

Item No	Application and Parish	No. 8/13 Week Date	Proposal, Location and Applicant
(4)	12/02476/FULD. Welford	18 th December 2012	Erection of four dwellings. Land opposite Fairbank, between Cedar House, The Lythe and Rectory Cottages, Wickham. Mr and Mrs J D'Arcy.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=12/02476/FULD>

Recommendation Summary:

To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission for the following reasons:

1. The application site lies outside of the settlement boundary, as defined within Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, and is in a location that would not encourage the use of non-car modes of transport. As such the application site is considered to be contrary to the Government's guidance within the National Planning Policy Framework as well as Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026 and Policies CC1 and CC6 of the Regional Spatial Strategy for the South East of England 2009.

2. The proposed dwellings and residential use of the application site is considered to harm the intrinsic rural character and appearance of the area and is not considered to conserve the landscape or scenic beauty of the AONB as required in paragraph 15 of the NPPF. The development of the site would formalise the street scene through the proposed fencing and clearance of the vegetation that exists at present. Views of the built form proposed would be possible from the public realm and elements such as the storage of bins in front of the garage opposite the access and the positioning of bins adjacent to the access on collection days would further urbanise the existing rural appearance of the street scene. Moreover the layout of the proposed dwellings at an angle to the road is considered to run contrary to the rhythm of development in the area which largely accommodates built form that runs parallel to the road.

As such the proposal is considered to harm the character of the area contrary to the NPPF as well as Policies CS14 and CS19 of the Core Strategy and Policies CC1, C3 and CC6 of the Regional Spatial Strategy for the South East of England 2009. In addition the proposal is contrary to Supplementary Planning Guidance 'Quality Design' in particular part 2.

3. No information, evidence or study such as an archaeological field evaluation has been submitted with the application to demonstrate that the potential archaeological significance of the site would not be harmed by the proposed development. Given the lack of an archaeological field evaluation an informed judgement about the impact of the proposal on the archaeological significance of the site cannot be made.

As no such field evaluation has been submitted the application is considered to run contrary to the NPPF as well as Policy CS19 of the West Berkshire Core Strategy.

4. The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government advice, Policy CC7 of the South East Plan, regional Spatial Strategy May 2009 and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.

Ward Member(s):

Cllr Stansfeld and Cllr Rowles.

Reason for Committee determination:

Called to Committee by Cllr Rowles if proposed to be refused due to the chances of approval under the rules for exception sites had the application been submitted by a Housing Association.

Committee Site Visit:

17th January 2013

Contact Officer Details

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1. Relevant Site History

Application Reference: 12/01455/FULD – Erection of Four Dwellings. Application withdrawn.

2. Publicity of Application

Site notice expired 29th November 2012.

Neighbour Notification expired 15th November 2012.

3. Consultations and Representations

Parish Council: No objections.

Highways Officer: Access to cycle storage for the middle two dwellings is required. No objections subject to conditions.

Thames Water : No objections.

Drainage Officer: No objections subject to a condition.

North Wessex Downs AONB: Object: outside settlement boundary and within nationally protected landscape.

Access Officer: No response received.

Environment Agency: No response received.

Agency:

Tree Officer: No objections subject to conditions.

Archaeological Officer: Object - The centre of Wickham has produced extensive evidence for Roman, Saxon and medieval activity. The Roman Road (Ermin Street) runs through the village a short distance south of the current application site. Numerous finds from within and around the village have demonstrated that this was the location of a roadside settlement that appears to have existed throughout the Roman period. Archaeological finds, place name evidence and surviving fabric in the church have demonstrated that the village continued to exist through the early medieval (Saxon) period. The settlement existed throughout the later medieval period, with artefacts of this date also being found in close proximity to this site. It is possible that archaeological features and deposits surviving in this area will relate to the early origins of the village and could make a significant contribution to our understanding of the changing character of rural settlement and communities in the district. The NPPF makes it clear that where a potential development will impact on known heritage assets it should be accompanied by a description of the

Archaeological**Officer cont:**

significance of any heritage assets affected (Para 128). Following the principles set out in the NPPF I would advise that the issues related to the potential archaeological significance of the site should be resolved at the earliest possible opportunity. The best mechanism to achieve this would be for the applicants to commission an archaeological field evaluation. No decision to approve the current application should be made until the results of this field evaluation have been made known to us and we can make a more informed judgement about the impact of the proposal on the archaeological significance.

Ministry of Defence: No response received.

Representations:

5 letters of objection received citing: impact on traffic; highway safety at junction with B4000; overlooking; bonded gravel should be used at access proposed; refuse bins need to be screened; loss of trees; drainage ditch to be located within garden areas; impact on drainage; detailing is inappropriate and out of scale with proposed dwellings; impact on AONB; outside of settlement boundary; free market housing to subsidise a housekeeper dwelling is invalid as existing suitable buildings could be converted at Wickham House; affordable housing already exists within Wickham; insufficient parking; cycle sheds for middle dwellings have no external access; visual impact of parking and refuse bins; loss of agricultural land; not infill development; contrary to West Berkshire Core Strategy 2006-2026; new housing should be located in urban areas and service centres; living space within proposed dwellings are contrary to minimum standards; does not reflect character of Church Hill; impact of construction traffic; insufficient access..

4. Policy and Legislation Considerations

4.1 The West Berkshire Core Strategy 2006 – 2026 has recently been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
- CS 1: Delivering New Homes and Retaining the Housing Stock
- CS 4: Housing Type and Mix
- CS 5: Infrastructure Requirements and Delivery
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

4.2 The West Berkshire Core Strategy 2006 – 2026 replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development

4.3 In addition Policies CC1, CC4, CC6, CC7, H4, H5, C3, BE5 and T4 of the Regional Spatial Strategy for the South East of England 2009 are relevant. Please note that the Localism Act 2011 gives the Secretary of State the authority to abolish regional strategies. Although the RSS presently remains in force, the Secretary of State has previously indicated his intentions for its abolition. In the meantime, paragraph 214 of the NPPF advises that for 12 months from the days of its publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.

4.4 Other material considerations for this application which includes government guidance are:-

- The National Planning Policy Framework (March 2012) (NPPF)
- Supplementary Planning Document “Quality Design” (adopted June 2006)
- Supplementary Planning Guidance SPG 04/4 “Delivering Investment from Sustainable Development” (adopted 2004)
- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010
- Circular 11/95 - The use of conditions in planning permissions

5. Description of Development

This application seeks permission for the erection of four terraced dwellings. The application site is located outside of the settlement boundary as designated under policy HSG1 of West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

6. Consideration of the Proposal

The main issues to consider are:-
The principle of the development
The impact on the character of the area and AONB
The impact on neighbouring amenity in terms of:-

- sunlight
- daylight
- overlooking / privacy
- noise and disturbance
- overbearing

6.4 Highway Matters

6.5 Other matters

6.1 Principle of Development

- 6.1.1 The application site is located outside of any defined settlement boundary and as such the application for new housing adjacent to a village that does not fall within the settlement hierarchy is contrary to Policy ADPP1 of the West Berkshire Core Strategy 2006 – 2026.
- 6.1.2 This policy requires most development to be within or adjacent to the settlements within the settlement hierarchy. The village of Wickham is not designated as being within the settlement hierarchy.
- 6.1.3 The application site is located on greenfield land within the North Wessex Downs AONB.
- 6.1.4 Whilst the application site is located between existing residential units, the site is considered to be an unsustainable location by virtue of the lack of services within reasonable walking and cycling distance of the site. Furthermore there is only one very limited bus service which runs between Newbury and Lambourn along the nearby B4000 on Saturdays only (Bus service 95).
- 6.1.5 The application site is located approximately 4.6 km from the nearest railway station (Kintbury) and approximately 9km from the town centre of Newbury. There is no formal pavement along the B4000 which is considered to discourage non-car modes of transport.
- 6.1.6 The Institution of Highways and Transportation – Providing for Journeys on Foot (2000) publication, states in table 3.2 (p.49) that the desirable walking distance limits for town centres, commuting/school and elsewhere to be 200 metres, 500 metres and 400 metres respectively. The acceptable walking distance limits for town centres, commuting/school and elsewhere are 400 metres, 1000 metres and 800 metres respectively and the maximum distances for town centres, commuting/school and elsewhere are 800 metres, 2000 metres and 1200 metres respectively.
- 6.1.7 As such the location of the proposed development would not encourage a use of non-car modes as the access to most facilities would be beyond the desirable and acceptable limits for walking. The site is therefore considered to be in an unsustainable location. Therefore the development is not considered to contribute to sustainable growth within West Berkshire.
- 6.1.8 Policy ADPP1 provides for some limited infill or minor development where a settlement boundary has been defined and to rural exception schemes for affordable housing to meet local needs. The policy goes on to state in its explanatory text:-
'Outside these settlements, in the countryside, a more restrictive approach to development will be taken. Specific exceptions to this approach could include barn conversions and agricultural workers dwellings to support the rural economy. Any development within the North Wessex Downs AONB will be more restrictive than in the general countryside, reflecting the national designation of the landscape.'

- 6.1.9 The proposal is located outside of the defined settlement boundary and therefore considered to be located in the countryside. The application states that two of the proposed dwellings would be used to provide some form of affordable housing for local workers and two of the dwellings would be sold to enable the provision of the affordable type housing. No economic information has been submitted to justify the need for the two free market houses and whilst there is a reference to the use of one of the proposed dwellings for the housekeeper of Wickham House this is not considered sufficient to overcome the need to develop free market housing on land in the countryside within the AONB. Furthermore no planning obligation has been submitted to ensure that two of the dwellings would be sold or let as affordable housing as detailed later in the report.
- 6.1.10 In addition, Policy ADPP5 of the Core Strategy, the SHLAA, has identified sufficient land for the provision of housing in the AONB and the proposal is therefore not required to fulfil the development needs of the Core Strategy. This policy also emphasises the importance of the national landscape designation and the impact of the proposal on the AONB is considered later in this report.
- 6.1.11 As such the principle of the proposed development is not considered acceptable as the application would run contrary to Policies ADPP1 and ADPP5 as well as the NPPF. Moreover the proposal runs contrary to Policy CS1 as the application site does not fall within one of the identified categories for new housing development.
- 6.1.12 The Design and Access Statement submitted with the application states, in paragraph 2.1, that the proposed dwellings would provide low cost housing for some of the applicant's employees and for local people. However later in the Design and Access Statement it is stated, in paragraph 7.5, that 'one of the houses will allow the applicant's housekeeper to settle with her family in the area whilst one of the smaller units may be rented out for a local family to settle in an area where they are out-priced by rental values'.
- 6.1.13 Whilst the desire to provide some low cost housing is acknowledged, two of the proposed dwellings would be available on the free market and no evidence demonstrating how the dwellings would constitute affordable dwellings has been provided. In addition no evidence demonstrating the need for affordable dwellings in the area, such as a local survey of housing, has been submitted. Moreover, as discussed later in the report, no planning obligation has been secured to ensure that all of the dwellings proposed would be managed and occupied so that they remain affordable in perpetuity. As such the application is not considered to form a rural exception site as considered under Policy HSG11 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

6.2 The impact on the character of the area and AONB

- 6.2.1. The existing dwellings on Church Hill are of varied age, design and appearance. The proposed introduction of built form on land within the AONB is considered to harm the intrinsic rural character and appearance of the area and AONB. Whilst the design of the proposed dwellings would have a similar scale to those closest to the application site, and the appearance may reflect other dwellings within the Wickham estate, the loss of undeveloped land within the countryside and AONB for

residential use and development is considered to not conserve the landscape or scenic beauty of the AONB as required in paragraph 15 of the NPPF.

- 6.2.2. The existing view into the site is well screened from the road by mature trees hedging and vegetation. The development of the site would formalise the street scene through the proposed fencing and clearance of the vegetation that exists at present. Views of the built form proposed would be possible from the public realm and elements such as the storage of bins in front of the garage opposite the access and the positioning of bins adjacent to the access on collection days would further urbanise the existing rural appearance of the street scene.
- 6.2.3. Moreover the layout of the proposed dwellings at an angle to the road is considered to run contrary to the rhythm of development in the area which largely accommodates built form that runs parallel to the road.
- 6.2.4. As such the proposal is considered to harm the character and appearance of the area and AONB contrary to the NPPF as well as Policies CS14 and CS19 of the Core Strategy and Policies CC1, C3 and CC6 of the Regional Spatial Strategy for the South East of England 2009. In addition the proposal is considered to run contrary to Supplementary Planning Guidance 'Quality Design' in particular part 2.

6.3 The impact on neighbouring amenity

The proposed dwellings would be located approximately 30 metres from the neighbouring dwelling to the north, Cedar House and approximately 13 metres from the neighbouring dwellings to the south, Rectory Cottages.

The north-west elevation of the proposed dwelling would have an opening at first floor level serving a study area facing towards the neighbouring property Cedar House. It is considered that this opening would enable views into areas of the garden serving Cedar House however they would be at an angle and distance such as not to cause a significant impact in terms of loss of privacy and overlooking.

The first floor opening on the south-east elevation of the proposed dwellings is not considered to harm the amenities of the neighbouring property to the south, Rectory Cottages due to the angle of view and distance.

As a result of the positioning of the proposed development it is not considered that there would be any significant impact on neighbouring amenities in respect of overshadowing, loss of light or overbearing impact.

6.4 Highways Matters

- 6.4.1. The application has been reviewed by the Highway Officer who considers the access arrangements and parking acceptable subject to conditions ensuring the visibility splays of the access are implemented before occupation of the dwellings and the provision of temporary parking during the construction as well as the submission of cycle storage details prior to development commencing.
- 6.4.2. The cycle storage arrangements proposed show storage for the middle two dwellings in the rear gardens which would not be accessible externally without the

need to transport bicycles through the dwellings. This is not considered to be suitable cycle storage however it is considered that suitable alternative cycle storage could be achieved through the use of a condition elsewhere within the site.

6.4.3. The increase in vehicle movements is not considered to significant enough to warrant a refusal and the materials used for the hardstanding in the parking area and access can be controlled by condition.

6.4.4. As such it is considered that the development would not result in a detrimental impact on highway safety in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 as well as Policy TRANS1 of the WBDLP of the West Berkshire Distract Local Plan 1991-2006 Saved Policies 2007.

6.5 Other Matters

Developer Contributions

6.5.1. The following developer contributions are sought to mitigate the impact of the development on local infrastructure and services:

◆ Education	£632
◆ Transport	£10000
◆ Open Space	£6650
◆ Libraries	£920
◆ Health Care	£622
◆ Adult Social Care	£2460

6.5.2. No s106 agreement or developers contributions have been secured to mitigate the impacts that the development would have on local services and infrastructure, and the development would therefore be contrary to Policy CC7 of the Regional Spatial Strategy for the South East of England 2009 and Policy CS5 of the West Berkshire Core Strategy as well as Supplementary Planning Guidance 4/04 'Delivering Investment from Sustainable Development'.

6.5.3. Moreover no agreement has been secured to ensure that two of the proposed dwellings would be provided as affordable housing. As such there is no guarantee that the dwellings would be retained as affordable housing.

Sustainable Construction and Energy Efficiency

6.5.4. Recently adopted Policy CS15 of the West Berkshire Core Strategy 2006-2026 requires new residential development such as this to achieve Code for Sustainable Homes Level 3 up until the end of 2012. A pre-assessment estimator has been submitted demonstrating that the proposed dwelling is likely to achieve Level 3 and as such the application is considered to accord with Policy CS15 of the West Berkshire Core Strategy 2006-2026.

6.5.5. Whilst this application is to be determined during the period (2013-2016) when Policy CS 15 requires development such as this to achieve Code for Sustainable Homes Level 4, the application was submitted prior to this requirement and its determination has been delayed to the Committee cycle. As such it would be

considered unreasonable to require in this instance that this development attain a Code for Sustainable Homes Level 4 rating.

Archaeological Impact

- 6.5.6 The Council's Archaeologist has reviewed the application and considers that the site is located in an area where significant archaeological finds are likely.
- 6.5.7 The NPPF makes it clear that where a potential development will impact on known heritage assets it should be accompanied by a description of the significance of any heritage assets affected (paragraph 128). Following the principles set out in the NPPF the potential archaeological significance of the site should be resolved through an archaeological field evaluation. As confirmed by the Council's Archaeologist no decision to approve the current application should be made until the results of the field evaluation have been submitted to enable an informed judgement about the impact of the proposal on the archaeological significance of the site.
- 6.5.8 As no such field evaluation has been submitted the application is considered to run contrary to the NPPF as well as Policy CS19 of the West Berkshire Core Strategy.

National Planning Policy Framework

- 6.5.9 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposal is considered to have some economic considerations although these are very limited given the size of the development and lack of secured contributions. The environmental considerations have been assessed in terms of design, amenity and impact on the character and appearance of the area and AONB and the proposal is considered to run contrary to the environmental sustainability objectives as a result of the unsustainable location of the site that would fail to encourage non-car modes of transport as well as the impact on the character and appearance of the AONB.
- 6.5.10 Whilst the proposal may contribute to the social sustainability of the area through the provision of two affordable housing units for a local workers, this benefit should be given very limited weight in the decision making process given the lack of a planning obligation to secure the provision of affordable dwellings. Moreover no evidence demonstrating how the dwellings would be retained as affordable dwellings has been provided. As such, given the detrimental impact on the character and appearance of the AONB, the proposed development is considered to run contrary to the social sustainability objectives of the NPPF.

7. Conclusion

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, having regard to the strong reasons to object to the proposal the development proposed is considered to be unacceptable and should be refused for the reasons set out below.

- 7.2 The application site is located outside of the designated settlement boundary as defined by Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and is not considered to be located such that it would be easily accessible by non-car modes of transport contrary to Policies ADPP1 and ADPP5 of the Core Strategy. In addition the proposed introduction of built form on undeveloped land within the AONB and the layout of the proposal is considered to harm the rural character and appearance of the AONB.
- 7.3 Furthermore insufficient information has been submitted to enable an informed judgement about the impact of the proposal on the archaeological significance of the site.
- 7.4 In addition no s106 agreement or developers contributions have been secured to mitigate the impacts that the development would have on local services and infrastructure.
- 7.5 It is therefore recommended that this application be refused.

8. Full Recommendation

- 8.1 **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission for the following reasons.

8.2 Reasons

1. The application site lies outside of the settlement boundary, as defined within Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, and is in a location that would not encourage the use of non-car modes of transport. As such the application site is considered to be located in an unsustainable location contrary to the Government's guidance within the National Planning Policy Framework as well as Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026 and Policies CC1 and CC6 of the Regional Spatial Strategy for the South East of England 2009.
2. The proposed dwellings and residential use of the application site is considered to harm the intrinsic rural character and appearance of the area and is not considered to conserve the landscape or scenic beauty of the AONB as required in paragraph 15 of the NPPF. The development of the site would formalise the street scene through the proposed fencing and clearance of the vegetation that exists at present. Views of the built form proposed would be possible from the public realm and elements such as the storage of bins in front of the garage opposite the access and the positioning of bins adjacent to the access on collection days would further urbanise the existing rural appearance of the street scene. Moreover the layout of the proposed dwellings at an angle to the road is considered to run contrary to the rhythm of development in the area which largely accommodates built form that runs parallel to the road.

As such the proposal is considered to harm the character of the area contrary to the NPPF as well as Policies CS14 and CS19 of the Core Strategy and Policies CC1, C3 and CC6 of the Regional Spatial Strategy for the South East of England 2009. In addition the proposal is contrary to Supplementary Planning Guidance 'Quality Design' in particular part 2.

3. The site is located in an area where significant archaeological finds are likely to be present. No information, evidence or study such as an archaeological field evaluation has been submitted with the application to demonstrate that the potential archaeological significance of the site would not be harmed by the proposed development. Given the lack of an archaeological field evaluation an informed judgement about the impact of the proposal on the archaeological significance of the site cannot be made.

As no such field evaluation has been submitted the application is considered to run contrary to the NPPF as well as Policy CS19 of the West Berkshire Core Strategy.

4. The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government advice, Policy CC7 of the South East Plan, regional Spatial Strategy May 2009 and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development

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