EASTERN AREA PLANNING COMMITTEE
ON 18 FEBRUARY 2015

UPDATE REPORT

Item No: (2) Application No: 14/02910/FULD Page No: 79-100

Site: Basil Corner, Church Lane, Lower Basildon

Planning Officer Presenting: Dave Pearson

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: N/A

Support(s) speaking: N/A

Applicant/Agent speaking: Mr Stephen Young

Ward Member(s): Councillor Alan Law

Update Information:

Additional consultation responses and neighbour representations:

1 objection from a previous objector has been updated since before the committee report was published:

- The committee report fails to adequately address specific concerns raised by local residents, the conflicts between the proposed development and planning guidance, the detrimental impact on the local community, the inaccuracies in the Design and Access Statement and the failure on the part of the applicants to mitigate the effect of the development on the local infrastructure;
- The errors of the Design and Access Statement mean that the application comes to committee on a false basis;
- The withdrawal of the bus service means that all journeys will be made by car and provision of cycle parking is ‘laughable’;
- Development conflicts with Core Strategy Policy CS13 and Local Plan Policy TRANS1 as it does not promote safer and healthier travel; is not accessible to key services and facilities; and does not minimise the impact of travel on the environment;
• No consideration in committee report of the context of recent developments. Grey Kites House is not sold, and this demonstrates that there is no need for houses of this style;
• The committee report dismisses the concerns that the development will have an adverse impact on the AONB. Comment that it is the view from the village to the river and the remainder of the AONB that is supposed to be protected, not the view into the village;
• It is irrational to rely on the construction of Grey Kites House as this has not been built in accordance with the plans approved on appeal;
• The report relies on the highways officer’s comments, which referred to out of date traffic data for the Consuta Trust application. This would have been done when there was alternative modes of transport;
• The report has failed to consider the traffic situation on A329, the parking of cars on the junction of Church Lane and the A329, and the queues from Child Beale Trust exit. Speeding and its dangers have not been taken into account. The committee undertook their visit at a time when the roads in the area are quietest;
• It is disappointing that the Council did not use existing powers to consider more information as part of the outline application, particularly given the comments of the Parish Council and many of the respondents;
• If more matters were to be determined at this stage it would be possible to assess whether the officer conclusions are based on actual evidence, or mere supposition;
• It is unreasonably to rely on ecological surveys that are time limited;
• The officer’s recommendations are imbalanced, as have taken into account irrelevant considerations, have ignored relevant considerations and are unreasonable. The views of the community are ignored and dismissed.

The contents of the committee report remain unchanged, and it is considered that the report does weigh up the scheme based on reviewing the layout and the access. Whilst the Design and Access Statement contains some information which is out of date the officer did not rely on this document to assess whether the development would be within a sustainable location. Furthermore, Members of the Planning Committee have been made aware of such inaccuracies through the submission of representation letters. The shortcomings of the Design and Access Statement have not prejudiced a thorough examination of the merits of the scheme and do not constitute a reason to refuse the application.

It is a fact that the site is not now served by public transport and that there are very limited local services, and as such the occupants of the properties will tend to rely on their vehicles. This does weigh against the proposal, though Lower Basildon is not an isolated settlement as it has access to nearby Pangbourne, Streatley and Upper Basildon, which do have some services. Advice is taken from the Highways Authority in response to the increased level of car movements. As the scheme represents a net increase of one dwelling the highways officer had considered that the vehicular increase would not be so significant as to recommend the refusal. A recent speed survey has been undertaken for a 24 hours period outside of the proposed access at the former Tamarind Tree (near to the speed camera), and found that traffic travelling in a north west direction averaged at 33mph, and traffic travelling in a south east direction averaged at 26 mph. This is a snapshot in time, but is useful for illustrating average speeds. Traffic numbers were counted at 7465.

The committee report recognises that there has been and is ongoing development within Lower Basildon. Each application has been assessed on its own merits and where approved has been found to have an acceptable impact on the character of the area, neighbour amenity, and by taking into account the existing use (e.g. The Tamarind Tree was a restaurant and had the potential to attract a certain level of traffic movements). The current proposal is considered as a limited form of development, as there is a net increase of one dwelling. Therefore, as new homes are directed to suitable land within settlement
boundaries it is considered that the principle of developing the site for two dwellings is acceptable.

It is appreciated that the Council did not call in more matters for determination on detail at this stage, though an assessment of the layout and access is satisfactory to establish whether the principle of allowing two houses in the layout proposed with the access as proposed is acceptable. As highlighted in the committee report the Reserved Matters application will still give the opportunity to assess the design, scale and landscaping in detail. Conditions are recommended to ensure an appropriate height and internal floor area. The committee report has assessed how the layout would impact on the AONB, and the officer has considered how the development would be read within the AONB, which is important to consider from outside the village as well as from the within it. Consideration of the adjoining development of Grey Kites House is contained in the committee report, and its development has evolved since permission was given, as applicants have the flexibility to do under applications to amend the plans.

The ecological surveys have been checked by the Council’s ecologist, who is aware of the date on which these were undertaken. He is content that the proposed conditions would be satisfactory. As the surveys recommend that further surveys be made these will need to be undertaken.

The views of local residents and the Parish Council have been considered, and it is not the case that because there is a recommendation of approval that they have been ignored and dismissed. It is considered that there are merits of the proposal which mean that the principle of developing two dwellings on the site is acceptable. Your officers believe that a refusal could not be supported and defended at appeal.

Additional information following the committee site visit

The height of the existing house, Basil Corner, is 6.8m to the ridge and 4.5m to the eaves. Including the chimney the height is 8.9m. Land ownership was queried with regard to the embankment between Church Lane and Basil Corner and the area of land between the application site and 3A Reading Road. The applicants, the Child Beale Trust, own the land between the application boundary and 3A Reading Road, as shown on the location plan. The applicants also own the land at the access, covering the embankment between Church Lane and Basil Corner. As the legal service has been in receipt of up to date Land Registry documents and has not raised the issue of whether another party could own any of the land within the application site, other than those who have already had notice served on them the certificates of ownership are considered correct.

The height of the adjacent Grey Kites House is measured at 8 metres in height to the ridge, which reduces to 7.3m adjacent to the western boundary, and 4.3m to the eaves. The appeal decision for this development (land to the rear of Greensleeves) is attached to the update sheet, and was previously circulated to Members.

**Conditions**

Condition 7 seeks to obtain further details regarding site levels, and condition 20 seeks to limit the height to 8 metres. It is considered that the two issues should be linked to ensure the height of the dwellings can be measured from a useful base point. Thus it is proposed to delete condition 20 and re-word condition 7 as follows:

‘No development shall take place until details of the finished floor and ground levels of the dwellings hereby permitted in relation to existing and proposed ground levels have been submitted and approved in writing by the Local Planning Authority. The height of the dwellings shall not exceed 8 metres in height to
the ridgeline when measured against the proposed ground levels.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land and properties, located in the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

Condition 23 is altered to clarify that the existing access within the red line is to be stopped up, rather than an access from Reading Road located in the blue line:

‘The existing vehicular access on to the Reading Road/A329 currently serving Basil Corner (within the red line boundary) shall be stopped up and abandoned immediately after the new access at Church Lane hereby permitted has been brought into use. At the same time as the stopping-up and abandonment takes place the highway verge adjoining the stopped-up access shall be re-instated subject to a specification previously agreed in writing by the Local Planning Authority.

Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).’

Following further consideration of the issue of boundary treatment, and by taking into account that gates and fencing were erected under permitted development at the adjacent Greensleevens and Grey Kite House, it is proposed that permitted development rights should be removed for boundary treatment along the perimeter of the site, including the additional land to be returned to agricultural status illustrated on the amended site layout plan. This takes into account the quite open views across the valley from the Chilterns AONB and through the North Wessex Downs AONB. The Council would wish to avoid close boarded fencing to prevent the urbanisation of the site. Thus, condition 24 is recommended as follows:

‘Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure shall be erected along the outer perimeter of the site, including land to be restored to agricultural land as shown on drawing number 1246 P102 Rev E received on 15th January 2015, unless permission is granted in respect of a planning application.

Reason: To protect the semi-rural character of the road by avoiding urbanising structures, and in respect of the openness of the land to the east of the site when viewed from the Chilterns AONB and across the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

Condition 8 requires details of boundary treatment, and this condition would still be relevant, though it is clarified to ensure that there is no conflict with condition 24.

No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected within the site has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment has been
completed in accordance with the approved scheme 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 boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

An informative is recommended to clarify the plans:

‘Plan number 1246/V01 is approved to illustrate visibility splays only, and the layout of the dwellings and their curtilages shall be as per the proposed layout plan reference 1246 P102 Rev E.

**Legal Agreement**

A signed S106 Legal Agreement has been received by the Council but has not been checked. Given the deadline to complete the legal agreement is by the 23rd February, if it is not completed by this date the deadline is extended to 26th February.

**Conclusion**

The recommendation of approval remains, with the alteration and addition of conditions and an informative outlined above, and subject to the completion of the legal agreement by 26th February. If the legal agreement is not completed by 26th February the recommendation is to refuse permission.