations and design in greater detail. In addition there is to be a new double garage on the site. The applicant has also included in the description the demolition of a boat house by the river in the red line.
- 1.2 The application site is situated outside of any defined settlement boundary, and is therefore regarded as being within the “open countryside” in policy terms. The site is also in the North Wessex Downs AONB. It lies on a steep site adjacent to the River Thames in the Goring Gap area of the Chilterns and NWD AONBs. To the south of the application site lies The Grotto, a substantial listed dwelling set in its own parkland. Immediately to the west of the Lodge is the A329, the principal route between Streatley and Lower Basildon. The site was originally part of the original Basildon Grotto estate but has now been physically divorced from that estate.
- 1.3 Access is currently derived from this road via an imposing entrance. This is to remain but a new expanded sweeping drive will access the proposed new dwelling.
- 1.4 The original application included a much larger area of open meadow/field which the applicant appeared to believe was their bona fide domestic curtilage. The Council did not accept this, so for clarity this application is being considered only on the basis of the revised curtilage plan, much reduced on the application file—but still just over 1 hectare. This will incorporate the drive and access points. The red line application site has been amended accordingly. If approved, this plan will be conditioned. For information the boat house lies well outside the agreed curtilage line.
- 1.5 The principal change behind this application and the recently refused one, is that a number of new studies have been submitted, including an ecological survey, a heritage statement and a landscape and visual assessment (LVA). A flood risk assessment has also been submitted. The case officer for that application noted a significant lack of material at that time to properly assess the scheme. This has now been rectified.

## 2. Planning History

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

Application	Proposal	Decision / Date
106936	Erection of 2 storey dwelling [current house on site].	Approved 1977
12/00932/HOUSE	New boundary/access point/ gates/ drive.	Approved 2012
20/03083/FUL	Replacement 2 storey dwelling [similar to current application]	Refused April 2021



### 3. Procedural Matters

- 3.1 **EIA:** Given the location, nature and scale of this development, the application falls within the description of development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening was required. By letter dated the 27th October 2021 the Council determined that no Environmental Statement was required to be submitted with the application.
- 3.2 **Publicity:** A site notice was displayed on the 26th of August 2021 at site entrance. The deadline for comments was the 17th September. A public notice was also displayed in the Newbury Weekly News on the 26th August.
- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floor space (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). The development is CIL liable.

### 4. Consultation

#### *Statutory and non-statutory consultation*

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

<b>Basildon Parish Council:</b>	The Parish Council reviewed the application and had no objections subject to the view of neighbours. The Parish Council requests that the proposed tree planting is added as a condition that should remain whilst the property exists at the site.
<b>Goring on Thames Parish Council:</b>	Goring-on-Thames Parish Council submit the response no strong views to this application, and thanks West Berks for consulting us, as this application will be very visible from our parish.
<b>Streatley Parish Council:</b>	No response within consultation period or at time of writing.
<b>South Oxfordshire District Council:</b>	No response within consultation period or at time of writing.
<b>River Thames Society:</b>	No response within consultation period or at time of writing.
<b>Highway Authority (WBC):</b>	Conditional permission is recommended. A haulage route will be required for the excavation of material from the site, including demolition waste.
<b>Ecology (WBC):</b>	The applicant has submitted a Phase 1 ecological survey and the ecologist has concluded, having regard to policy CS17 in the WBCS, no protected species, nor habitats of wildlife importance,

	will be harmed by the scheme, subject to appropriate conditions being applied.
<b>Environmental Health (WBC):</b>	No objections.
<b>Berkshire CPRE:</b>	Object on the grounds that this new dwelling will be far more visually imposing than the existing dwelling, and so will accordingly harm the important Goring Gap plus the two AONB designations.
<b>Archaeology (WBC):</b>	Recommends conditional permission. The site is of some known archaeological interest particularly Grim's Ditch to the north. The application if approved will cause substantial earthworks so conditions on protecting any possible archaeological finds should be placed on any consent.
<b>Conservation (WBC):</b>	A heritage statement has been submitted with the application to explore the functional and visual relationship between the application site and the historic listed Grotto to the south. The conservation officer has examined this report in conjunction with the proposed new dwelling and has raised no objections on conservation grounds having regard to the NPPF and policy CS19 in the WBCS. It is agreed that any historic association between the Grotto and the Lodge has now been lost in historic/ heritage terms so the application is acceptable.
<b>Trees (WBC):</b>	He has noted that since 2018 a number of mature trees have been felled on the application site presumably to make way for this application should it be approved. No objections raised, but the conditions recommended correspond to the need for a comprehensive landscaping scheme to mitigate this loss via the planting of new trees.
<b>Thames Water:</b>	No objections subject to informatives regarding site' location in water source protection zone and minimum water pressure will be sought at the application site.
<b>Royal Berkshire Fire and Rescue Service:</b>	No objections .Development if approved must comply with all up to date building and fire regulations.
<b>Environment Agency:</b>	We regret that Thames Area Sustainable Places is unable to provide a detailed response to this application at this time. We are currently only providing bespoke responses to the highest risk cases. Standard advice provided on flood risk and watercourses based on environmental constraints.
<b>West Berkshire Spokes:</b>	No comments.
<b>Lead Local Flood Authority (WBC):</b>	No response within consultation period or at time of writing.

<b>Thames Valley Police:</b>	No response within consultation period or at time of writing.
<b>Waste Management (WBC):</b>	No response within consultation period or at time of writing.

### ***Public representations***

- 4.2 Representations have been received from one member of the public who is supporting 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. In summary, the local resident supports the scheme as they say it will replace an unattractive dwelling with a scheme of good design and it will not harm local amenity, and she can see no reasons to reject the scheme.

## **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, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C7 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- West Berkshire Landscape Character Assessment (2019)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Basildon Village Design Statement
- Streatley Village Design Statement

## **6. Appraisal**

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

- Principle of development
- Design, landscape character and visual impact
- Amenity
- Flooding and Drainage
- Ecology
- Trees

- Archaeology
- Permitted Development

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

- 6.2 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP5 and CS1 of the Core Strategy, and Policies C1 and C7 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP5) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS1, C1 and C7 relate specifically to housing.
- 6.3 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.4 Policy ADPP5 is the spatial strategy for the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Relatively limited housing growth is planned within this protected landscape. Recognising the area as a national landscape designation, the policy envisions that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.
- 6.5 According to Policy CS1, new homes will be located in accordance with the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily located on suitable land within settlement boundaries, and other land allocated for development within the Local Plan. In this context, Policy C1 of the HSA DPD gives a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy. One of these listed exceptions is the replacement of existing residential units.
- 6.6 Policy C7 sets out criteria for replacement dwellings that qualify to the exception in Policy C1. It states there is a presumption in favour of the replacement of an existing dwelling of permanent construction. A replacement dwelling will be permitted providing that:
- i. The existing dwelling is not subject to a condition limiting the period of use as a dwelling; and
  - ii. The replacement dwelling is proportionate in size and scale to the existing dwelling, uses appropriate materials and does not have an adverse impact on:
    1. The character and local distinctiveness of the rural area
    2. Individual heritage assets and their settings
    3. Its setting within the wider landscape; and
  - iii. There is no extension of the existing curtilage, unless required to provide parking or amenity space to be consistent with dwellings in the immediate vicinity; and
  - iv. Where the existing dwelling forms part of an agricultural, equestrian, or other commercial rural enterprise and is an essential part of that enterprise, the replacement dwelling must continue to perform the same function. An occupancy condition may be applied; and

- v. The impact on any protected species is assessed and measures proposed to mitigate such impacts.

6.7 It is considered that the proposal complies with Policy C7, and is therefore acceptable in principle. The reasons for this conclusion are elaborated in the following section. The reasoning for this is twofold. Firstly the original application lacked suitable supporting information in regards to landscape impact, ecology, heritage issues and the scale of the as approved domestic curtilage to allow for the criteria in policy C7 to be satisfied. This present application has adequately rectified these points, in the view of the case officer. Secondly, whilst the planning history of the refused application is of course a material consideration in the case, it is possible for officers to reach different conclusions [on balance] in relation to subsequent applications, once all the required information is to hand. In this case the officer is now recommending approval in the light of the additional supporting information submitted and significantly reduced curtilage plan.

### ***Design, landscape character and visual impact***

6.8 The submitted design and elevational treatment of the new dwelling is considered to be attractive in its symmetry and simplicity. It is well conceived and is "classic" neo Georgian in style. Accordingly in design terms the application is not considered harmful, particularly when examined against the existing dwelling on site of 1970s vernacular

6.9 However appearance is not the sole test to which the application must be tested. Policy C7 identifies the following matters which need to be taken into account.

6.10 Firstly the curtilage needs to be acceptable. In this case the planning officer did not accept the existing red line, which was in excess of 4ha. This was not considered bona fide residential curtilage. Accordingly a reduced curtilage has been accepted as the basis on which the application is submitted. If the application is approved by Committee a condition to remove all permitted development rights will need to be applied in the officer's view. This will then control any new structures and extensions to the dwelling and its curtilage in the future to ensure any future development is limited and coherent in this sensitive location. A condition will also apply conditioning the agreed curtilage plan.

6.11 The second matter is footprint location. Normally replacement dwellings sought to be located on the same footprint, unless there are environmental benefits for an alternative location. In this case the new dwelling is located on lower ground levels within the landscape, so the visual impact on the street scene will be reduced. Although the present dwelling is viewed with a backdrop of trees, the new dwelling will not be; it will, however, be located lower in the landscape slope which will assist in mitigating any wider visual impact, particularly from the east. Accordingly whilst this criterion in the policy is not strictly adhered to, given the visual advantage gained it is acceded to, in the officer view.

6.12 The third principal matter is whether the new dwelling will be disproportionate in scale and massing/form in relation to the present dwelling. Clearly this is to a degree a subjective judgement and the supporting text to Policy C7 confirms that there are no "rules" in this respect, rather the key components in making this judgement are the scale, massing, height and layout of a development. The case officer has determined via two site visits and reading the submitted LVA that the increase in volume and footprint of the new house will not, on balance, be visually harmful in this location. It has been calculated that the volume increase will be some 417m<sup>3</sup> which is approximately a 23% increase, and the overall footprint increase [according to the submitted CIL PAIRR forms] will be just under 60% as the existing dwelling GIA is 426m<sup>2</sup> and the proposed is 676m<sup>2</sup>. This may appear to be substantial but the design of the new dwelling is far more efficient at

reducing the visual scale of the building in terms of overall massing and profile. On balance this increase is taken to be acceptable in the light of this criterion.

- 6.13 With respect to heritage assets, the case officer does not consider there will be any material harm to the setting of the listed Grotto to the south of the application site. This is accepted by the Council's conservation officer in his response. This is because any functional/historic relationship between the original lodge and the Grotto has been effectively lost over the years. Accordingly the heritage requirements in policy CS19 are satisfied.
- 6.14 Members will also need to be aware of the West Berkshire Landscape Character Assessment of 2019 which examines this highly valued landscape. It is defined as landscape character areas WC2 which comprises the Basildon elevated woodland chalk with slopes, and LV2 the Pangbourne /Thames River Valley in part. It is considered in the context of this application that WD2 is the most relevant character area. In summary the area is characterised by steep and well wooded slopes of significant quality. There are recreational and agricultural pressures on the area, and one of the highlighted strategies [no 9] is to conserve the long distance views of the Thames valley from the Chilterns AONB and Lardons Chase. Clearly the impact of the new dwelling must be recognised in this context, but for the reasons noted above it is considered that the dwelling, set at a lower level, in the valley, and of better overall design, will have a neutral impact in this regard, in that it will not be materially more harmful than the existing dwelling. It is concluded that the application complies with the 2019 Assessment, accordingly.
- 6.15 In conclusion, having regard to paragraph 176 of the NPPF, on balance the dwelling would not be harmful to the nationally designated AONB landscape, nor to that of the Chilterns AONB to the east across the Thames and county/ district boundary. Similarly it is noted that policy ADPP5 should be adhered to in terms of the environment section. An area's local distinctiveness and character should be conserved when permitting new development. In this case, given the inherent poor design and higher location of the existing dwelling, and the high design quality and lower height in the landscape of the new dwelling, the AONB will not be diminished in terms of overall attractiveness, so on balance, complying with local and national policy.

### ***Amenity***

- 6.16 West Lodge sits within a substantial plot, and so neighbouring properties are located a sufficient distance away from the proposed development to avoid any material harm to their residential amenity. Whilst the physical disruption which would be caused by the significant demolition and engineering works of the proposed cut and fill / earthworks may affect nearby properties, it is not considered a matter that cannot be adequately controlled. Any occupants of the future house will clearly not overlook any neighbours.

### ***Highways***

- 6.17 The identified traffic generation increase from the new 5 bedroom dwelling when compared to the existing is of no material concern in the context of a replacement dwelling in this location. In addition the required parking spaces can be easily provided on the application site in accordance with policy P1. Electric vehicle charging points can be conditioned as well. In addition, the present access is being used. Visibility is poor to the north so a condition to be applied relates to improving this for safety reasons, particularly as the applicant owns the land in question. This will be noted on the update sheet if it can be achieved. Otherwise all the required site licences and permits for the demolition would need to be agreed with the Highways Authority. The application accords with the policy CS13.

### ***Flooding and drainage***

- 6.18 The bank of the River Thames on land associated with West is within Flood Zones 2 and 3, but the land rises steeply up to the road such that the proposed development is located within Flood Zone 1. The applicant has submitted a Flood Risk Assessment (FRA) for the application as it is over 1ha in extent. It is apparent from the response from the EA and in reading the FRA itself that there is no significant risk of this scheme being flooded, nor indeed will it impact any potential flood flows in the future. Accordingly having regard to the policy CS16 the application is accepted. In addition although the red line extends to the river boundary, and the EA have strict control over any development within 10m of the River edge, none can occur under permitted development rights. This is because the domestic curtilage would lie well to the west of the River Thames bank.

### ***Ecology***

- 6.19 The Council ecologist has accepted that there is no reasonable evidence of bat roosts in the existing dwelling which if demolished would need to be mitigated. He has recommended conditional permission to the application should it proceed. His conditions correspond to the following: an isolux lighting plan being submitted, integrated bat boxes in the new dwelling, and a condition that any ecological reports be submitted on a tri-annual basis. The lighting condition is particularly important given the level of fenestration proposed in the new dwelling and is relevant also in terms of protecting the dark night skies of the AONB. Accordingly the application is consistent with policy CS17 and the relevant paragraphs 179 to 182 in the NPPF.

### ***Trees***

- 6.20 Whilst it is noted that the applicant appears to have felled trees on their landholding, this is not an issue on which the Council has any control. However what can be controlled is the future imposition of appropriate conditions which will be necessary to integrate the development into the landscape and will incidentally go some way to mitigate this loss should the application be approved. This is what the tree officer has noted and the case officer concurs. This will be in accordance with policies CS17, CS18 and CS19. A comprehensive landscape scheme should also be applied, but such a scheme must ensure that the attractive open nature of the site which contributes positively to the area is also retained.

### ***Archaeology***

- 6.21 The historic environment interest of this plot has been highlighted in previous applications, namely: the former gate lodge itself, its historic relationship with the Grade II listed country house of The Grotto and its designed landscape, the adjacent presence of an undated scheduled monument Grim's Ditch, unexplored archaeological potential within the site and the character of the land parcel. The applicants have provided two documents, an archaeological desk-based assessment and a Statement of Heritage Significance and these are welcomed. However further investigations are necessary to ensure that heritage assets are not destroyed through development.
- 6.22 The Statement of Heritage Significance deals with the existing house and its setting. West Lodge is not shown on the enclosure maps of Basildon or Streatley. The small gate lodge is first clearly documented on the 1879 First Edition OS; by the 5<sup>th</sup> Edition of 1972 the same site has a much larger building on it, named as West Lodge. It is likely that this was built around the 19<sup>th</sup> century lodge, but the Heritage Statement does little to explore this possibility. Judging by the exterior photographs provided, most of the

current West Lodge is certainly of modern appearance and of limited interest. Mention is made of older garden walls but no photos of these are provided.

- 6.23 In conclusion, it is considered that a building recording condition for this heavily altered property cannot be justified.

### ***Permitted development***

- 6.24 According to paragraph 53 of the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. The case officer considers it is certainly appropriate and necessary to remove all permitted development rights granted by Schedule 2 Part 1 of the 2015 GPDO as amended.
- 6.25 This is for two main reasons. Firstly the site lies in a highly sensitive location, and secondly the integrity of the original design needs to be preserved from inappropriate additions/extensions for clear reasons. If the Committee approves the application this condition is strongly recommended to be attached to any permission for the above reasons. It would be inappropriate for example to have scattered outbuildings in the new domestic curtilage constructed outside the planning control of the Council.

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

- 7.1 On the one hand the application, if approved, will create a larger new dwelling in the open countryside than the existing dwelling. The matter of whether this increase in scale and footprint is disproportionate and so harmful in this locally sensitive landscape is ultimately a decision for the members of Committee to take. In this instance, your officers have had close regard to the supporting text of policy C7, the protection of the AONB in policy ADPP5 and in the NPPF, and have concluded that given the new dwelling is of superior design and set at a lower level in the landscape, this greater mass and scale is acceptable, subject to the recommended conditions below. No s106 legal agreement is necessary to be attached to the consent, if granted.
- 7.2 In terms of the sustainability dimensions noted in the NPPF the application will have a marginally positive environmental impact for the reasons above. In social terms the impact is neutral. In economic terms the impact is short term positive whilst the house is being built out in terms of construction employment. The application is recommended for conditional approval.

## **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***

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

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



2. **Demolition of existing dwelling**

Within six months of the substantial completion or first occupation of the replacement dwelling hereby permitted (whichever date is the earlier), or within an alternative timescale agreed in writing with the Local Planning Authority, the existing dwelling on the site [West Lodge] shall be demolished entirely to the satisfaction of the Local Planning Authority and the land restored in accordance with the landscaping details approved pursuant to this application.

Reason: To ensure two dwellings do not remain on site, contrary to Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy, Policies C1 and C7 of the Housing Site Allocations DPD 2006-2026, and the NPPF.

3. **Approved plans**

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

Drawings prefixed 20-J3387, numbers 101, 102, 103, 107, 108, 109. BCP, C101. RCP. PSCP. All by Ascot Design.

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

4. **Domestic permitted development rights restriction**

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

Reason: To prevent the overdevelopment of the site and maintain a coherent design for the development in this sensitive location, in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006).

5. **Permitted development rights restriction (means of enclosure)**

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 gates, fences, walls or other means of enclosure which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be erected, constructed, or materially altered without planning permission being granted by the Local Planning Authority on an application made for that purpose. This restriction excludes any development expressly permitted by this permission, and does not prevent repairs or replacements (in full or in part) that do not materially affect the external appearance of any gate, fence, wall or other means of enclosure.

Reason: To prevent the erection of such development which may have an adverse impact on the rural character and appearance of the area, or fail to conserve the open landscape of the AONB. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006).

6. **Archaeological investigation**

No development including site clearance shall take place within the application area until a Stage 1 written scheme of investigation (WSI) for a programme of

archaeological work has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI no site clearance work or development shall take place other than in accordance with the agreed WSI, which shall include:

- (a) The Statement of significance and research objectives, the programme and methodology of archaeological site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- (b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting archaeological material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the 2021 National Planning Policy Framework and is in accordance with the requirements of Policy CS19 of the West Berkshire Local Plan (2006-2026). A pre-commencement condition is required because the archaeological investigations will need to take place throughout demolition and construction activities.

**7. Lighting strategy (AONB/Ecology)**

No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.
- (c) Include isolux contour diagram(s) of the proposed lighting.
- (d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

No external lighting shall be installed within the application site except in accordance with the above strategy.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, and to conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

**8. Construction Method Statement**

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:

- (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) Temporary access arrangements to the site, and any temporary hard-standing;
- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) Hours of construction and demolition work;
- (k) Hours of deliveries and preferred haulage routes.

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.

**9. Tree protection scheme**

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. 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.

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.

**10. Electric vehicle charging points (approved plans)**

The replacement dwelling shall not be first occupied until an electric vehicle charging point has been provided in accordance with the approved plans. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.

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.

11. **Demolition, Construction and Traffic Management Plan**

The development shall be carried out in accordance with the submitted Demolition, Construction and Traffic Management Plan, Draft 2 dated 13<sup>th</sup> September 2021.

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

12. **Parking (approved plans)**

The replacement dwelling shall not be first occupied until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is 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.

13. **Gates set back**

Any gates to be provided at the existing access to the highway, where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 5 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

14. **Ecology SMP**

The development hereby permitted shall not be carried out except in strict accordance with the recommendations made in the Site Management Plan of August 2021 by Elite Ecology.

Reason: To conserve protected species and other ecological assets on the site in accordance with Policy CS17 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework.

15. **Soft landscaping**

No development or other operations shall commence on site until a detailed soft landscaping scheme for the site 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 the new dwelling/final demolition of the existing 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 shall be

replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; and landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**16. Hard landscaping (prior approval)**

No development shall take place until a hard landscaping scheme has 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. The replacement dwelling hereby permitted shall not 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. Details shall include how the hard landscaping incorporates the demolished dwelling into the overall scheme.

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. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; and landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**17. Ground levels and finished floor levels**

No development shall take place until details of existing and proposed ground levels, and finished floor levels of the dwelling 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.

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). A pre-commencement condition is required because the ground levels will need to be determined before construction takes place.

**18. Spoil**

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

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

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

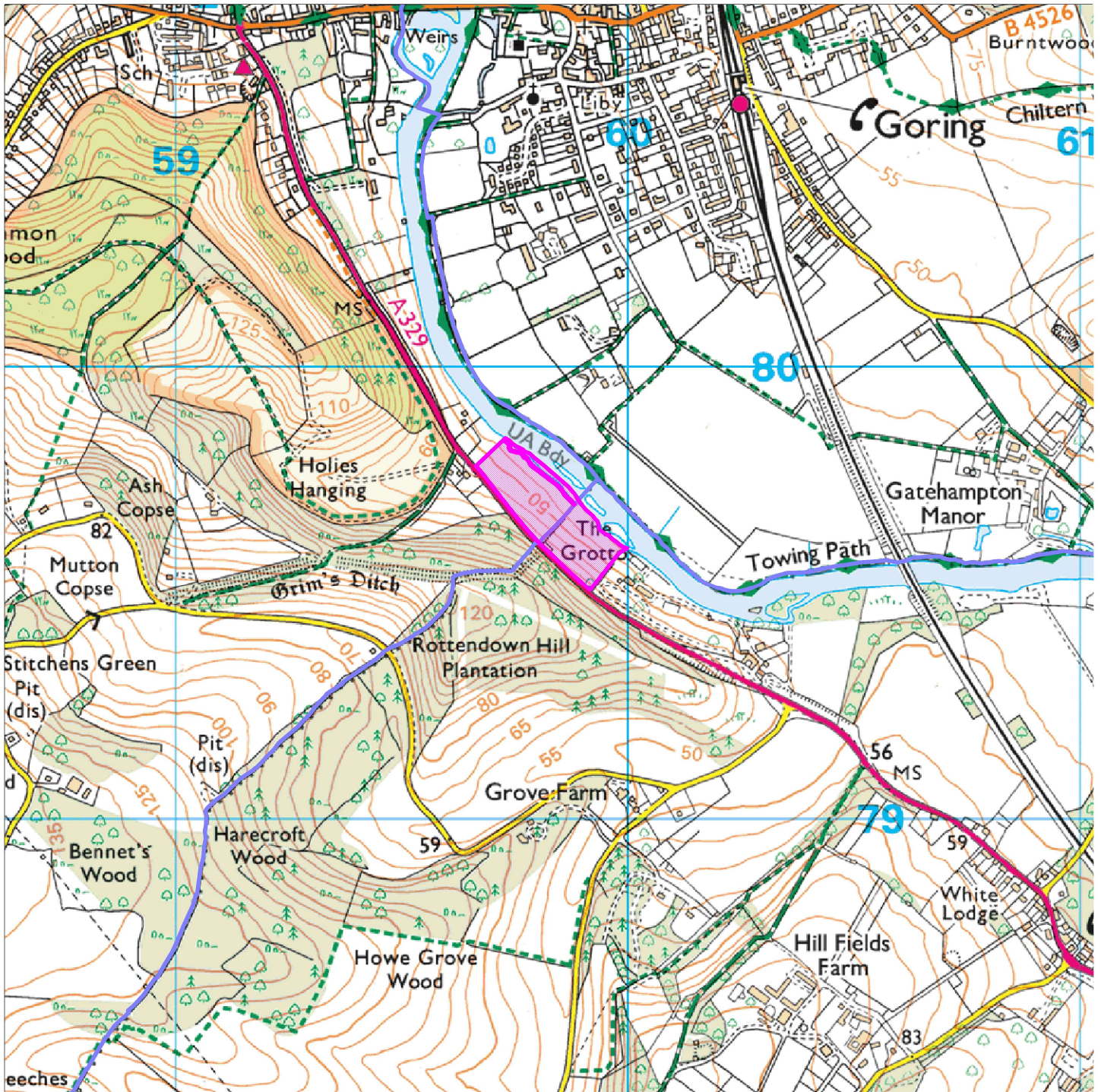
Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, and Policies ADPP5 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because spoil may arise throughout development.

19. **Materials**

The construction of the dwelling shall not take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the development hereby permitted, 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 materials.

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 ADPP5 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.





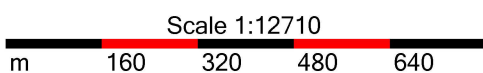
Map Centre Coordinates :

Scale : 1:12709

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	14 January 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	21/01835/FUL Sulhamstead	22.09.2021 <sup>1</sup>	Erection of four incidental Koi Ponds to be used in conjunction with the establish Koi Carp Business at Jackaways Cottage, removal of unauthorised fence.  Jackaways Cottage, White House Green, Sulhamstead, Reading, West Berkshire, RG7 4EB  Dominic Taylor / The Pond People

<sup>1</sup> Extension of time agreed with applicant until 28.01.2022

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01835/FUL>

**Recommendation Summary:** Delegate to the Service Director of Development and Regulation to grant conditional planning permission.

**Ward Member:** Councillor Ross Mackinnon

**Reason for Committee Determination:** Called-in by local ward member at the Parish Council request as development appears to exceed existing permissions.

**Committee Site Visit:** 19<sup>th</sup> January 2022

## Contact Officer Details

**Name:** Alice Attwood MRTPI  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Alice.Attwood1@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the erection of four Koi Ponds to be used for purposes incidental to the residential use of Jackaways Cottage, but also in conjunction with the established Koi Carp Business at Jackaways Cottage. The proposal also includes the removal of an unauthorised fence.
- 1.2 The site comprises of a semi-detached white rendered grade II listed period property known as Jackaways Cottage. The cottage is situated to the east of an irregular shaped plot. The site is in Sulhamstead, outside of any defined settlement boundary and therefore within the open countryside for the purposes of planning policies. There is a timber and brick outbuilding erected to the south-west of the site which is used for the sale of Koi Carp.
- 1.3 Access to Jackaways Cottage is via Jaques Lane which serves several houses. A public footpath (SULH/6/1) runs through the site to the east of the dwelling.
- 1.4 Three neighbouring dwellings are situated to the north of the site. The site is screened by mature planting to the south-western boundary adjacent to Folly Lane. The site is surrounded by open countryside and farmland.
- 1.5 The application seeks planning permission for the retention and completion of four partially constructed show ponds. The Koi carp will live in these four ponds. The ponds measure between 0.5m to 1m above ground level (to their maximum point, because much of the enclosures are below this) and are proposed to be finished in facing brick to match the adjacent 'Koi House'.
- 1.6 In addition to the already constructed elements the ponds will be finished with wooden pergolas (to a maximum height of 2.1 metres) that help to prevent the fish being harmed by birds. As such, the pergolas are a vital element of the proposal providing much needed security from predatory birds. The ponds will also include modest water features faced with limestone, together with associated decorative planting.
- 1.7 The show ponds will primarily be a place for the fish to live until they are sold but will also serve as a place for prospective purchasers to view them by appointment.
- 1.8 The site benefits from planning permission for business use for Koi Carp trading.

## 2. Planning History

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

Application	Proposal	Decision / Date
17/01926/COND2	Application for approval of details reserved by Conditions 11 - Waste water drainage method statement, of planning permission (allowed on appeal) 15/02681/FUL.	Approved 06.09.2017
17/00975/COND1	Application for approval of details reserved by conditions (6) spoil, (7) lighting scheme, (8) Scheme for protection of trees, (10) details of the signs and (11)	Split 29.06.2017

	waste water drainage method statement of planning permission Allowed on Appeal 15/02681/FUL	
15/02681/FUL	Koi house: outbuilding for the sale of Koi carp and supplies.	Refused 25.01.2016 then allowed on appeal APP/W0340/W/16/3146768.

2.2 The original permission was for a Koi house which was an outbuilding used for the sale of Koi carp and supplies. This application was considered by the Council's Eastern Area Planning Committee on 20<sup>th</sup> January 2016. Members resolved to refuse the application on two reasons:-

- a) The proposed building is too high and bulky for this sensitive location. Would be too prominent and inappropriate in appearance and would have an unacceptable impact on the amenity of the occupants of nearby dwellings and of walkers using the footpath that runs across the site.
- b) The proposed use is unsustainable as it would have a negative social and environmental impact and would bring no economic benefit to the local rural economy.

2.3 The Council's decision to refuse planning permission was subsequently appealed. The Planning Inspector reviewed the case under appeal APP/W0340/W/16/3146768 and concluded that Koi House would not be visually at odds with its setting in the garden of a listed building and was satisfied that the proposal would enhance the character and appearance of this sensitive area rather than harm or detract from it. The Inspector also concluded that the location of the site away from public transport modes is outweighed by its low key nature and the support in favour of business and enterprise development. Thus, the Planning Inspector granted permission with conditions. The applicant later applied to discharge the conditions under applications 17/00975/COND1 and 17/01926/COND2.

### 3. Procedural Matters

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

3.2 **Publicity:** A two site notice was displayed at the entrance to Jackways Cottage on 13.08.2021 for 21 days. The expiry of these site notices was on 03.09.2021. The application was also advertise in the Reading Chronicle on 12.08.2021 and the expiry was 26.08.2021.

3.3 A re-consultation was undertaken because Local Planning Authority received amended plans and proposal description. A further 14 days re-consultation was undertaken with additional 3 days due to the bank holidays within the re-consultation period. Another two site notices were displayed at the entrance to Jackways Cottage on 13.08.2021 and the notices expired on 03.01.2022. Also, consultees and those who made representations on the original proposal where contacted on 13.12.2021 and given 14 days to comment on the amendments. This consultation expired on the 27.12.2021. The application was also advertise in the Reading Chronicle on 23.12.2021 and the expiry was 09.01.2022.

- 3.4 **CIL:** Community Infrastructure Levy (CIL) is, a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre based on Gross Internal Area. Given the proposed use, the initial assessment is that the development would be zero rated as no new floor space is proposed. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission.

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Sulhamstead Parish Council:</b>	<p>Objection:</p> <ol style="list-style-type: none"> <li>1. The construction of the four large ponds has completely changed the site since the original planning application was granted for the Koi House (Application No 15/02681/FUL). The original building was described by the Planning Inspector who carried out the planning appeal, as a "modest and attractive building which is of an appropriate scale for the domestic curtilage of the listed building". The Parish Council agree with that description. However, it is the view of the Parish Council that the site is no longer a "modest" construction, but a substantial development on a commercial scale, and bears no resemblance to the proposed site in the original planning application. The four ponds and the pergolas are constructions of a significant size, and totally out of keeping with the rural setting.</li> <li>2. The Planning inspector also commented that the "modest" building would be shielded from view by the mature trees and hedging on the eastern boundary. The trees and hedging were removed by the landowner shortly after planning permission was granted, and replaced by an urban style low level fence and hedging. The site is therefore now exposed to the rural scene. As it stands at the moment, the original building blends quite well into the area, but the construction of the ponds and pergolas will change the nature of the area completely, will be easily seen from beyond the site and will impact significantly on the rural environment.</li> <li>3. In the planning statement, the ponds are described as "essential" to the running of the business. The Parish Council would like to understand why they were not therefore included in the original planning application? It would appear that no one was aware of the four ponds (including the Planning Inspector), until they were constructed earlier this year.</li> </ol>
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	<ol style="list-style-type: none"><li>4. The comments made by the Planning Inspector are quoted widely in the planning statement. However, it should be noted that the Planning Inspector was commenting on the application for the original building, and was not commenting on the construction of the four ponds as they formed no part of the original application under consideration at Appeal. So any comments made by the Planning Inspector and quoted in the Planning Statement for the ponds are totally out of context and irrelevant.</li><li>5. The Parish Council note that the application also includes the construction of a pergola above each pool. This will only serve to make them even more obtrusive and out of keeping in a rural setting within the curtilage of a listed building. They will also impact heavily on the other two properties on the boundary of the site. The Parish Council understands that no resident has a right to a view, but the impact of the koi carp development now has a significant impact on the entire area and has changed the rural scene completely.</li><li>6. The Planning Statement implies that the public footpath is to be moved. As the Ramblers Association have already pointed out, this has not yet been agreed and is by no means a foregone conclusion. However, it should also be noted that the landowner has already moved the path once, without consent. Actions have also been taken to make it extremely difficult to identify where the path is now located. Entrance to the path is obstructed by gates and vehicles, and signage has been relocated so that it is difficult to see.</li><li>7. The Planning Statement also implies that the site is up and running as a business, which is not the case as the original building is not yet complete.</li><li>8. Reference is made to supporting small businesses in a rural community, and the Parish Council actively supports such a view. However, it is difficult to see how this business will benefit the community. There are no employees and the business serves a very niche market which will not contribute to the local economy. This point was also made when commenting on the original planning application.</li><li>9. There are serious concerns with regard to the disposal of any contaminated water. The planning application says that they will make use of an existing water course. The Parish Council is not aware of any existing water course. The three cottages on the site all take their water from an artesian well, and make use of individual septic tanks. Any water discharge would need to be managed extremely sensitively to ensure no groundwater contamination.</li></ol>
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<b>Highway Authority (WBC):</b>	<p>No objection: The main highway consideration for this proposal is vehicle movements and car parking.</p> <p>Paragraph 3.3 of the Planning Statement states:</p> <p>The site benefits from planning permission for business use for Koi Carp trading and the provision of additional ponds will not increase the intensification of that use, nor will the existing footfall to site be increased.</p> <p>Paragraphs 6.11 and 6.12 state:</p> <p>As is explained above, the Koi Carp trading business is existing and the proposed ponds would be ancillary to that use. There would be no additional visitors or intensification of the use and as such the impact upon neighbours would be the same as has already been accepted.</p> <p>The ponds would have no impact upon the highway network; ample parking is available on site to sufficiently cater for the proposed number of visitors (by booking/appointment only). The ponds do not result in any intensification to the use which is already approved.</p> <p>Given this, I would raise no highway objections.</p> <p>Informative are requested on any planning approval which may be given.</p>
<b>Trees (WBC):</b>	No comments
<b>Local Lead Flood Authority (WBC):</b>	No objection if conditions accepted. There shall be no discharge into sewers, watercourses or other waterbodies during and post construction. The applicant shall ensure that no overland flow occurs as result of the works approved under this application.
<b>Archaeological Officer (WBC):</b>	<p>No objection: Thank you for the consultation on a largely retrospective proposal to construct four ponds in the garden of a Grade II listed building of 17th century origins. On balance I don't think an archaeological condition would have been required but if the ponds are already dug any features would unfortunately have already been disturbed. Should the applicant have uncovered any significant artefacts of more than 300 years old, I would request that these be reported to the Finds Liaison Officer who holds regular surgeries at West Berkshire Museum.</p> <p>The other aspect is whether these above ground structures will have an impact on the listed building - this is a matter for Conservation advice (I note that Historic England were consulted but they do not usually need to be notified about plan apps for Grade II buildings).</p>
<b>Conservation Officer (WBC):</b>	31.12.2021: Re-consultation dated 13 December 2021 (Proposal description has changed to erection of four incidental Koi Ponds to be used in conjunction with the establish Koi Carp Business at Jackaways Cottage, removal of unauthorised fence. Updated Location Plan, Proposed Block Plan and "Proposed Plans,

	<p>Elevation and Site Section". A statement from the applicant has also be provided).</p> <p>This additional information does not strictly alter my original comments made (attached for ease of reference). My comments seek to restrict themselves to the building conservation aspects of the proposals, although there may be other Development Control Case Officer considerations to take into account, e.g. a potential intensification of (a business) use of the site, although the submitted application states that this will not be the case. The conditions attached to approved application 15/02681/FUL controlling the use of this part of the site therefore remain relevant and should be appropriately repeated (there also being concerns raised in consultation about non-compliance with conditions attached to application 15/02681/FUL).</p> <p><u>19.08.2021</u>: This application follows on from application 15/02681/FUL allowed on appeal, where the existing koi carp house was judged by the Inspector not to have a detrimental impact on the setting of the Grade II listed Jackaways Cottage given its separation from it. Given that the now proposed fish ponds are much more modest structures and will be finished in appropriate materials, and effectively in a separate fenced compound dividing the listed building curtilage, I believe it would be difficult to argue material further impact on the setting of the listed building (as advised to Enforcement, notwithstanding any other planning issues). The fencing (vintage unknown) should however be subject of a formal (retrospective) application for planning consent, possibly as part of the current application, because the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is not permitted development under Class A, Part 2, Schedule 2 of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015 if it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building, and therefore requires a formal application for Planning Consent (but not Listed Building Consent (LBC) as the listed building is not directly affected).</p> <p>The foregoing comments seek to restrict themselves to the building conservation aspects of the proposals, although there may be other Development Control Case Officer considerations to take into account, e.g. a potential intensification of (a business) use of the site, although the submitted application states that this will not be the case. The conditions attached to approved application 15/02681/FUL controlling the use of this part of the site therefore remain relevant and should be appropriately repeated.</p>
<p><b>Rights of Way (WBC):</b></p>	<p>I have no objection to the actual ponds etc. but am duty bound to point out that the legal line of public footpath Sulhamstead 6 has been blocked by fencing, and also that the car parking area means that cars are parked on the public footpath. Removal of a fence will help, although note the fence in relation to where the public footpath leaves the south-west corner of the car parking area (as mentioned in attached comments, the car park is not</p>

	<p>where it was proposed in the 2015 planning application that was approved on appeal).</p> <p>Note that the line representing the public footpath on the final attachment only represents the centreline.</p> <p>We have an application in to divert the public footpath but we have many other such discretionary cases, as well as many other statutory duties so this is not on our priority list and no decision has been made on whether to make an order. There have been objections to the diversion proposal during informal consultations, and if an order is made, any objections will mean that we would have to abandon the matter or submit it to the Planning Inspectorate for determination, with no guarantee of success.</p> <p>The existing legal line of the public footpath should be kept open and clear at all times.</p>
<b>West Berks Ramblers:</b>	<p>Objection: Mid Berks Ramblers have concerns about this application. Public Right of Way Sulhamstead / 6 passes through the area being developed in this application. While a diversion to that right of way is under consideration, it has not been agreed or approved, contrary to the implication in the application.</p> <p>We believe that the future of the right of way should be resolved before this application is considered.</p>
<b>Natural England:</b>	No comment
<b>Historic England:</b>	No comment
<b>Thames Water Utilities:</b>	No comments received.
<b>Economic Development (WBC):</b>	<p>The principle of a Koi carp trading business has been established on this site with the existing koi house which contains internal ponds. As the use has been established and the business is actively trading, it should be viewed as an established small rural business.</p> <p>Under West Berkshire Council Core Strategy CS10 proposals to diversify the rural economy should be encouraged, and it makes provision specifically that the Council should encourage the retention of small rural businesses and support start-ups. This purpose should therefore carry weight under policy CS10 because, as established in the applicant's personal statement, these additional ponds are necessary for the proper functioning and viability of the business.</p> <p>Notwithstanding the other significant considerations, such as wastewater, the development should be acceptable in principle as a necessary aspect of a rural start-up.</p>



	In regards to any wider positive local economic impacts from the development, there is no evidence that it would contribute to employment or the vitality of local settlements.
<b>Environmental Health (WBC):</b>	On behalf of Environmental Health I confirm that I have no concerns regarding the above application.
<b>Ecology (WBC):</b>	No comments received.
<b>Emergency Planning (WBC):</b>	No adverse comments from Emergency Planning, application outside Burghfield DEPZ.
<b>Office For Nuclear Regulation:</b>	No comment

### ***Public representations***

4.2 Representations have been received from 7 contributors, all of which object to the proposal. 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:

- Ponds too large for this site
- Contamination and concerns that water can be disposed of safely.
- Non-Compliance with conditions of previous planning approval.
- Retrospective application.
- Continues breaches in planning control
- Harmful to the setting of the listed building and curtilage
- Parking area looks different to original plans
- Footpath has been obstructed.
- There are already two ponds within the building
- Harmful to the rural character and appearance of the area.
- Applicant has removed mature vegetation.
- Block Plan does not include all of the access.

## **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, ADPP6, CS10, CS13, CS14, CS16, CS17, CS18, and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C6 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS 1, OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development and rural economy
- Character and appearance
- Heritage impacts
- Intensification of use
- Effect on neighbouring amenity
- Effect on highways
- Effect on public rights of ways
- Effect of drainage and flooding
- Effect on tree and ecology
- Unauthorised development

### *Principle of development*

- 6.2 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP6 and CS10 of the Core Strategy, and Policy C6 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policy CS10 relates to the rural economy, and Policy C6 relates to domestic extensions.
- 6.3 Under policy ADPP1 it is found that most development will be within or adjacent to the settlements included in the settlement hierarchy. This policy finds in the open countryside only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.4 The application is located within the East Kennet Valley, the name given to the rural south-east of the district that lies east of Thatcham and outside of the AONB. Policy ADPP6 is the spatial strategy for the East Kennet Valley. According to the policy, the character of all the settlements in this area will be conserved and enhanced by ensuring that any development responds positively to the local context. Development in the open countryside will be strictly controlled.
- 6.5 Policy CS10 relates to the rural economy. Policy CS10 finds proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.
- 6.6 Regard has also been given to Policy C6 which sets out criteria for extensions to existing dwellings that qualify as an exception in Policy C1. It states there is a presumption in favour of proposals for the extension of existing permanent dwellings. An extension or alteration will be permitted providing that:

- a) the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
  - b) it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
  - c) the use of materials is appropriate within the local architectural context; and
  - d) there is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.
- 6.7 The use of the site has been established by the previous application 15/02681/FUL which was granted planning permission on appeal. The Inspector applied the following condition:
- 4) The outbuilding hereby approved shall be used as a Koi carp sales and consultancy business only, or for purposes incidental to the residential use of the dwelling currently known as Jackaways Cottage, and shall not be used for any other business or commercial use. The development shall be operated by the occupiers of the Jackaways Cottage only, not be used as a separate commercial or business unit, nor shall the new building hereby approved be sold, let, rented or otherwise separately occupied, or disposed of from the host dwelling, and no separate curtilage shall be created.*
- 6.8 In effect the previous decision has therefore permitted a specific commercial enterprise (Koi carp sales and consultancy business) to take place on the land, but the enterprise is tied by the permission to a business operated by the occupants of the associated house, akin to a live/work unit. In this respect regard should be given to Policy CS10 (rural economy). Alternatively the building can be used for purposes incidental the residential use of the house, and in this respect due regard has been given to Policy C6 (domestic extensions).
- 6.9 The application relates specifically to the erection of four ponds. Some work has started on some of these ponds, and so this application is partially retrospective. There has been a personal statement from the applicant and professional planning statement which indicates the ponds are needed in relation to the business and the ponds will improve the living conditions for the Koi Carp. It has been declared in the planning statement and personal statement that the new Koi ponds would not represent any intensification of the business. Rather they are a practical necessity for the processing and showing of specimens that have passed quarantine checks. This is the only practical way applicant can guarantee the Koi are bio-secure and the welfare of collectors' stocks.
- 6.10 It is considered the addition of the ponds would support the established business on the site. While the site is not located in or adjacent to any rural service centre or service village, the ponds further facilitate the onsite business which is helping to diversify the rural economy. It is considered the proposal does attract support from Policy CS10 in this respect.
- 6.11 If the site is no longer used for business purposes, it is considered that the scale of the development is such that it would be subservient to Jackaways Cottage, as a series of ponds is not fundamentally out of character in a domestic setting. It is considered that the proposal is in accordance with Policy C6 in this respect.
- 6.12 It is considered that the proposed development would conserve the character and appearance of the adjacent Grade II Listed building and the surrounding rural area. It is considered the scale of the development appropriate and securing the removal of the

fence through a planning condition will improve the openness of the site. The removal of the fence will also mean the legal line of the foot path is no longer obstructed. It is considered the proposed is appropriate limited development in the countryside and is therefore compliant with ADPP1 and ADPP6 of West Berkshire Core Strategy 2006-2026.

- 6.13 Overall, it is considered that there is a presumption in favour of the proposed development providing there are no adverse impacts that would outweigh the benefits, when assessed against the policies in this Local Development Plan taken as a whole.

### ***Intensification of use***

- 6.14 Within the planning statement and personal statement it is indicated that the provision of additional ponds will not increase the intensification of that use, nor will the existing footfall to site be increased. While, there is an increase in ponds it is put forward that this will not necessarily translate into more people attending the site. The applicant is still restricted by conditions on the original application which includes opening hours. The ponds are required so the new Koi ponds are required to keep healthy fish separate from newly imported fish under quarantine. Extra ponds for healthy specimens ready for sale are a necessary requirement for the functioning of the business. It is considered the addition of the four ponds will not lead to an over intensification of the land.

### ***Character and appearance***

- 6.15 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire.
- 6.16 Policy CS19 states that development should ensure diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. Having regard to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.17 Jackaways Cottage has a large residential curtilage, and it is considered the scale of the proposed ponds can be accommodated within the setting of this residential curtilage. Neighbouring dwellings are situated to the north. The site is screened from the views within the surrounding open countryside via mature planting.
- 6.18 The four ponds are located close to the Koi Carp outbuilding and it is considered that this is an acceptable location for the four ponds.
- 6.19 The four ponds would be seen by users of the public footpath which crosses the site and it would be within the historical curtilage of the listed buildings and would form part of its setting. It is considered the four ponds would assimilate with the established domestic garden of the surroundings. It is considered the ponds would not look out of place to footpath users. It is considered they would not appear dissimilar to a hard landscaped residential garden.
- 6.20 The proposed materials are considered to be in keeping with the local area and reflective of the Koi Carp outbuilding.
- 6.21 The removal of the unauthorised fence would assist in restoring the open nature of the site. There are conditions on original permission to prevent the subdivision of the curtilage as this was seen to be harmful to the character and appearance area and to the setting of Jackaways Cottage.

6.22 It is considered the proposal would be appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. It is considered the proposal is compliant with policies CS14 and CS19 of West Berkshire Core Strategy 2006-2026.

### ***Heritage assets***

6.23 The Conservation Officer recognises that this application follows on from application 15/02681/FUL allowed on appeal, where the existing Koi carp house was judged by the Inspector not to have a detrimental impact on the setting of the Grade II listed Jackaways Cottage given its separation from it.

6.24 Given that the now proposed fish ponds are much more modest structures and will be finished in appropriate materials, and effectively in a separate fenced compound dividing the listed building curtilage, it is considered to be difficult to argue material further impact on the setting of the listed building.

6.25 The Inspector judged that Koi Carp outbuilding's presence would not be visually at odds with its setting in the garden of a listed building and they were satisfied that the proposal would enhance the character and appearance of this sensitive area rather than harm or detract from it.

6.26 As the Koi Carp outbuilding was considered to be an enhancement to the character and appearance of the sensitive area by the Planning Inspector, the Planning Officer agrees with the Conservation Officer that it would be difficult to argue material further impact on the setting of the listed building.

6.27 The fencing that has been erected is unauthorised and requires planning permission. This is because the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is not permitted development under Class A, Part 2, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 if it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building, and therefore requires a formal application for Planning Consent (but not Listed Building Consent (LBC) as the listed building is not directly affected). The unauthorised fence is to be removed as part of this application and this will be secured by condition. Its removal will have a positive impact on the site's openness, although this should not be regarded as a benefit in the planning balance because it would remedy a breach of planning control.

6.28 It is considered the proposal would not have a material harmful effect of the setting of the listed building. It is considered the proposal is compliant with Policy CS19 with respect to the historic environment.

### ***Neighbouring amenity***

6.29 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

6.30 Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties.

- 6.31 The closest dwelling to the proposed ponds would be approximately 25m away. It is considered that the proposal is sufficient distance away from neighbouring properties so as not to give rise to amenity issues, such as loss of privacy, overlooking, over shadowing or loss of natural light.
- 6.32 Objections have been raised in regards to noise. Environmental Health have been consulted with regards to this matter and have raised no concerns. The original permission has conditions which controls the timing of customers visiting the site. This condition of the original permission means visits should not take place at unsocial times. The Inspector granted the use on the basis of its low key nature, and it is not considered that the proposal would significantly intensify this use. It is considered the proposal will the give raise to unaccepted noise levels which would be martially harmful to neighbouring amenity.
- 6.33 Taking the above matters into account, it is considered the proposal will not have a materially harmful impact on neighbouring amenity. The proposal is considered comply with policy CS14 of the West Berkshire Core Strategy 2006-2026 and OVS5 of the West Berkshire Local Plan Saved Policies 2007.

### ***Highways***

- 6.34 Policy CS13 of the Core Strategy concerns transport. It emphasises that road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, and other vulnerable road users.
- 6.35 The Highways Officer was consulted on this application and they had no objections to the proposal for the erection of four ponds and removal of the fence. It is considered these additions will not bring additional footfall to the site.
- 6.36 It is noted by officers that car parking area has been constructed in a slightly different position to the approved plans of the previous permission. It is therefore necessary to agree a revised car parking layout under this application. A condition is proposed accordingly.
- 6.37 It is considered the proposal will not have a material impact on highways. It is considered the proposal is compliant with CS13 of West Berkshire Core Strategy (2006-2026), and TRANS.1 West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and policy P1 of Housing Site Allocations Development Plan Document.

### ***Public rights of ways***

- 6.38 Policy CS18 states that District's green infrastructure will be protected and enhanced. Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.
- 6.39 There is a footpath, Sulhamstead 6/1, which runs through the site. The Council's Right of Way Officer advised they have no objection to the actual proposed ponds, but has highlighted that the legal line of public footpath 6/1 has been blocked by fencing, and also that the car parking area means that cars are parked on the public footpath. They recognised in principle that the removal of the fence under the terms of this application would assist in resolving this matter.
- 6.40 The four proposed ponds would not obstruct the public footpath, and this application would secure the removal of the unauthorised fence that is obstructing the footpath. It would be necessary to agree a revised parking area that serves the dwelling and

business in a way that does not obstruct the legal route of the public footpath, and a condition is proposed accordingly.

- 6.41 It has been raised in an objection letter that this application, if approved, would footpath 6/1. It should be noted that this is not the case as diverting a public footpath has to be done through the submission of an application under the Highways Act 1980. Therefore, diverting a footpath is outside the legal framework of the planning application.
- 6.42 It is considered that the proposal will be compliant with policy CS18.

### ***Drainage and Flooding***

- 6.43 The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As minor development, a Flood Risk Assessment (FRA) is not required by Policy CS16, and there are no objections to the development on grounds of flood risk.
- 6.44 Notwithstanding the absence of any flood risk objections, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The Council has adopted a Sustainable Drainage SPD which supports this policy, and provides examples of measures that can be incorporated into even minor developments.
- 6.45 In addition, public representations have raised concerns in regards to drainage and disposal of the water from within the ponds.
- 6.46 The Local Lead Flood Authority has reviewed the case and considers that drainage matters can be adequately dealt with by conditions.

### ***Tree and Ecology***

- 6.47 Whilst no comments have been received from the Council's ecologist or tree officers, it is considered that the nature and location of the development is such that the proposed development would not materially harm any nearby trees and would not have a materially harmful impact on ecology. It is considered the proposed scheme is compliant with CS17 of the West Berkshire Core Strategy (2006-2026).

### ***Unauthorised development***

- 6.48 A number of objections have been raised in relation to unauthorised development on the site. It is also recognised that some of the supplied information may be contradictory to the original permission. The decision on this application must relate solely to planning considerations relating to the proposed development of the four ponds. Accordingly the proposal has been assessed on its individual planning merits.
- 6.49 The decision maker must approach a retrospective application seeking to legitimise a development that has already taken place in exactly the same way as a 'normal' application for proposed development. Therefore, unauthorised development itself cannot be weighted in the planning balance.

## 7. Planning Balance and Conclusion

- 7.1 In conclusion, an in-depth consideration has been given to a range of planning matters and it is considered that the proposed development is compliant with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS10, CS13, CS14, CS16, CS17, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), Policies C1 and P1 of Housing Site Allocations Development Plan Document adopted May 2017, Policies TRANS 1, OVS5 and OVS6 of West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Supplementary Planning Document Quality Design (June 2006). Therefore, it is recommended that this application is approved.

## 8. Full Recommendation

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

### **Conditions**

1. **Commencement of development**

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

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

2. **Approved plans**

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

- Amended Location Plan drawing number 2119c 100 received 03.12.2021;
- Amended Block Plan drawing number 2119c 101 received 13.12.2021;
- Amended Proposed plan, elevation & site sections drawing number 2119c 103 received 03.12.2021;
- Roof Plan drawing number 2119 104 received 09.07.2021;
- Cross sections / elevations drawing number 2119 105 received 28.07.2021.

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

3. **Materials (as specified / to match)**

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

Reason: To ensure that the external materials 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).

4. **Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

- 8:30am to 6:00pm Mondays to Fridays;  
9:00am to 1:00pm Saturdays;



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

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

5. **Drainage**

There shall be no discharge into sewers, watercourses or other waterbodies during and post construction. The applicant shall ensure that no overland flow occurs as result of the works approved under this application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed 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), Sustainable Drainage SPD (2008).

6. **Ponds use**

The four ponds hereby approved, as detailed on the Amended Block Plan drawing number 2119c 101 (received 13.12.2021), shall be used as a Koi carp sales and consultancy business only, or for purposes incidental to the residential use of the dwelling currently known as Jackaways Cottage, and shall not be used for any other business or commercial use. The development shall be operated by the occupiers of the Jackaways Cottage only, not be used as a separate commercial or business unit, nor shall the new building hereby approved be sold, let, rented or otherwise separately occupied, or disposed of from the host dwelling, and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

7. **Removal of fence**

The four ponds hereby permitted shall not be brought into first use until the fences shown on the Amended Block Plan drawing number 2119c 101 received 13.12.2021 have been removed.

Reason: The retention of the unauthorised fence would have a negative impact on listed building and the character of site. The fence is currently obstructing a public right of way which is considered to be harmful to user of the footpath. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6 and CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

8. **Parking and turning**

The four ponds hereby permitted shall not be brought into first use until vehicle parking and turning spaces for the dwelling and Koi carp sales and consultancy business (including any surfacing arrangements and marking out) have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is 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.

### ***Informatives***

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

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

2. **Damage to the carriageway**

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

3. **Tree protection precautions**

- To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
- In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
- Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
- To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
- If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil
- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
- If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.

## Appeal Decision

Site visit made on 2 August 2016

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 August 2016**

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**Appeal Ref: APP/W0340/W/16/3146768**  
**"Jackaways Cottage", White House Green, Sulhampstead, Reading,**  
**RG7 4EB.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr D Taylor against the decision of West Berkshire Council.
  - The application Ref.15/02681/FUL, dated 30 July 2015, was refused by notice dated 25 January 2016.
  - The development proposed is the erection of an outbuilding for the sale of Koi carp and supplies.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding for the sale of Koi carp and supplies at Jackaways Cottage, White House Green, Sulhampstead, Reading, in accordance with the terms of the application, Ref. 15/02681/FUL, dated 30 July 2015, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

### Main Issues

2. The main issues are:
  - The effect of the proposed building on the character and appearance of the surrounding area, including the setting of a listed building; on users of a public footpath; and on the occupiers of nearby dwellings;
  - Whether the proposal constitutes sustainable development given the nature of the site away from sustainable transport modes.

### Reasons

#### *Background*

3. The appeal site comprises an attached cottage and its extensive garden set in open countryside although there are three other properties adjoining the site and served off a long private driveway. A public footpath crosses part of the garden and runs along the driveway. Jackaways Cottage and the adjoining property are listed buildings - grade II.
4. It is proposed to build a single storey timber building in which there would be ponds for Koi carp together with space for the storage of supplies and a shop/reception. The building would measure about 12m by 6m and have a

pitched roof with a ridge of about 4.5m high. The proposal also includes the formation of a small parking area for 4 cars in the garden.

5. Information submitted in a Transport Statement suggests that the new enterprise would be small in scale and stock Koi imported directly from Japan and collected by the appellant from Heathrow. The Assessment indicates that the building and its use would only generate between 2 or 3 customer visits per day and that the majority of the appellant's business would involve the appellant going to clients' own properties with his advice and design service.

*Effect on the character and appearance of the area*

6. The site of the proposed outbuilding would be close to a belt of mature trees and shrubs which enclose the south-east boundary of the garden. Consequently, the building would not be prominent in the public realm and in views of open countryside. The building would be seen by users of the public footpath which crosses the site and it would be within the curtilage of the listed buildings and would form part of its setting.
7. However, I consider that the form and design of the outbuilding is modest and attractive. It would have the appearance of a small pavilion and would have a domestic scale. As such, I do not agree with the Council that the building would dominate its surroundings or have a harmful effect on rural views. Its presence would not be visually at odds with its setting in the garden of a listed building and I am satisfied that the proposal would enhance the character and appearance of this sensitive area rather than harm or detract from it.
8. In terms of the activity that could be generated by the proposal again this appears to be small in scale and I do not consider that the 'comings and goings' associated with the use would give rise to harm to the living conditions of the occupiers of the few other houses close-by. The timing of people visiting the site can be controlled by condition so that these visits do not take place at unsocial times.
9. Overall on this issue, I find that the proposal does not conflict with the requirements of policies CS14 and CS19 of the Council's Core Strategy (2012) which seek to ensure that new development is of a high quality design which respects and enhances the character and appearance of the area and also protects the historic environment and landscape character of the area.

*Whether sustainable development*

10. It is clear that the site lies in the open countryside and the parties agree that the local area is not served by public transport. The Council submit that the location of the site means that the majority of trips associated with the use are likely to be by car and therefore the use for the display and sale of Koi would be more suited to an urban area where a greater range of transport modes would be available.
11. The National Planning Policy Framework (the Framework) encourages sustainable development provided that the social, economic and environmental roles, taken together, are met, as set out in paragraph 7. Within this, the Framework seeks to promote sustainable modes of transport although it recognises that sustainable transport solutions will vary from urban to rural areas. The Framework also recognises the need to support a prosperous rural economy and supports a positive approach to sustainable new development

and the growth and expansion of all types of businesses and enterprise in rural areas including in well designed new buildings.

12. In this case it appears from the evidence submitted that the movement of Koi requires specialist facilities that are unlikely to be suited to public transport and that the development of the business will be likely to involve the use of the car where ever it is located. Further, the evidence indicates that the traffic generation from customers visiting the premises will be very limited in nature. Although the proposal suggests that the employment created would be limited to the appellant himself, this does not weaken the support for it in the Framework and the contribution the enterprise may make to the rural economy.
13. On balance, I find that the location of the site away from public transport modes is outweighed by its low key nature and the support in favour of business and enterprise development.
14. I conclude on this issue that the proposal is generally supported by the Framework and that there is no clear conflict of the proposal with policy CS13 of the Core Strategy which seeks to regulate the traffic impact of development.

*Other matters*

15. A local resident and engineer raises concerns that the appeal site property has no access to mains water supply or mains drainage and that the building proposed has no toilet or washing facilities. However, while these specialist concerns may arise, there is no clear evidence before me to demonstrate that the supply and disposal of water for the fish ponds cannot be accommodated on the site as far as the planning system is concerned. The movement of fish and the disposal of waste water are likely to be subject to other legislation. Further, although no toilet and washing facility is shown on the 1:100 floor plan, the outbuilding would be sited close to the appellant's home and the facilities here could reasonably provide for such needs. Overall, I am satisfied that the water supply to and disposal from the building can be regulated by conditions in the planning context.
16. A local resident also raises concern that the appellant does not own the access drive and queries whether he has a legal right of access over it for business purposes, however, this is a private matter for the parties involved to resolve.

*Planning balance*

17. Bringing together my conclusions on the main issues, I have found that the proposed outbuilding is a modest and an attractive building which is of an appropriate scale for the domestic curtilage of this property. Its presence and its use as proposed would not be harmful to the character and appearance of the open countryside; the environs of the footpath which crosses the site; or the living conditions of the occupiers of the other properties that are located off the driveway. I have also found that the design and scale of the outbuilding as proposed would preserve the setting of the listed building and would not be harmful to it.
18. Further, the traffic generation likely to stem from the proposal would not be great and the specialist nature of the use and means of transport involved for the transportation of fish, together with the support for an enterprise in a rural

area, outweighs concerns related to the location of the site in a remote position away from a range of modes of transport.

19. On this basis I have found that the proposal accords with the relevant policies in the development plan that the Council mention in the reasons for refusals. I also consider that the proposal does not conflict with policy CS10 which encourages proposals to diversify the rural economy in service centres and villages, but this policy does not explicitly rule against development in a general countryside location. My attention has also been drawn to West Berkshire Local Plan saved policy ENV.24 but I do not see the proposal as being in conflict with this policy as the criteria set out for approval of residential extensions are similar to the analysis I have undertaken within the main issues.
20. I am satisfied that in the main the proposal accords with the social, economic and environmental roles of sustainable development, when the Framework is read as a whole, and that the presumption in favour of sustainable development should apply.
21. I conclude that the other considerations that arise in this case do not outweigh the general accord with the development plan and national guidance. I will therefore allow the appeal.

#### *Conditions*

22. The Council recommends 14 conditions be imposed on any permission and I will consider these under the same numbering. In addition to the statutory condition on the timing of development (1) it is reasonable in the interests of clarity that the plans are specified and the development must be undertaken in accordance with them (2). In order to ensure that the details of the building are appropriate for this site I will impose a condition that only the materials specified in the proposal are used (3). As I have judged that the use is low key and appropriate for this residential curtilage site it is necessary that a condition is imposed to restrict the use to Koi carp sales, and ancillary aspects only, given the close relationship with Jackaways Cottage. Further, it is reasonable and necessary to state in this condition that the use of the building may also include purposes incidental to the residential use of this property but not a separate commercial or residential use (4).
23. In order to ensure that the use and the limited traffic generation involved does not take place at time that would harm the living contortions of neighbours, it is necessary that a condition is imposed specifying the opening times of the operation in the outbuilding (5), however, there is no planning justification to limit the opening period to the season April to September as the Council suggest. Further, given the remote location of the site it is reasonable in the interests of amenity that external lighting on the building is controlled and I will impose a condition requiring the submission of a lighting scheme and that no other external lighting shall be erected on the outbuilding (7).
24. I will also impose the condition relating to the disposal of spoil arising from the development to ensure that this is disposed off in a proper manner in the interests of amenity and to avoid pollution (6). Further, to avoid pollution I will impose the condition recommended in terms of requiring further details of the disposal of waste water from the building (14).

25. In terms of highway aspects, it is reasonable that a condition is imposed requiring the implementation of the parking space shown on the plan before the use commences (10) so as to avoid parking spilling out of the site. Further, it is reasonable that before development commences signs are erected to warn users of the footpath of the presence of construction works (13) to ensure their well being. However, I will not impose condition No. 8 as it is not clear about the extent of works necessary to the driveway outside of the highway and it appeared to me that the existing driveway was suitable for the use anticipated.
26. Finally, as the site lies close to existing mature trees, conditions requiring tree protection works (9) are necessary to ensure that the trees are not harmed by the construction work in the interests of amenity but I do not see that an additional horticultural method statement is needed nor other tree protection in respect of the footpath, therefore I will not impose the recommended conditions 11 and 12.

### **Conclusion**

27. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers 15-1633/101, and 15-1633/100 received on 15th October 2015, and the drawings labelled 'front' and 'Promap' .
- 3) The materials to be used in this development shall be as specified on the plans or the application forms. No other materials shall be used unless prior permission in writing has been obtained from the Local Planning Authority in respect of a planning application.
- 4) The outbuilding hereby approved shall be used as a Koi carp sales and consultancy business only, or for purposes incidental to the residential use of the dwelling currently known as Jackaways Cottage, and shall not be used for any other business or commercial use. The development shall be operated by the occupiers of the Jackaways Cottage only, not be used as a separate commercial or business unit, nor shall the new building hereby approved be sold, let, rented or otherwise separately occupied, or disposed of from the host dwelling, and no separate curtilage shall be created.
- 5) The Koi carp business shall only be open for visitors between the hours of 10:00 to 16:00 Mondays to Saturdays, and the premises shall not be open to the public at any time on Sundays or Bank or other Statutory Holidays.
- 6) No development shall commence on site until full details of how any spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority in respect of a discharge of condition application. These details shall:
  - a) Show where any spoil to remain on the site will be deposited,
  - b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels),
  - c) Include measures to remove the spoil from the site.
  - d) Include a timescale for the spoil removal and associated works.All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.
- 7) No floodlighting or other form of external lighting scheme shall be installed or erected until a scheme of proposed floodlighting specifically designed for the site has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting installed thereafter shall be done so in accordance with the approved scheme. The lighting scheme shall not thereafter be altered without the prior consent in writing of the Local Planning Authority in respect of a planning application other than for routine maintenance that does not change its details.
- 8) No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of



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

- 9) The use shall not commence until the vehicle parking and turning space 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 (of private motor cars and light goods vehicles) at all times.
- 10) No development shall commence until details of the signs warning users of Footpath 6/1 have been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. The schemes shall include types of signage, and height and nature of warning. The approved signage shall be displayed for the duration of the construction work.
- 11) No development shall commence until a waste water drainage method statement has been submitted to and permitted in writing by the Local Planning Authority via a discharge of condition application. The development shall be carried out in accordance with the approved details. The method statement shall provide details for;
  - (a) Waste water and trade waste disposal.
  - (b) Details on how the fish tanks will be emptied and disposed.
  - (c) Discharge of fish tank drainage
  - (d) Water leakage measures, and any secondary water tanks.

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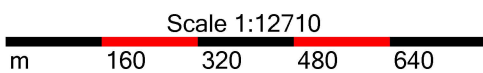
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	14 January 2022
<b>SLA Number</b>	0100024151



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