

<b>Item No</b>	<b>Application No. and Parish</b>	<b>Proposal, Location and Applicant</b>
(1)	16/02273/FULD	Erection of replacement dwelling and 5 no. dwellings and associated works; demolition of class B buildings and extinguishment of lawful plant storage and distribution operations; removal of hardstanding.  Green Gables Tidmarsh Lane Tidmarsh Reading Berkshire RG8 8HG  Mr S Holland

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/02273/FULD>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the reason for refusal set out in section 8.1 of this report.

**Ward Members:** Councillor Tim Metcalfe  
Councillor Rick Jones

**Reason for Committee Determination:** At the request of Councillor Metcalfe due to local interest in the site.

**Committee Site Visit:** 30 November 2016

<b>Contact Officer Details</b>	
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## 1. Relevant Site History

01/00500/CERT	APPROV	01.10.2004	Certificate of Lawfulness for existing use on land/buildings to rear of Green Gables - use of land and buildings for haulage, use of buildings for various Class B and sui generis purposes and erection of building for maintenance of plant.
03/01439/FUL	REFUSE	01.10.2004	Retention of replacement commercial building for class B1(c) purposes with domestic workshop and office [retrospective].
04/02148/CERT	REFUSE	25.10.2005	Plant hire and haulage. Ancillary maintenance building.
07/02171/CERTE	APPROV	11.04.2008	Operational development in the form of a hardstanding and installation of a petrol interceptor and wash down area on land to the south of Green Gables
07/02172/CERTE	REFUSE	13.05.2008	Storage, maintenance and hire of plant and machinery on land to the south of Green Gables
08/01410/FUL	APPROV	23.09.2008	Retrospective extension to building 6.
09/02579/CERTE	APPROV	19.04.2010	The storage of plant (including secure site plant stores and portable site office units), equipment and associated material and the hiring of these items.
13/02698/FULC	REFUSE	15.08.2014	Erection of 4no. light industrial units; extinguishment of plant hire operations.

## 2. Publicity of Application

Site Notice Expired: 05 October 2016  
Neighbour Notification Expired: 29 September 2016

## 3. Consultations and Representations

### 3.1 Consultations

#### **Tidmarsh Parish Council**

Please can the following response be noted from Tidmarsh with Sulham Parish Council: The parish council has NO OBJECTIONS to the plans but would like to highlight the following points:

\* The mass and height of plot 1 is overbearing and does not match the surrounding street scene. The parish council would suggest it may be better suited to position this plot, the largest on the plans, further in to the development, where the land slopes down slightly and the area is better screened by trees and vegetation from the road.

\* Construction traffic must be made to park within the site itself and not on surrounding roads. The construction traffic must be made access and egress the site via Dark Lane and not Tidmarsh Lane, which is a small, rural road used by walkers, cyclists and horse-riders.

\* The parish council would like to be consulted on the allocation of S106 or CIL monies so it is able to inform the district council of areas within the village that are most in need of financial support.

## Highways

A total of 6 dwellings are proposed. A road constructed to adoptable standards is required which should consist of the following:

- 4.8 metre wide carriageway (minimum),
- 2 metre wide service margin on the western side of the carriageway, a relaxed margin of 0.5 metres could be provided on the eastern side given services will not run on this side,
- A turning head capable of accommodating the Council's 11.2 metre long refuse vehicles,
- Visibility splays of 2.4 metres x 215 metres should be provided. Alternatively a speed survey could be undertaken to determine what the actual 85<sup>th</sup> percentile vehicle speeds are with appropriate visibility splays calculated based upon this.

Although there is an existing use at this site, this application proposes a new residential development which must comply with latest highway guidance.

In this location, each of these dwelling should be provided with 3 driveway car parking spaces. Any garages proposed would not be included within the car parking requirements, but can be utilised for cycle storage.

Summary: Amended plans are requested detailing the above.

The agent responded to these comments and a further consultation response provided from the highway officer:

The distance required for residents to wheel their bins to the highway is extremely excessive and could be up to 250 metres. This is not considered reasonable for the new residents. In addition, we would not want refuse/recycling vehicles stopped on Tidmarsh Lane for any length of time. I have checked the width of the site and it is possible for a turning head capable of accommodating the Council's 11.2 metre long refuse/recycling vehicles to be provided with some amendments. The turning head should be within 25 metres of property number 6.

At this stage no relaxation on the visibility splays is considered appropriate. More evidence is required to justify any relaxation on the requested splay below. Evidence of actual vehicle speeds is required. No details of achievable visibility have been submitted. This is a new development with a new use, even though the access may have been in use this does not automatically mean this should be continued with a new use if it has substandard visibility. The above information must be provided before I can comment further on this proposal.

Progress to date: further amended plans have been submitted, received on 17<sup>th</sup> November. A letter from the transport consultant is still to be submitted. Further Highways comments are awaited.

**Environmental Health**

The design and access statement (para 4.42) states that there is no contamination and therefore no further details provided. Due to the current B1c and B2 commercial uses of the site for plant storage and distribution and the identification of a fuel tank on the site (as stated in the response to 15/00285/PREAPP) there is the likelihood of contamination.

Due to a residential dwelling being immediately adjacent to the site there is the likelihood that the occupiers will be affected by noise and dust from demolition and construction activities.

There is a commercial use immediately adjacent to the site, currently used for motor vehicle maintenance, MOT testing and B8 storage. This will be within 20m of the proposed residential units (specifically plots 4, 5 and 6). The design and access statement (para 4.31) does refer to “adjacent commercial operations” but (para 4.38) does not consider noise impact. There is the likelihood that the future sensitive receptors will be affected by these existing noise sources and the application has not satisfactorily considered them.

**Thames Water**

No objections

**Waste Management**

A new access road is proposed however there does not appear to be any plan to offer this road to the local authority for adoption. Our Highways Service will consult on the adoption of the proposed new road, however, it should be noted that the need to access private land often results in issues that complicate waste collections e.g. we cannot introduce/enforce parking restrictions to resolve access issues, insurance claims for damage to road surfaces or road surfaces not being maintained causing health and safety issues for collection crews. Wherever workable our waste collection contractor should not be expected to access private land, including private roads, shared drives, car parks etc. and any such requirements submitted would be reviewed in detail and alternative options sought. Swept path analyses and written confirmation are requested to demonstrate that any proposed new roads are accessible for our collection vehicles (the longest being 11.2 metres) and will be built to an adoptable standard.

No comment to date on amended plans

**Tree officer**

The plans provided have identified the trees as indicative circles only, but provided no further tree related information; therefore the potential impact was determined during my site visit.

There are very few trees within the actual site boundaries other than the group of Leyland cypress and small Ash trees but none of these are to be lost to facilitate the proposed changes, and all the trees can be retained and protected in accordance with BS5837:2012.

The only concern is the close proximity of the new houses to the woodland edge, whilst there should be sufficient separation for both the new properties as part of the development, as the trees can be adequately protected, there needs to be sufficient space for future growth etc, so the trees don't become too over bearing on the new residents.

The site contains a number of old building and hard surfaces, which will require removal some of which might fall in the RPA of trees being retained, these areas should be identified on the tree protection plan, and where necessary suitable arboricultural method statements be provided, to ensure the trees are not damaged.

The plans have identified some new landscaping for the site, but provided no additional details on species type etc, but as the site is predominately hard surfacing and buildings, all new landscaping is greatly received, but full details will be required and can be covered by conditions.

Conclusion: Overall the scheme is acceptable, some additional information will be required to ensure the offsite trees are adequately protected and maintained, and details on tree works if required are agreed, appropriate conditions should be attached to any formal consent.

**Environment Agency**

Extension of time requested for consultation response. No comments received to date.

**North Wessex Downs AONB**

No comments received by date of writing.

### **3.2 Representations**

One letter of objection

One letter commenting on traffic in the area

Eleven letters containing the same wording commenting no objection in principle but with a number of caveats and issues raised.

### **3.3 Community Infrastructure Levy**

3.3.1 The proposed works would be liable for payment of the Community Infrastructure Levy. This would be calculated at a sum of £125 per square metre as the site is within the AONB.

## **4 Planning Policy**

4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).

- 4.2 Other material considerations include government legislation and guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF);
  - By Design: urban design in the planning system: towards better practice (DETR/CABE);
- 4.3 The policies within the West Berkshire Core Strategy (2006-2026) attract full weight. The following policies are relevant to this application:
- ADPP1: Spatial Strategy;
  - CS1: Delivering New Homes and Retaining the Housing Stock;
  - ADPP5: North Wessex Downs AONB;
  - CS1: Delivering New Homes and Retaining the Housing Stock;
  - CS13: Transport;
  - CS14: Design Principles;
  - CS19: Historic Environment and Landscape Character.
- 4.4 The policies of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007 attract due weight in accordance with their degree of consistency with the policies of the National Planning Policy Framework. The following saved policies are relevant to this application:
- TRANS1: Meeting the Transport Needs of New Development;
  - HSG1: The Identification of Settlements for Planning Purposes;
  - ENV23: Replacement Dwellings in the Countryside
- 4.5 In addition, the following locally adopted West Berkshire Council policy documents are relevant to this application:
- Supplementary Planning Document, Quality Design (June 2006): Part 2, Residential Development
  - The West Berkshire Planning Obligations Supplementary Planning Document (2014)
  - The North Wessex Downs Area of outstanding Natural Beauty Management Plan 2015-2019
  - The West Berkshire Supplementary Planning Guidance (04/3) on Replacement Dwellings and Extensions to Dwellings in the Countryside
- 4.6 In addition to the above policy documents, on the 5th November 2015 West Berkshire Council agreed to seek adoption of the Proposed Submission Housing Site Allocations Development Plan Document (DPD). The DPD is now an emerging development plan document and has been the subject of an examination in public in respect of which the inspector's report is awaited and as such significant weight should be afforded to the relevant policies in accordance with the NPPF. In particular Policies P1: Parking standards and C1: Location of New Housing in the Countryside and C7: Replacement of Existing Dwellings are of relevance to this application.

## **5. Description of Development**

- 5.1 The application site is located outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty, in land defined as countryside under Policy ADPP1 and ADPP5 of the Core Strategy.
- 5.2 The site consists of an existing bungalow known as Green Gables at the northern end of the site with an associated area of garden to the south. The narrow plot extends further south with an unadopted road running the length of the site. There are a number of modest sized low level buildings for light industrial use in the middle of the site.
- 5.3 The land to the south of the garden area has been subject to numerous applications and comprises of areas which are immune from enforcement for specific uses as identified under applications 01/00500/CERTE, 07/02171/CERTE and 09/02579/CERTE.
- 5.4 The closest dwellings on the west side of the site are one field away consisting of Maidenhatch Lodge and Blenheim Barn. On the east side of the site there is a shared entrance off Tidmarsh Lane leading to a separate drive to Tow Acres, a similar sized linear plot containing a number of light industrial buildings in current use. This site is at an elevated level to the application site.
- 5.5 The proposed works are for the demolition of the existing bungalow and light industrial buildings on site and the erection of a total of 6 dwellings with associated garage and garden areas.

## **6. Consideration of the Proposal**

### **6.2 Appraisal**

**6.2.2** The main issues for consideration in the determination of this application are:

- Principle of development;
- Impact of the proposed development on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty;
- Impact on highway safety;
- Amenity of future occupants;
- Flood risk
- Contaminated Land

### **6.3 The principle of development**

**6.3.1** Three different principles apply to the proposed development of this site:

1. Demolition of Green Gables and replacement dwelling within the plot. The entire application site is located outside of the defined settlement boundary, where new development is more strictly controlled and Policy ADPP1 of the Core Strategy states that it shall be focussed on addressing identified need and supporting a strong rural economy. Policies ENV23 of the Local Plan and C7 of the emerging Housing Site Allocations DPD all state that subject to certain criteria the principle of the erection of replacement dwellings in the countryside is acceptable.

However, proposed replacement dwellings should be positioned on the site of the existing building unless there are justifiable reasons.

The policies require that the replacement dwelling should not be disproportionate in scale to the existing. In this case, the bungalow on site is historically a replacement for temporary (agricultural) accommodation and has also been subject to applications for further extensions. If the current floorplans are used, the percentage increase amounts to approximately 24% increase. Further research is being made to try and establish the size of the original dwelling on the site.

However, the scale and bulk of the dwelling is also a material consideration and the increase from a bungalow to a substantial 2 storey dwelling in this location is not considered appropriate as the site is prominent in the street scene in this sensitive part of the AONB.

Overall, the principle of development of a replacement dwelling on the site is considered acceptable however there are further considerations in this case as discussed above.

2. Plot 2 is located within the area currently identified as garden curtilage for Green Gables and raises different planning considerations. The NPPF states that previously developed land specifically excludes garden land therefore the principle of the dwelling identified as plot 2 is not acceptable in planning terms.

3. Plots 3-6 cover the area of the site identified under the CERTE applications described above part of which is covered by a low key range of buildings and part of which is open land. The NPPF provides guidance on what is considered previously developed land. However, this part of the site does not benefit from a general B1 use but is subject to the limitations of the certificates of lawfulness that were issued. It is also the case that the housing site allocations DPD does not contain a policy allowing the replacement of redundant buildings in the countryside with new dwellings. Accordingly the construction of new dwellings in this part of the site is unacceptable in principle.

Overall, whilst there are different elements to the application, there is an in-principle objection to each element of the proposed development when considered against Local and National Policy guidelines. Notwithstanding this, further considerations are discussed below.

## **6.4 Design and impact of the proposed works on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty**

6.4.1 The site is situated within the North Wessex Downs Area of Outstanding Natural Beauty, which is an area of nationally significant landscape importance given similar protection as National Parks and where the preservation of the character and appearance of the AONB is given a high level of importance in planning decision making.

6.4.2 The current level of development within the site is of buildings of an overall modest scale and density. The redevelopment of the site into a formal arrangement of six dwellings would have a significant, negative impact on the visual character of the NWDAONB in this location. It would introduce linear development of suburban



appearance which would be completely alien to the existing character and appearance of the area.

- 6.4.3 In addition, comments have been made specifically on the scale and bulk of the replacement dwelling at plot 1. The existing dwelling is a large, considerably extended bungalow. Nevertheless, despite its size and footprint it is relatively low key in form. By contrast, the proposed replacement dwelling would be a substantial and imposing building at two storey in height, multiple roof forms and set further forward within the plot, closer to Tidmarsh Lane and open to views from the lane.
- 6.4.4 Overall, the introduction of the dwellings are not considered to be sympathetic in scale or design to the character of the surrounding landscape, and to the requirements of emerging Policy C7 which will eventually replace Policy ENV23 due to its adverse impact on the setting of the existing dwelling and buildings within the wider rural landscape. It is further considered that the proposed dwellings would result in a high level of visual intrusion within views from the wider landscape which would be contrary to the requirements of Policy CS14 of the Core Strategy, which requires that new development must demonstrate a high quality of sustainable design that respects and enhances the character and appearance of the area, and CS19 which requires that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.4.5 Therefore, the proposed works are considered to result in a significant and detrimental impact on visual amenity and the character of the rural landscape such as to merit a reason for refusal of this planning application.

## **6.5 Impact on highway safety**

- 6.5.1 The proposed layout and access from Tidmarsh Lane have raised concerns from the highway officer. Further consultation has been requested and further comments will be reported on the update sheet.

## **6.6 Impact on neighbouring amenity and amenity of future occupants**

- 6.6.1 The proposed dwellings would be well separated from any nearby residential property, and as such will not have any undue impact on residential amenity. The proposed works would alter the existing residential curtilage, but are considered would secure a good quality of amenity space for future occupants in accordance with the recommendations of the SPD.

## **6.7 Flood Risk**

- 6.7.1 The site is not located within flood zones 2 or 3 however the environment agency have been asked to comment due to the current uses of the site. No response has been received to date.

## **6.8 Contaminated Land**

- 6.8.1 Environmental Health have provided a consultation on the scheme due to the historic and current uses of the site. Conditions have been suggested however concerns have been raised over the potential for the site to contain contaminated

land and the impact of the uses in operation on the adjoining site and impacting on future occupants. Further comments on this issue will be reported on the update sheet.

## **6.9 The presumption in favour of sustainable development**

6.9.1 This application has been assessed in terms of the above matters and the principle roles of sustainable development identified in the NPPF, these being the economic role, social role and environmental role.

-In terms of the economic role of sustainable development the application would have limited short term economic benefits during the construction phase.

-In terms of the social role of sustainable development the application would provide additional housing but its benefit would be cancelled out by the harm caused to the amenity of this part of the NWDAONB and therefore to the enjoyment of this amenity by people living in or passing through this area.

-In terms of the environmental role of sustainable development the proposed works would have a detrimental impact by significantly altering the character appearance of the site in views from wider public locations in such a manner as to seriously detract from the character and appearance of this part of the NWDAONB.

6.9.2 In light of these considerations the proposed works are considered to be contrary to the aims of sustainable development that are set out in the NPPF.

## **7. Conclusion**

7.1 The site area with the exception of plot 1 consists of garden area and two separate areas which are currently immune from enforcement for their current uses. On this basis, the principle of new residential dwellings on the site is not accepted in accordance with adopted Core Strategy Policies and the DPD.

7.2 The current buildings and bungalow are of modest scale and bulk and part of the site is currently open land. The proposal to erect six replacement dwellings with associated accoutrements would result in a significant and harmful impact on the character of the surrounding rural and agricultural landscape in a visually sensitive location within the North Wessex Downs AONB. The possible material gain to local amenity of the loss of the existing uses does not outweigh the potential harm identified. As such it is contrary to the requirements of policies on development in the countryside and the requirements of the NPPF.

## **8. Recommendation**

To **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** subject to the reason for refusal set out in Section 8.1.

### **8.1.1 Reason**

1. The application site consists of an existing dwelling and garden and an extended area to the south containing buildings and open land for commercial purposes covered by two certificates of lawful use. The site lies amongst open fields to the

south of Tidmarsh Lane and lies within the North Wessex Downs Area of Outstanding Natural Beauty.

The proposed works to demolish the dwelling and buildings on site and erect a total of six substantial dwellings would almost double the size of the existing bungalow on the site and would significantly increase the visual bulk and massing of development in surrounding views. This would lead to the imposition of a large and highly conspicuous complex of built forms of suburban appearance within the open, rural landscape. The proposed scheme would therefore be contrary to the Core Planning Principles set out at Paragraph 17 of the National Planning Policy Framework (2012) which states that development must always seek to secure a high quality of design and recognise the intrinsic character and beauty of the countryside. It would further be contrary Policy ENV23 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007 in that it is not sympathetic in scale or design to the character of the surrounding landscape, and to the requirements of emerging Policies C3 and C7 of the West Berkshire Council Site Allocations Development Plan Document (2015) due to its adverse impact on the setting of the existing dwelling within the wider rural landscape. It would also be contrary to the requirements of Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, which require that new development must demonstrate a high quality of sustainable design that respects and enhances the character and appearance of the area, and that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Furthermore due to their significantly increased visual impact the proposed replacement dwelling and the new dwellings would fail to either conserve or enhance the special landscape qualities of the North Wessex Downs Area of Outstanding Natural Beauty and therefore the proposed development is contrary to the requirements of Policy ADPP5 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and of paragraphs 109 and 115 of the National Planning Policy Framework (2012).