

# DRAFT

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

## DISTRICT PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 28 SEPTEMBER 2016

**Councillors Present:** Jeff Beck, Paul Bryant, Hilary Cole (Chairman), Richard Crumly, Clive Hooker, Marigold Jaques (Substitute) (In place of Graham Pask), Alan Law, Alan Macro, Tim Metcalfe (Substitute) (In place of Pamela Bale), Anthony Pick and Garth Simpson

**Also Present:** Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Sarah Clarke (Legal Services Manager) and Paul Goddard (Team Leader - Highways Development Control), Stephen Chard (Policy Officer), Councillor Gordon Lundie (Council Member) and Linda Pye (Principal Policy Officer)

**Apologies:** Councillor Pamela Bale, Councillor Keith Chopping and Councillor Graham Pask

#### PART I

#### 12. Minutes

The Minutes of the meeting held on 30 August 2016 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Item 11 (1) – 16/01034/OUTMAJ – Land opposite Hall Place Farm Stables, Sulham Hill**

**Page five of the minutes, penultimate paragraph, first sentence:**

In summary Bryan Lyttle advised Members that there were a substantial number of other appeals coming forward and based on the first two days of the Examination where the OAN was being questioned, and also as a result of the Firland's appeal decision in which the Inspector agreed with the proposals there that a figure of 833 dwellings per annum should be used, it could be considered that all the site allocations in the HSA DPD were at risk from being **excluded** by a Planning Inspector and therefore the figure would go down to between 5.7 and 4.4 years.

**Page eleven of the minutes, first paragraph, second sentence:**

It was a different type of allocation but he agreed that the principle was **not** the same.

**Page thirteen of the minutes, first paragraph, final sentence:**

However, if the **Committee refused planning permission, an appeal could be lodged by the applicant. If planning permission was granted, then a Judicial Review could be requested by the objectors.** The question was what would be best for the Council.

**Item 11 (4) – 16/00971/OUTD – Delamere Stables, Baydon Road, Lambourn**

The declaration of interest for Councillor Jeff Beck was removed as this did not apply to this planning application.

#### 13. Declarations of Interest

Councillors Anthony Pick and Jeff Beck declared an interest in Agenda Item 4(1), but reported that, as their interest was personal and not prejudicial, a registerable interest or

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a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Paul Bryant and Jeff Beck declared an interest in Agenda Item 4(3), but reported that, as their interest was personal and not prejudicial, a registerable interest or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

### 14. Schedule of Planning Applications

#### (1) Application No. & Parish: 16/00657/FULEXT Land at former Travis Perkins site, Mill Lane, Newbury

*(Councillors Jeff Beck and Anthony Pick declared a personal interest in Agenda Item 4(3) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways Committee. Councillors Beck and Pick had been present when this item was discussed, but made it clear that they would consider the application afresh. As their interest was personal and not prejudicial, registerable or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Beck advised that he had been lobbied on Agenda Item 4(1)).*

The Committee considered a report (Agenda Item 6(3)) concerning Planning Application 16/00657/FULEXT in respect of the proposed conversion of extant permission of B1(a) office use to 22 dwellings, 11 of which were to be affordable, associated access and parking.

The Planning Officer confirmed that this application had previously been considered at the Western Area Planning Committee meeting on 10<sup>th</sup> August 2016. The item had also been deferred from the District Planning Committee meeting on 30<sup>th</sup> August 2016 due to lack of time to consider the application.

Policy CS9 in the Core Strategy 2006 to 2026 was an employment protection designation on the land in question. This meant that essentially non-employment generating developments, such as housing, would not be permitted, unless exceptional circumstances pertained. In this application, housing was being promoted by the Developer. Accordingly the application, if approved, would be contrary to policy CS9 and so would comprise a departure from the Development Plan. In this particular case, both officers and the Western Area Planning Committee were recommending to the District Planning Committee, that the application be approved because, within the application, whilst it was duly acknowledged that an approval would mean the loss of employment land in the future, and so be contrary to policy CS9, the planning gain of the additional 11 affordable units [50% rate rather than the normal 30% rate advised in policy CS6] was sufficient to set aside the underlying policy objection and loss of employment land.

The application site was currently vacant land adjacent to an existing housing development of 37 dwellings, now completed and occupied, to the south. The site abutted Mill Lane to the north and would derive access from that route. It was proposed to erect 22 dwellings on the site up to three storeys in height, 11 of which were to be affordable [50%]. It would be associated with 44 parking spaces, [two per unit] with three visitor spaces adjoining the principal roadway into the site. The buildings would be relatively contemporary in design as the elevations indicated. No external open space was to be provided, but bin stores and cycle stores would be laid out on the site. All the dwellings in addition, would be two bed roomed. All would be flats apart from one 2 bed townhouse. It was noted that if this application was approved this would mean that the extant permission for offices would not be constructed. Application 13/00835/FULEXT

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was however finally approved by the Council for part development of the site for 37 dwellings [with 11 affordable units] but with 1500m<sup>2</sup> of B1a space on the current application site. The approval of this contained a condition regarding phasing which sought to ensure that prior to the dwellings being completed, the permitted offices would be built out ready for occupation. Application 14/01096/COMIND was subsequently approved which involved a revised office design [still of 1500m<sup>2</sup>] with an associated nine affordable dwellings being part of the original 37 dwelling scheme as permitted above. This was approved, also with a Condition [21] which had the effect of ensuring the office completion prior to the completion of the nine affordable dwellings. This was not however achieved. Accordingly a s73A application was submitted to rectify this situation by the deletion of Condition 21. This was accepted by Council Officers on the basis that to do otherwise would have resulted in the nine affordable dwellings being held vacant for an indeterminate period. [14/02296/FULEXT]. This approval did not affect the validity of the office permission which still remained automatically extant in perpetuity, by virtue of the nine dwelling completion. This remained the case up to the present.

Paragraph 22 of the NPPF advised Local Planning Authorities to avoid the long term protection of employment sites, where there was no reasonable prospect of a site being used for that purpose. The application site comprised a policy CS9 site which allowed for employment uses only to be permitted, unless an exceptional case could be made. In this instance, it was recognised that whilst housing was being provided, on site, the following as apposite:

1. The site in physical terms was virtually surrounded now by housing as the Committee site visit had evidenced.
2. The site was brown field in a highly sustainable location adjacent the town centre of Newbury, being a short walking/cycling distance away - circa 400m. It was thus entirely appropriate for residential uses.
3. The form of the new building was considered to be acceptable in design/amenity/physical terms, having regard to the adjacent buildings and uses.
4. It was the planning policy issue which was the most important issue under CS9 to be considered.

The Highways Officer stated that there would be less traffic generated with this proposal than would be generated from an office development. The proposal also complied with parking standards and layout and therefore no highways objections had been raised.

Councillor Anthony Pick asked what the implications would be in setting a precedent for land west of Mill Lane and commercial applications as a whole elsewhere in the district. The Planning Officer confirmed that there would be some risk of a precedent being set but he was of the opinion that that had already been set with the approval of the Sterling Cables site and the Planning Inspector allowing the Faraday Road application. The provision of 50% affordable housing on the site was an exception and was the reason why Officers were recommending approval of the application. Councillor Alan Law added that each individual site would have to be considered on its own merits and it was his understanding that no precedent would be set where exceptions could be made.

Councillor Hilary Cole reminded the Committee of the three reasons that an application would be referred up to the District Planning Committee as follows:

- A possible conflict with a policy that would undermine the Local Plan or the Local Development Framework;
- A district-wide public interest; or
- The possibility of claims for significant costs against the Council.

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In accordance with the Council's Constitution, Mr. Simon Kirk and Mr. Ross Freeman, applicant/agent, addressed the Committee on this application.

Mr. Freeman in addressing the Committee raised the following points:

- The proposal was for 22 residential dwellings;
- There was a lot of planning history to the site with David Wilson Homes had acquiring the site in 2007. An application had been submitted in 2013 for redevelopment of the site for 37 dwellings and office space and this was approved in February 2014. In 2014 approval was given for the erection of 1500m<sup>2</sup> of B1a space plus 9 affordable units. However, no interest had been shown for the office space and therefore a s73A application had been submitted to remove Condition 21 (phasing). As there was a surplus of office accommodation in the Newbury area a further application had been submitted for 22 units and this was the proposal which was being considered that evening;
- Negotiations had taken place with the Council's Planning Officers in respect of the application;
- The proposal included two parking spaces per dwelling plus three spaces for visitors;
- Mill Lane had a 7.5 tonne weight limit which restricted the use of the site;
- There was a Government drive for more new homes to be built;
- This was a sustainable vacant brownfield site and should planning permission be granted construction would commence in January 2017.

Councillor Alan Macro referred to the statement that Mill Lane had a 7.5 tonne weight restriction and he queried how that would affect an office development. Mr. Simon Kirk replied that vans and lorries would need to deliver to the offices and the weight restriction would have an impact. Whilst this was not the sole reason for lack of interest in the office development it was a contributory factor.

In considering the above application Members referred to the issue around setting a precedent. Councillor Jeff Beck noted that nearby Windsor Court had over 100 units and therefore the presumption for residential development in this area had already been set.

Councillor Paul Bryant felt that the site was already surrounded by housing and the Inspector would probably allow the development in any event if it went to appeal. It was necessary to consider the local circumstances when determining the application and he felt that an update to the Local Plan was required in relation to employment land.

Councillor Anthony Pick supported the proposal and therefore proposed that the application should be approved in line with the Officer recommendation. This was seconded by Councillor Richard Crumly.

Councillor Alan Law was supportive of the application but asked for assurance that the Council would receive the 50% affordable housing and he asked if this could be made clear in an informative. The Legal Officer confirmed that this would be included in the s106 legal agreement which would be completed prior to the planning permission being granted.

**RESOLVED that** the Head of Planning and Countryside be authorised to grant planning permission with a s106 obligation attached to achieve the 50% affordable housing and subject to the following conditions:

### Conditions

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1. The development shall be commenced within three years of the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015.

2. The Development shall be carried out in strict accord with the following plan numbers -H3642/ 100 ReV D, h3642/rp/04/Rev A, H3642/RP/05 Rev A, H3642/AH/01.

Reason: To clarify the planning permission in accord with the DMPO of 2015.

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

4. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

5. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the refuse facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

6. No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers in accord with the advice in the NPPF of 2012.

7. No development shall commence until a scheme of sound insulation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the sound insulation of the dwellings against all sources of external noise and the scheme shall be implemented before the development is first occupied. This relates in particular to the bus depot to the east of the application site.

Reason: In the interests of the amenities of the occupants of the building and in accordance with saved policy OVS.6 of the West Berkshire District Local Plan 1991-2006.

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8. The development shall not be occupied until a 1.8m high imperforate wall has been erected along the whole of the eastern boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved wall shall thereafter be retained and maintained at the height and position as approved.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties (from noise) in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006.

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the points 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

### 10. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 11. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part

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2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 12. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

### 13. Reporting of Unexpected Contamination

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 in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

### 14. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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. In accord with the advice in the NPPF of 2012.

### 15. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

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Reason: In the interests of visual amenity in accordance with Policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

16. 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 accordance with the approved details. The statement shall provide for:
- (a) The parking of vehicles of site operatives and visitors
  - (b) Loading and unloading of plant and materials
  - (c) Storage of plant and materials used in constructing the development
  - (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
  - (e) Wheel washing facilities
  - (f) Measures to control the emission of dust and dirt during construction
  - (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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 (March 2012), 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).

17. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

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

18. The clearance height within the undercroft shall not be less than 2.6m.

Reason: To ensure public safety in accord with the advice in the NPPF of 2012.

19. No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy



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Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Informatives:**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2. This planning permission must be read in conjunction with a s106 legal agreement dated the vvvvv. You are advised to make yourself aware of the contents.

### **(2) Application No. & Parish: 16/00971/OUTD Delamere Stables, Baydon Road, Lambourn**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 16/00971/OUTD in respect of an outline application for demolition of existing dwelling and erection of three dwellings. Matters to be considered: access and layout.

The Planning Officer, Derek Carnegie, confirmed that this application had previously been considered at the Western Area Planning Committee meeting on 20<sup>th</sup> July 2016.

The site was located outside of a settlement boundary as defined by the Local Plan Proposals map and was therefore located in open countryside. The Council was able to demonstrate a five year housing land supply in accordance with paragraphs 47-49 of the National Planning Policy Framework (NPPF). Accordingly the relevant policies relating to the supply of housing were deemed to be up to date and could be given full weight. The West Berkshire Core Strategy 2006-2026, sought to direct new development in accordance with the settlement pattern with most development taking place within settlements defined within the hierarchy as directed by Area Delivery Plan Policy 1 (ADPP1). The explanatory text to Policy HSG.1 West Berkshire District Local Plan Saved Policies 2007 stated that outside settlement boundaries, development would only be acceptable in exceptional circumstances. Policy CS1 of the Core Strategy stated that new homes would be primarily developed on: suitable previously developed land within boundaries, other suitable land within settlements, strategic sites and broad locations identified on the Core Strategy Key Diagram and land allocated through the Housing Site Allocations Development Plan Document (HSA DPD). The Proposed Submission Version of the HSA DPD had been submitted for examination (commencing June 2016). It was therefore at an advanced stage of preparation. Policy C1 of the draft West Berkshire Council Proposed Submission HSA DPD stated that there was a presumption against new residential development outside of settlement boundaries, exceptions to this were limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extensions to or replacement of existing residential units. It was noted the proposed site was still outside of the revised settlement boundaries as a result of housing allocations.

The proposed three dwellings did not meet with these criteria and as such their proposal was not in conformity with the current statutory development plan which comprised policies in the West Berkshire Core Strategy 2006 – 2026, July 2012, those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 and the Proposed HSA DPD.

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In summary, Mr Carnegie gave the Officer view that the decision of the Western Area Planning Committee to grant conditional planning permission would comprise a departure from current West Berkshire Council Planning Policy. It was important that development in the district was plan led.

Councillor Alan Law referred to the conclusion of the District Planning Committee report and specifically the view described of the Western Area Planning Committee that the application should be approved given the benefits it would provide. He queried these benefits and the exceptional grounds for approval by the Western Area Planning Committee contrary to planning policy. Mr Carnegie responded that Western Committee Members felt that the site's close location to the Lambourn settlement and the village centre added weight in favour of the application as did the view that it would be beneficial to erect these dwellings alongside the stables. However, Mr Carnegie reiterated the Officer view that this proposal was clearly contrary to planning policy.

In accordance with the Council's Constitution, Mr Mark Campbell, applicant/agent, addressed the Committee on this application.

Mr Campbell in addressing the Committee raised the following points:

- He disagreed with the position stated by the Planning Officer and in the report that the proposal was contrary to the Council's planning policies. Mr Campbell stated that the proposal was in accordance with the Spatial Strategy of the Council's Core Strategy: Area Delivery Plan Policy 1 (ADPP1) which allowed development within or adjacent to settlement boundaries. This site was clearly adjacent to Lambourn's settlement boundary and formed part of Lambourn village, it was in a sustainable location and was close to Lambourn's amenities.
- The Western Area Planning Committee had considered that the site formed part of the Lambourn settlement.
- There were other established Lambourn properties that were not within the settlement boundary.
- Planning Officers had also recommended refusal of the application due to the impact on the character and appearance of the AONB (Area of Outstanding Natural Beauty). However, the site was already developed, the racing yard was already in existence and this proposed development would not impact any further on the AONB. The impact on the AONB was not therefore a reason on which to refuse planning permission.

Councillor Anthony Pick asked Mr Campbell for his views on the points made by the Planning Officer and in the Officer's report that the dwellings and their design would be detrimental to the appearance and character of the area. In response, Mr Campbell made the point that existing, adjacent dwellings were terraced as proposed with this application. The proposed layout was therefore compatible with the existing pattern of development in the area. Detailed debate in relation to design would come at the reserved matters stage and not for this outline application, however Mr Campbell pointed out that the current building was of a bulky structure and there were therefore no concerns of increased massing on the site arising from the development.

Councillor Alan Macro queried whether the existing stable blocks would be demolished. Mr Campbell clarified that approval had already been granted to demolish and then construct new stable blocks within the racing yard and this was not part of this application.

Councillor Gordon Lundie, speaking as Ward Member, made the following points:

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- He was also speaking on behalf of his fellow Ward Member, Councillor Graham Jones, and they were both in support of this planning application.
- He had lived for many years on Baydon Road in Lambourn and was therefore very familiar with this site, its surrounding area, traffic levels etc. This site was indeed on the edge of Lambourn.
- This proposal for three dwellings was a decrease from the four dwellings application which had previously been refused by the Council. In addition to this reduction, Planning Officers had been consulted and negotiated with at length on the outline application and this had been productive. It was Councillor Lundie's expectation that this collaboration would continue for the full application.
- The site was in need of renewal.
- There was a significant housing need in the area and this well situated Brownfield site was more favourable for development than alternative Greenfield sites.
- The site's close proximity to Lambourn (a rural service centre) meant it was sustainable. The centre of Lambourn and its amenities were within walking distance. Traffic issues were not a factor.
- Councillor Lundie was surprised to discover that this site fell outside of the settlement boundary/the red line and while he understood the need for these boundaries, in this case the proposed development was located near to a housing development and next to other terraced dwellings.
- Councillor Lundie felt that these points gave justification for planning permission adjacent to the settlement boundary and hoped that permission could be granted.
- Approval would achieve a small windfall gain in housing.

Councillor Hilary Cole noted that as an outline application the final planning application might not take the same form and she queried whether development of the existing substantial property into apartments would do more to help meet the housing need mentioned in the area. Councillor Lundie was unable to respond on how far the final application would differ from the outline application.

Councillor Jeff Beck commented that he was familiar with the site and the village settlement boundary in no way aligned with the actual housing situation. Development of the site would enable improvements to the stables and provide much needed housing. Councillor Beck added that he had taken the additional points made at this meeting into account, alongside the debate held at the Western Area Planning Committee, and proposed that conditional planning permission be granted contrary to the Officer recommendation. Councillor Paul Bryant seconded the proposal.

Councillor Macro asked Officers to comment on the point made by the applicant that the Council's planning policies allowed development adjacent to a settlement boundary. Mr Carnegie agreed that ADPP1 did state that most developments would be within or adjacent to settlement boundaries. However, he added that acceptance of all planning applications that were adjacent to settlement boundaries would be cause for concern and would impact on the Council's ability to be a plan led authority.

Councillor Richard Crumly was supportive of the Officer view. This site was located external to the settlement boundary and in open countryside, it was therefore not acceptable. Decisions needed to be consistent with the Council's own policies.

Councillor Law stated that the Council's policies and rules were in place for a reason. Acceptance of properties adjacent to settlement boundaries was noted in the Core

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Strategy, but it was important for development in West Berkshire to be development control/plan led. Councillor Law felt that exceptional circumstances were needed to grant developments that were contrary to planning policy. In this case, exceptional circumstances were stated as the site's location adjacent to the settlement boundary, closely located and comparable residential development and this being a tired site in need of renovation. Councillor Law accepted these points but added that the same could be said of sites in many areas of the district.

The view had also been expressed that this site already formed part of Lambourn, Councillor Law noted this but added that there was a need for a boundary line. He suggested that the applicant could request a settlement boundary review that might support development of this site. To summarise, Councillor Law was in agreement with the Officer viewpoint.

Councillor Paul Bryant commented that planning was not an exact science and each planning application needed to be considered on its own merits. This included consideration of whether there were exceptional grounds to accept an application contrary to planning policy. He then referred to some of the points made in the Officer's report that gave reasons why this application was contrary to policy and challenged these.

Paragraph 6.1.9 of the report stated that the proposed development was unsustainable. Councillor Bryant questioned this as the site was located approximately 200 yards from Lambourn's centre and shops.

Paragraph 6.2.2 referred to guidance from the NPPF that advised against new isolated homes in the countryside. Councillor Bryant did not accept this site was in an isolated location. There was already housing/stables on the site and there was also housing on two sides of Delamere Stables.

Paragraphs 6.2.3 and 6.2.6 gave the Officer view that the proposal and its design would not significantly enhance the character and appearance of the immediate area, but Councillor Bryant felt that it was difficult to consider these factors with an outline planning application.

Councillor Bryant was willing to support the recommendation to grant planning permission on balance, hence he had seconded the proposal.

Councillor Garth Simpson queried whether the proposed dwellings could be considered as a windfall gain. Councillor Cole clarified that, if approved, the dwellings would not constitute windfall, rather it was redevelopment of an existing site.

Councillor Clive Hooker added his view that the site was sustainable when considering its location and the close proximity of existing housing. He supported the proposal to grant planning permission.

Councillor Cole reiterated to Members that this application conflicted with the Council's planning policies and asked Members to consider whether approval would undermine these policies. She also pointed out that as part of the HSA DPD process, a number of settlement boundary reviews were conducted. However, the Lambourn settlement boundary was not reviewed and therefore the site for this planning application would remain outside of the settlement boundary.

**RESOLVED** that the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions:

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### Conditions

1. Details of the appearance, landscaping, layout and scale (hereafter called the reserved matters) shall be submitted the Local Planning Authority for approval before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development to which this permission relates shall be begun not later than two years from the final approval of the reserved matters or, in the case of approval of different dates, the final approval of the last such matter to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development hereby permitted shall be carried out in accordance with the approved drawing number 1543 03F received on 7th April 2016.

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

4. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the dwellings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. 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 2012, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

5. 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 accordance with the approved details. The statement shall provide for:

- a. The parking of vehicles of site operatives and visitors;
- b. Loading and unloading of plant and materials;
- c. Storage of plant and materials used in constructing the development;
- d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- e. Wheel washing facilities;
- f. Measures to control the emission of dust and dirt during construction;
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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 2012, Policies CS 5 and CS 13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

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6. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS 13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

7. No development shall take place until details of the proposed access(es) into the site have been submitted to and approved in writing by the Local Planning Authority, including swept path analysis for 11.2 metre refuse collection vehicle. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 13 and CS 14 of the West Berkshire Core Strategy 2006-2026, and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

8. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS 13 of the West Berkshire Core Strategy 2012, and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

9. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 13 and CS 14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

10. No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS 14 of the West Berkshire Core Strategy 2006-2026 and Policies OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

11. No development shall take place until details of the finished floor levels of the dwellings hereby permitted in relation to the 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.

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Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document: Quality Design 2006.

12. No development shall take place until details, to include a plan, indicating the means of treatment of the hard surfaced areas of the site, has been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall incorporate the use of a porous material. The hard surfacing shall be completed in accordance with the approved scheme before the 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 and surface water drainage. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 14 and CS 16 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

13. No development shall take place until full 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 (not to be deposited) from the site;
  - 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 imposed in accordance with the National Planning Policy Framework 2012, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

14. 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.

These details shall:-

- a. Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;
- b. Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c. Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- d. Include a drainage strategy for surface water run-off from the site that ensures that no discharge of surface water from the site will be directed into the public system;

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- e. Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f. Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g. Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- h. Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i. Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- j. Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- k. Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- l. Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

All sustainable drainage measures shall be implemented in accordance with the approved details before the 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 sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding, improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS 16 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design - Part 4 Sustainable Design Techniques 2006.

### **(3) Application No. & Parish: 16/01603FULMAJ Land North of Winterbourne Farm, Winterbourne**

*(Councillor Jeff Beck declared a personal interest in Agenda item 4(3) by virtue of the fact that he was acquainted with the owner of the property next door to the application site. As his interest was personal and not prejudicial, registerable or a disclosable pecuniary interest, he determined to take part in the debate and vote on the matter).*

*(Councillor Paul Bryant advised that he had been lobbied on Agenda Item 4(3)).*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application No. 16/01603/FULMAJ in respect of the replacement of redundant barns with a single dwelling, redevelopment of an existing barn to provide garaging, associated landscaping,



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provision of a community parking area and additional wider landscaping and biodiversity enhancements to an AONB.

The Planning Officer confirmed that this application had previously been considered at the Western Area Planning Committee meeting on 31<sup>st</sup> August 2016.

The site was located outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The village of Winterbourne did not have a settlement boundary as defined by Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and as such the application site fell within the open countryside as identified within Policy ADPP1 of the Core Strategy where 'only appropriate limited development in the countryside will be allowed, focussed on the addressing identified needs and maintaining a strong rural economy'. Policy C1 of the Housing Site Allocations Development Plan Document (DPD), (November 2015) also identified settlements where there would be a presumption in favour of development and redevelopment within the settlement boundaries. Winterbourne was again not identified as a settlement where such proposals would be considered. The DPD went on to state that exceptions to this were limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extension to or replacement of existing residential units. This proposal however did not meet any of these specific criteria. The support text to Policy C1 did allow for limited infill in settlements in the countryside with no defined settlement boundary, subject to:

- i. It being within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
- ii. The scale of development consisted of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and
- iii. It did not extend the existing frontage; and
- iv. The plot size and spacing between dwellings was similar to adjacent properties and respected the rural character and street scene of the locality.

On this basis, whilst the application site was adjacent to a group of 10 or more dwellings, it could not be considered as a closely knit cluster. Winterbourne Farm was itself not reflective of the main pattern of development within Winterbourne. The farmhouse was set on a stand alone, substantial site and clearly defined the end of the pattern of residential development. The site could not be classified as an 'infill' plot as it was not a small undeveloped plot between existing properties. It would be larger than any other plot within the settlement and would extend the existing frontage, all of which would be contrary to policy. Therefore it was considered that approval of this application could potentially set an undesirable future precedent for numerous similar application sites within the District which could be difficult to resist.

The proposed dwelling would result in a new dwelling in the countryside in an unsustainable location that would not minimise the need for travel by car and would not be accessible by an alternative means of transport. Furthermore the proposal would not be well related to the existing settlement pattern and was not considered to fall within any of the special circumstances for isolated new homes in the countryside, particularly as the design was not considered to be of exceptional quality or innovative nature of the design as detailed in paragraph 55 of the NPPF. Therefore, the principle of the development of a new dwelling and detached garage was not considered acceptable and was contrary to Policies ADPP1, ADPP5 and CS1 of the Core Strategy and Policy

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ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF.

The proposed dwelling, detached garage and public car parking would result in a detrimental impact on the landscape and scenic beauty of the rural character and appearance of the AONB. Although the existing barns which were visible in the wider landscape were to be removed, the roof form of the replacement dwelling would be substantial and whilst sited further toward the road, it would remain highly visible in this sensitive AONB landscape, thus negating any benefit derived from the removal of the barns. Furthermore, the detached siting of the proposed dwelling and garage set well back from the road did not follow the existing pattern of development and would be seen in isolation from the remainder of the village (with the exception of Winterbourne Farm), which had a close knit pattern with substantially smaller curtilages. It was not considered to be an infill plot as it would extend Winterbourne further northwards and create a curtilage, more in depth than any other plot within the village. This substantial residential curtilage with the strong formal domesticated boundary treatment of the brick wall proposed along the public right of way, and associated domestic paraphernalia within the residential curtilage, was considered to significantly harden and domesticate in appearance the existing transition between the built form of Winterbourne Village and the countryside. The parking of vehicles in this highly visible location outside of the settlement pattern of Winterbourne was also considered to contribute to the detrimental impact on the rural character and appearance of the AONB. Together these elements as a whole were not considered to provide any beneficial impact on the rural character and appearance of the AONB. Therefore the application was considered to be contrary to Policies ADPP5, CS14 and CS19 of the Core Strategy and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF.

The application contained a significant amount of wider landscaping proposals, which could clearly improve the character and appearance of the site and the AONB if implemented. It should be noted that the AONB Officer confirmed that support as detailed for the application was on the basis of the inclusion of these wider landscape proposals. It was, however, critical to note that these improvements could not be secured by means of conditions or a legal obligation. To secure the landscaping proposals the works would need to meet the tests set out in the NPPG. These stated the condition or legal obligation must be necessary, relevant to planning and the application itself, enforceable, reasonable and precise. In this instance, the only landscaping which was considered to meet these tests was the planting immediately surrounding the site. Therefore, given these tests, if at any point in the future an application was submitted to vary or remove such a condition/obligation the Council would be likely to find it difficult to continue to require the works to be undertaken. Whilst the works could be implemented without the need for planning permission, any recommendation for approval would be on the basis of boundary planting and that alongside the bridleway only. The remaining landscaping and environmental enhancements therefore could not be considered as forming part of this application.

Members at the Western Area Planning Committee had considered that the existing degraded condition of the site had an adverse effect on the village and wider AONB landscape. The proposal and in particular the removal of the barns and restoration of the site represented a public benefit in terms of environmental improvements which would outweigh the harm and justify the departure from national and local planning policy. Officers therefore determined that the issues involved should be considered by the District Planning Committee due to the conflict with planning policy that would undermine the development plan and the forthcoming Housing Allocations DPD.

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The Highways Officer stated that this proposal would produce a relatively low number of vehicle movements and an existing access with poor sight lines would be closed up. The development also included a number of community parking spaces and for those reasons there were no objections to the application from a highways perspective.

Councillor Jeff Beck noted that the report stated that the site was outside of any defined settlement boundary. However, the Planning Officer had stated in his introduction that Winterbourne had no settlement boundary. The Planning Officer confirmed that there was a settlement boundary in nearby Chieveley but that Winterbourne had no such boundary. Councillor Marigold Jacques stated that as most of Winterbourne was not situated in any settlement boundary she therefore felt that an exception could not be made of this application. The Planning Officer replied that it was still necessary to limit development in the area.

Councillor Richard Crumly referred to paragraph 2.1 of the report where it stated that the barns were considered to be an eyesore in the AONB landscape, and he queried whether this was a planning consideration. The Planning Officer confirmed that it was not a planning consideration but was something which had been raised by neighbouring properties. The applicant always had the option of demolishing the barns on the site in order to remove the eyesore.

Councillor Hilary Cole noted that the AONB had raised no objections to the application and she asked if this was due to the additional planting which was proposed. The Planning Officer felt that that was clearly the case and that there was no specific comment in support of the proposed dwelling on the site.

Councillor Alan Macro referred to paragraph 6.2.13 on page 118 of the agenda where it stated that the proposed wider landscaping would improve the appearance of the area and that the majority of it was not related to the proposed development. He asked whether any of the additional planting would help to mitigate the development. The Planning Officer confirmed that the dark green area indicated on the plan was the planting which would help in screening the dwelling.

In accordance with the Council's Constitution, Mr. John Hayward, Parish Council representative, Mr. Charles Flower, objector, and Mr. Paul Clarke and Mr. Mark Cherrington, applicant/agent, addressed the Committee on this application.

Mr. Hayward in addressing the Committee raised the following points:

- Mr. Hayward confirmed that he was the Chair of the Winterbourne Parish Meeting;
- Mr. Hayward stated that the majority of Winterbourne village were in support of the application and indeed the Planning Officer had received 18 letters of support;
- Chieveley Parish Council and the North Wessex Downs AONB had also been supportive of the application;
- It was noted that Planning Officers had concluded that the application was contrary to policy as Winterbourne had no settlement boundary. They had argued that the flint wall delineated the settlement pattern but this was not the case and the walls were the remains of three historic Winterbourne manors;
- Mr. Hayward stated that the proposed dwelling would not be an isolated house in the countryside as there was an existing dwelling about 40m away on one side and a bund for flood relief on the other side;
- Officer had stated that the proposed development would have a detrimental impact on the AONB but the AONB were supportive of the ecological enhancements and the application as a whole;

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- The northern approach to the village was a mess and the barns were ugly and dangerous. It was felt that it would be preferable to have a sensitively designed dwelling on the site which fitted in well with the neighbouring property and the village as a whole;
- The application included off road parking for village events and additional planting;
- If the application were to be refused then the benefits to the village would not happen and therefore Mr. Hayward stated that he would be grateful if the Committee could use its flexibility to go against policy.

Councillor Clive Hooker noted that Mr. Hayward had mentioned that the approach into the village was a mess and he asked if he had asked the landowner to tidy up the site. Mr. Hayward responded that the site required more than a tidy up especially in relation to the barns.

Mr. Charles Flower in addressing the Committee raised the following points:

- Mr. Flower confirmed that he had an interest in the AONB as he had been on the Committee that had set it up. The village was very active in respect of the AONB with ancient woods being brought back into management;
- The village had a new enhanced flood protection scheme which was spoilt by the eyesore of the barns on the edge of the scheme;
- The proposed development would enhance the village and the AONB. The North Wessex Downs AONB supported the scheme and the village. Mr. Flower therefore hoped that the Committee would be able to support Winterbourne and the AONB to enable this area to be enhanced rather than keep the existing eyesore.

Councillor Clive Hooker asked Mr. Flower what he thought about the dereliction of eyesores and the fact that the applicant could potentially be rewarded for letting the barns fall in to disrepair. Mr. Flower responded that in this case the barns would cost a considerable amount of money to remove. The yard was mainly concrete and would also be expensive to remove and it was his opinion that the development of this site would enhance the village. There was therefore a balance to be considered.

Mr. Cherrington and Mr. Clarke in addressing the Committee raised the following points:

- Mr. Cherrington confirmed that he was the agent and that Mr. Clarke was the applicant and was in attendance to answer any questions from the Committee;
- The revised scheme had been developed in collaboration with the village and the AONB;
- The scale of the house had been reduced and careful consideration had been given to the landscaping to ensure that it respected the natural land;
- The AONB had not raised any objections to the proposed development and indeed had made recommendations about the look of the house and had supported the ecological enhancements which were proposed;
- Mr. Cherrington confirmed that the applicant was agreeable that the planting and landscaping could be conditioned to ensure that it was implemented;
- It was noted that whilst it was policy to restrict residential development in the countryside it was not prohibited and therefore there should be some degree of leeway;
- The National Planning Policy Framework (NPPF) had a presumption in favour of sustainable development and this development would enhance the village;

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- One material benefit was the substantial planting proposed on the site which included improved hedgerows, the planting of 94 trees, meadow planting and a five year maintenance programme;
- An informal green parking area would also be provided for village events which would improve highway safety by removing congestion from the main street;
- The environs of the listed dovecote would be improved and the proposed development would secure the removal of the redundant buildings which were an eyesore;
- The achievement of sustainable development was the key aim in the countryside and Mr. Cherrington felt that this scheme delivered that as the scheme had been well thought out.

Councillor Alan Macro asked whether the barns on the other side of the road were in the same ownership and queried why the barns on the application site had been allowed to deteriorate. Mr. Peter Clarke replied that the site had been a dairy prior to his ownership but that running a dairy herd had not been viable. The plot was not of a sufficient size to enable it to be cropable and the demise of the dairy farm had already indicated that a business of this type would not be viable. The barns on the other side had been enhanced around six years ago. In response to a query as to how it could be ensured that development would not take place on the other side of the road it was stated that a considerable amount had been spent on upgrading the facilities for the storage of grain and the applicant was happy to condition that if necessary.

Councillor Paul Bryant asked why the applicant could not clear the site and plant up with grain. Mr. Clarke stated that the planting scheme would cost up to £40k plus the five year maintenance scheme. The sides of the barns were asbestos and it would cost a considerable amount of money to dispose of this material. The structure was concrete framed rather than steel and this would be difficult to recycle. The concrete yard would also need to be broken up and Mr. Clarke advised that he could not justify spending that amount in order to return the site to a grassland and woodland area.

Councillor Tim Metcalfe asked if Mr. Clarke had used the High Level Scheme (HLS) which was an environment scheme run by the Government. Mr. Clarke confirmed that he would pay for the planting through his company and was not a member of the HLS.

Councillor Paul Bryant, as Ward Member, in addressing the Committee raised the following points:

- Councillor Bryant noted that the application was contrary to policy but he felt that the proposal was common sense;
- It was not economically viable to repair and reuse the barns but they could be converted into housing as the land was not suitable for modern farming;
- The site could be left as an eyesore or redeveloped into something which was useful but in order to redevelop it it would need to be identified as an exception site. The only remaining option was to build a house;
- There had been no objections raised and 18 letters of support had been received;
- Planning was not an exact science and exceptions could be made when there were good reasons for doing so;
- Councillor Bryant referred to the following paragraphs of the Officer's report:

Paragraph 6.1.12 - mentioned paragraph 55 of the NPPF which stated that 'Local planning authorities should avoid new isolated homes in the countryside unless

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there were special circumstances ....'. He said that the house would not be isolated and the special circumstances were that the unsightly barns would be removed.

Paragraph 6.1.16 - 'the proposal was considered to harm and undermine the existing relationship of the settlement within the open countryside'. Councillor Bryant felt that the replacement dwelling would not undermine the relationship'.

Paragraph 6.2.5 – 'The detached siting of the proposed dwelling and garage from the existing built form within the village of Winterbourne ...'. Councillor Bryant stated that there was no coherent form of dwellings within the village – some were big, some small and all were unique.

Paragraph 6.5.14 – 'the replacement of the barns with residential development was not justified and considered to be inappropriate due to the adverse impact upon the character of the area ...'. The proposed development would have less of an impact than the existing barns.

- In summary Councillor Bryant stated that this was a good use of a brownfield site for the erection of an attractive house.

In considering the above application Members felt that the benefits had been well articulated. The application was contrary to policy but the options for development of the site were limited and it would be expensive to remove the redundant buildings. Councillor Garth Simpson therefore proposed to approve the application and this was seconded by Councillor Jeff Beck.

Councillor Marigold Jaques also noted that the proposed application was against policy but that it was well supported and would enhance the life of the community.

Councillor Anthony Pick supported the AONB and the settlements within it. The objections set out in paragraphs 1.1 to 1.5 were all subject to question and Councillor Pick disputed them.

Councillor Jeff Beck noted that the development would be sandwiched between the flood prevention scheme on one side and the last dwelling on the northern edge of the village and therefore it could not be said that the site was in open countryside.

Councillor Alan Law stated that the Council had policies for a reason. The site was in the open countryside as it was outside the Settlement Boundary. The Core Strategy dealt with hamlets and allowed infill. However, development should not take place on the outskirts as this could mean that the hamlet would grow step by step. The only reason for making this an exception was that the current site was an eyesore and if that was the case then the Council could be subject to a large number of similar applications in the future from elsewhere in the district. Councillor Law was sympathetic but in principle it was necessary to take a planned approach across the district as a whole.

Councillor Richard Crumly supported the Officer's recommendation and the views expressed by Councillor Law. Just because something was an eyesore was not a planning consideration. The site was in the open countryside and the Council had policies which went against such applications.

The Planning Officer referred to the point made by Councillor Clive Hooker earlier in the meeting where he asked whether dereliction should be rewarded by development. This was a good point and it was difficult to be consistent in this respect.

Councillor Tim Metcalfe felt that the application was not against national policy as the Government was pushing the conversion of barns into residential accommodation and he

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made reference to a recent appeal case. Councillor Law made the point that the application in question was not for a barn conversion but a new build.

Councillor Clive Hooker confirmed that he had voted against the application at the Western Area Planning Committee meeting and he was still of the same view. The site was in the countryside and the new dwelling would be a dominant feature in the landscape. The only reason the AONB had not raised any objection was due to the additional planting on the site.

Councillor Hilary Cole in summing up stated that West Berkshire was a plan led authority and this application was contrary to policy which would undermine the emerging HSA policy. There was nothing to stop the applicant demolishing the eyesore and the only issue preventing him from doing so was the cost.

**RESOLVED** that the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions:

### Conditions:

1. 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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with:

Site location plan	Fig 1 D
Block Plan and section	1611/PL01
Proposed dwelling ground floor	1611/PL02
Proposed dwelling first floor	1611/PL03
Proposed dwelling N & E elevations	1611/PL05
Proposed dwelling S & W elevations	1611/PL06
Proposed garage plans	1611/PL07
Existing garage elevations	1611/PL08
Proposed garage elevations	1611/PL09
Existing barn elevations	1611/PL11
Proposed barn plans	1611/PL12
Proposed barn elevations	1611/PL13
Car Park Layout	1611/PL14
Landscape and Ecological Enhancements Report dated May 16	
Landscape and Ecological Enhancements Plan Fig 2 dated May 16	
Landscape Strategy Plan Fig 5 Rev D dated May 16 received 28.17.16	
Design and Access Statement	
Flood Risk Assessment received dated May 2016	
Foul Sewage and Utilities Statement dated May 2016	
Bat Roost Survey Report dated September 2014/ amended 2016	
Phase 1 Geo-Environmental Desk Study Report dated July 2014	

All received with the application validated 20.06.16 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS 13, CS 14, CS 17, and CS 19 of the West Berkshire Core Strategy 2006-2026, policies TRANS.1, ENV.19, ENV.20, TRANS.1 and

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OVS.5 of the West Berkshire District Local Plan Saved Policies 2007, and Supplementary Planning Document: Quality Design 2006.

3. No construction above foundation level shall take place until samples and an accompanying schedule of all external visible materials and finishes (including to windows and doors) to be used in the dwelling and conversion of the outbuildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are appropriate to the historic interest of the building, are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies ADPP1, ADPP5, CS 14, and CS 19 of the West Berkshire Core Strategy 2006-2026, Policies ENV.19 and ENV.20 of the West Berkshire District Local Plan Saved Policies 2007, and Supplementary Planning Document Quality Design 2006.

4. All landscape works shall be carried out in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information as specified in The WH Landscape Consultancy Ltd Landscape Report and the WH Landscape Consultancy Ltd Landscape and Ecological Enhancements Report (May 2016) and associated plans including Figure 2 Landscape and Ecological Enhancements (Addendum) and Figure 5 Landscape Strategy. The approved landscape works shall be implemented within the first planting season following completion of development or in accordance with a programme submitted before any development takes place and approved in writing by the Local Planning Authority. 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 the approved 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: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

5. No development or other operations on site (other than investigative work) shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and submitted and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site, and a written report of the findings must be produced. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,



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- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Previous uses of the site could have caused contamination of land. The Phase 1 investigation recommends an intrusive investigation. There is a need to make sure any unacceptable risks are remediated 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Supplementary Planning Document Quality Design (June 2006).

6. No development or other operations on site (other than investigative work) shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Previous uses of the site could have caused contamination of land. The Phase 1 investigation recommends an intrusive investigation. There is a need to make sure any unacceptable risks are remediated 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Supplementary Planning Document Quality Design (June 2006).

7. No development shall take place until remediation works approved under condition 9 have been carried out in full on site. The Local Planning Authority must 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 remediation works or development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and all works must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing. No further works shall occur until an investigation and risk assessment has been undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme has been prepared in accordance

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with the requirements of condition 9, and the assessment and scheme has been submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, and any subsequent remediation scheme, a verification report must be prepared and submitted to the Local Planning Authority for approval in writing. This condition shall not be discharged until a verification report demonstrating the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action has been submitted to and approved in writing by the Local Planning Authority.

If required, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with Local Planning Authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Previous uses of the site could have caused contamination of land. The Phase 1 investigation recommends an intrusive investigation. There is a need to make sure any unacceptable risks are remediated 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Supplementary Planning Document Quality Design (June 2006).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no additions or extensions to the dwelling shall be built or ancillary buildings, structures, fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To protect the open plan character of the site and surrounding area. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies ADPP1, ADPP5, CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

9. 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 accordance with the approved details. The statement shall provide for:
  - (a) The parking of vehicles of site operatives and visitors
  - (b) Loading and unloading of plant and materials

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- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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 (March 2012), 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).

10. The existing southern vehicular access at the site as shown on approved plan 1611/PL14 shall be stopped up and abandoned immediately after the development hereby approved has been brought into use. The verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of 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 Policy CS13 of the West Berkshire Core Strategy (2006-2026).

11. The dwelling hereby approved shall not be occupied until the vehicle parking and turning space have been provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

13. No demolition or construction works shall take place outside the following hours:  
7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

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Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

14. No construction of the dwelling hereby approved shall commence until all of the barns, indicated for demolition on drawing number 1611/PL01 have been fully demolished to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity within this highly sensitive AONB landscape. 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, Supplementary Planning Document Quality Design (June 2006)

15. No development or site works or development 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 National Planning Policy Framework (March 2012)

16. No development shall commence until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. No external lighting will illuminate the bat roost access points provided as part of the mitigation scheme or the boundary vegetation. The dwelling hereby approved shall not be occupied until the external lighting has been implemented in accordance with the approved details. No additional external lighting shall be installed on the site without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The site is located within the North Wessex Downs AONB and the area is unlit at night and benefits from dark skies. Inappropriate external lighting would harm the special rural character of the AONB and potentially harm a protected species. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV20 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Supplementary Planning Document Quality Design (June 2006).

17. 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.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include a drainage strategy for surface water run-off from the site that ensures that no discharge of surface water from the site will be directed into the public system;

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- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- j) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- k) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- l) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

All sustainable drainage measures shall be implemented in accordance with the approved details before the dwelling hereby permitted is occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design - Part 4 Sustainable Design Techniques (June 2006).

18. The dwelling hereby approved shall not be occupied until a Management Plan for the proposed Package Treatment Plant (PTP) has been submitted to and approved in writing by the Local Planning Authority. The Management Plan for the PTP must include details of a maintenance contract with a suitably qualified contractor to manage the PTP as well as details of a visual and audible alarm system to be installed with the PTP that would be triggered by a mechanical failure, or a reduction in the effluents quality. Discharge from the proposed PTP must be to the ground, via a soakaway as confirmed in the email from Alexa Conder dated 1st June 2015. If it is found that discharge to the ground, for any reason, is not suitable the dwelling hereby permitted shall not be occupied until a proposed alternative system has been submitted to and approved in writing by the Local Planning

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Authority. The dwelling hereby permitted shall not be occupied until the PTP has been installed strictly in accordance with the approved details. The PTP will be maintained thereafter in accordance with the approved details.

Reason: The proposed development site is within close proximity of the Winterbourne Stream, which is a tributary of the River Lambourn Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Such measures would ensure that the proposed system is appropriate, and would not result in polluted runoff reaching the Winterbourne Stream. This condition is imposed in accordance with Policy CS17 of the West Berkshire Core Strategy 2006-2026 as well as the NPPF.

19. The area of land to be used for informal car parking as shown on approved drawing number 1611/PL14 shall be used solely for car parking and for no other purpose.

Reason: Any other use may not be acceptable on the site. 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) and Supplementary Planning Document Quality Design (June 2006).

20. No development shall take place until detailed drawings showing the location and type of 3 built in cavity wall bat boxes have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the bat boxes have been installed in accordance with the approved details and the roosts created hereafter retained.

Reason: To ensure the protection of species protected by law. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026) and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

21. No development shall commence until a copy of the Natural England EPS Licence required has been submitted to and approved in writing by the Local Planning Authority, unless it can be shown to the Local Planning Authority's satisfaction that such a licence is not required.

Reason: To ensure the protection of species protected by law. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026) and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

22. Should the development hereby permitted not be commenced within 1 year of the date of this permission, no development shall commence until the bat survey has been repeated and a report has been submitted to and approved in writing by the Local Planning Authority. The report will include updated detailed bat mitigation measures. Such approved updated mitigation measures will be implemented in full and shall be retained thereafter.

Reason: To ensure the protection of species protected by law. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026) and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

23. The dwelling hereby approved shall not be occupied until the Bat Mitigation recommendations made in Section 4.3 of the Bat Roost Survey report dated September 2014 and amended 2016 for this site by ENIMS have been implemented in full.

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Reason: To ensure the protection of species protected by law. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026) and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

24. The dwelling hereby approved shall not be occupied until a report from an qualified ecologist which confirms that the approved mitigation and enhancement measures have been implemented in full has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of species protected by law and the implementation of biodiversity enhancements proposed as part of the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026) and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

This decision has been taken having regard to the policies and proposals in the West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 2001-2016 (BSP), the Waste Local Plan for Berkshire 1998-2006, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

### INFORMATIVE:

1. The applicant's attention is drawn to the fact that any conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met.
3. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the **Customer Call Centre** on: 01635 519111
4. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
5. 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

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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)

6. 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.
7. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
8. The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.
9. The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site and should give way to pedestrians, cyclists and equestrians at all times.
10. Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.
11. The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.
12. Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the Public Right of Way, to a specification to be agreed with the Local Planning Authority prior to development commencing.
13. The applicant is advised to give the Local Authority 21 days notice prior to the development commencing. Before the development starts, the Local Authority must obtain from the applicant a written undertaking that they will meet any costs incurred by the Local Authority in the repair of the surface of the Public Right of Way, as a result of construction traffic using the route.
14. No alteration of the surface of the Public Right of Way must take place without the prior written permission of the Rights of Way Officer.
15. The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519803, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

### **(4) Application No. & Parish: 16/01675/HOUSE and 16/01676/LBC2 Long Acre Farm, Seven Barrows, Lambourn**

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application Nos. 16/01675/HOUSE and 16/01676/LBC2 in respect of the erection of a two storey extension and single storey glazed link.

The Planning Officer, Derek Carnegie, confirmed that this application had previously been considered at the Western Area Planning Committee meeting on 31<sup>st</sup> August 2016.

The site was located within Upper Lambourn, outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The



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application site fell within the open countryside as identified within Area Delivery Plan Policy 1 (ADPP1) of the Core Strategy where 'only appropriate limited development in the countryside will be allowed, focussed on addressing identified needs and maintaining a strong rural economy'. Policy ENV.24 of the Local Plan Saved Policies allowed for the extension of houses in the countryside in principle subject to a range of criteria, primarily relating to design, harm to the character of the area and whether it would be disproportionate to the original dwelling.

Policy C6 of the Housing Site Allocations Development Plan Document (HSA DPD) was proposed to replace saved policy ENV.24. This policy also allowed for the extensions of houses in the countryside. There was a presumption in favour of proposals for the extension of existing permanent dwellings and would be permitted subject to scale in relation to the original dwelling, design and use of materials, and harm to the amenity of neighbouring properties. Of most relevance to this application was that it should have 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.

It was considered that the impact of the proposed extension when taken with the existing building would result in a substantial dwelling on this plot, which would be inappropriate in this location. Whilst the plot size was relatively large, the proposed dwelling would dominate the residential curtilage. The original rear garden area would be lost to built development, with the front of the dwelling re-sited to the extension. The original listed farmhouse/farm yard layout would no longer be visible, which was considered to have an adverse impact on the setting of this Grade II Listed Building.

Areas of Outstanding Natural Beauty had a high status of protection in relation to landscape and scenic beauty, as set out in paragraph 115 of the NPPF. It was considered that the cumulative impact of the proposed extension, in conjunction with the existing dwelling and surrounding buildings on the site would introduce a significant amount of built form into this open, rural landscape which would have a detrimental impact in this location. It was considered that the proposal did not comply with relevant criteria of saved policy ENV24 or emerging policy C6 in this regard.

With regard to proportion and increases in size of extensions proposed in the countryside, the Replacement Dwellings and Extensions to Dwellings in the Countryside SPG outlined the factors to consider (including floor space calculations based on the original dwelling as first constructed or as they existed in 1948 if built before this date). It stated that an increase in floor space of less than 50% would likely be acceptable, with anything over 100% normally to be unacceptable. Between 50% and 100% depended on the site characteristics, scale and massing of the proposal. The existing dwelling currently consisted of the original farm cottage, which had been significantly extended over time, with a substantial two storey extension, followed by a further significant single storey modern extension. The proposal would add a further two storey extension to replicate the existing two storey dwelling. Due to the amount of changes over time, the actual floorspace of the original dwelling was difficult to calculate. If however the single storey rear extension was removed and the two storey original building and proposed extensions were simply compared, this would represent a 97% increase. Historical maps showed that the dwelling would have been significantly smaller and therefore the actual increase in floorspace over the original dwelling would be in excess of 100%.

It was noted that the applicants had questioned the use of the 'disproportionate calculations', which was one of the criteria of Policy ENV24. Emerging policy only required the proposal to be subservient to the host dwelling. It was clear from the calculations that the proposed would be marginally subservient to the host property in terms of a 97% increase, but visually this would not be apparent, particularly when it was

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added to the proposed single storey extension and the existing modern elements of the property. These elements combined would result in a form of development which would be three times the depth of the original building and not a form which could be considered to be either proportionate or subservient.

The dwelling was a Grade II Listed building and an application for Listed Building Consent was also to be determined by the Committee. In the consultation response from Historic England, the dwelling was described as a relatively rare Cottage Orn , where the proposed extension, on the grounds of overdevelopment, would lead to a high degree of harm to the significance of the listed building. The proposed extension was considered to be fundamentally at odds with the architectural character of the original modest cottage and the significance of the listed building would be lost. The Conservation Officer echoed these views, also adding that it was the Council's duty to preserve buildings and settings of architectural interest. The property's special interest was derived from its modest, but decorated appearance, the building techniques used in its construction and the detailing on the facade. Whilst it had been extended, this had been to the rear of the building and had been subservient and of the same architectural language. The proposed design replicated the existing cottage in a bookend effect, which was clearly not subservient to the main cottage. In 100 years time it would be difficult to determine the original house, which was of key significance. The original dwelling would no longer house the entrance to the dwelling and the original siting and layout would be lost. Whilst it was acknowledged that previous extensions had undermined some of the significance of the heritage asset, this was not sufficient reason to grant consent. The building still remained a valuable heritage asset which in the opinion of Historic England warranted further research.

The proposals were considered to result in significant harm to the heritage asset. In these instances the NPPF (paragraph 132), was clear that "Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting." It went on to state that "where there is no public benefit to outweigh the harm, these applications should be refused". It was considered that the existing dwelling had sufficient floorspace to enable it to operate as a viable dwelling. Therefore the proposed extension of the dwelling would provide only private benefit and no public benefit contrary to advice. Whilst the applicants wished to remodel the space to suit family requirements, this did not represent sufficient justification to outweigh the harm to the valuable heritage asset. This was further reinforced by the views of the Conservation Officer and that of Historic England, who as specialist heritage professionals, set out that the application should be refused as contrary to policy CS19, the NPPF and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation Officer had expressed a willingness to discuss a more suitable single storey scheme with the applicant/agent that could be acceptable on an exceptional basis, but this had not been taken forward and the Officer view was that there were no exceptional circumstances on which to approve this application.

Members at the Western Area Planning Committee in the main considered that the proposed extension was of a design which was appropriate and the original modest form of the cottage did not meet modern requirements and therefore the proposed extension, given that the original cottage had already been extended, was acceptable. They felt this benefit would outweigh the harm and justify the departure from national and local planning policy. The Western Area Planning Committee therefore resolved to grant conditional planning permission, but agreed that the matter should be referred to the District Planning Committee to consider policy implications and, if permission was granted, conditions of approval. Officers also determined that the issues involved should be considered by the District Planning Committee due to the significant conflict with the

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provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. This was in addition to conflicting with planning policy that would undermine the development plan and the forthcoming HSA DPD.

In response to queries from Members, the Planning Officer advised that the Grade II listed building consisted of the original cottage and the glazed link by association. The Planning Officer also confirmed that the current property contained two first floor bedrooms with ensuite bathrooms.

In accordance with the Council's Constitution, Mr Mark Preston and Mr Mark Pettitt, applicant/agent, addressed the Committee on this application.

Mr Preston in addressing the Committee raised the following points:

- He explained that the purpose of this application was to enable himself, his wife and their two young children to live within a single building. He was not a developer seeking to make a profit.
- The Grade II listed property was very small and could not accommodate the four bedrooms sought. This was why a planning application for an extension had been submitted. Approval of this would enable his children's bedrooms to be on the first floor as were the existing bedrooms.
- Mr Preston had already invested much in improving this property.

Mr Pettitt in addressing the Committee raised the following points:

- He explained that this application was a much improved version of the original application withdrawn in May 2016. It was little different from the scheme that the Conservation Officer had felt would be acceptable.
- Listed buildings needed to evolve over time, and in the case of this property, become a family home. To achieve this it was sensible for the additional bedrooms to be located on the first floor.
- The extension would not compete visually with the main house as it would be some 10.5 metres distant and would not therefore alter the setting of the main house.
- The glazed link would provide a sensitive connection between the original property and the new.
- The proposal was compliant with Policy C6 of the HSA DPD.
- The use of appropriate materials was a condition of approval and the extension would not be a harmful addition to the existing property.

Councillor Anthony Pick noted that if approved, the extension would 'stick out' from the original property when viewed from the south. The extension would also intrude on the existing garden space and Councillor Pick queried landscaping plans. Mr Preston was of the view that it would be necessary to stand at some distance from the property from the south in order to observe the extension 'sticking out'. He agreed with the importance of maintaining the building's current facade. In terms of landscaping, Mr Preston advised that extensive landscaping work had already been undertaken and this would be minimally added to.

Councillor Hilary Cole queried the purpose of the numerous outbuildings on the site. Mr Preston explained that, in time, it was his hope that these would be used as stables. One of the outbuildings was also used as a utilities room, washing machine etc, as the listed property could not accommodate all modern day appliances. The I-shaped

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building/annex was used as accommodation by Mr Preston's elder children when they visited.

Councillor Cole asked Mr Preston whether as a parent he would be happy with the distance that would exist between his bedroom and that of his young children if this application was approved. Mr Preston explained that he would be content if their bedroom was on the same floor.

Councillor Gordon Lundie, speaking as Ward Member, made the following points:

- He was also speaking on behalf of his fellow Ward Member, Councillor Graham Jones, and they were both in support of this planning application.
- The original cottage was modest in size. It was very attractive and sat well within the landscape. He agreed it was important to protect and preserve the existing property.
- Historic England felt that the proposed extension would result in a high degree of harm to and loss of the significance of the modest listed building and development of listed buildings needed significant justification before they could be accepted. Councillor Lundie questioned the harm that would be caused to this listed property. He pointed out that significant additions had been made to the original modest dwelling. While this proposal would constitute a further addition at the far end of the existing property, Councillor Lundie again questioned the level of harm this would cause.
- He added that the additions made had been sympathetically done and this extension would be erected in a similar style. It would enhance the site.
- The view of the property from the road would not be altered, this would remain of the cottage.
- The Western Area Planning Committee had felt that the benefits of this proposed development would outweigh any harm. The consideration for Members was the level of impact of this proposed extension on the listed building. Councillor Lundie did not feel this would be significantly harmed.

Councillor Alan Law noted the points of the Ward Member. He pointed out that the Committee needed to determine whether or not to grant planning permission and listed building consent. In terms of the listed building consent, the property had already been extended and Councillor Law shared the view that this proposal would not cause additional harm to the listed building. Policy requirements for extensions of properties in the countryside were unchanged, with consideration needing to be given to whether or not development would be in proportion with the existing dwelling. The overall increase to the property if the extension was approved, in comparison to the original dwelling, was extensive.

Councillor Richard Crumly advised that he had listened carefully to the points made and supported the clear Officer view that planning permission should be refused as it was important that the Council stuck with its own planning rules. The comments of Historic England had to be taken into account, with an extension nearly as large as the original dwelling harmful. Only a more subservient extension could be considered.

Mr Carnegie stated that Planning Officers had a duty to consider the view of a Planning Inspector at an appeal. It was likely that a Planning Inspector on noting the objections of Historic England would reach the same conclusion of Officers, i.e. that the proposal would constitute overdevelopment on this site and cause harm. It was the Council's duty to protect assets in the countryside.

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Councillor Crumly then proposed acceptance of Officers' recommendation to refuse both planning permission and listed building consent. This was seconded by Councillor Alan Macro.

Councillor Garth Simpson referred to the point made earlier that the actual increase in floorspace over the original dwelling would be in excess of 100%. He queried what was considered as the original. Councillor Cole clarified that any development post 1948 was considered as additional. Mr Carnegie confirmed that the 100% increase covered development since 1948. Any additions prior to 1948 were considered as part of the original dwelling.

Councillor Macro repeated the view of Historic England that this development would constitute a high degree of harm and the loss of this heritage asset would be of concern. The NPPF also stated that where there was no public benefit to outweigh the harm, applications should be refused. Councillor Macro noted no benefit from this application other than to the owner of the property. As stated by the Planning Officer, the Conservation Officer had suggested that a single storey extension would be suitable, but this had not been taken forward.

Councillor Clive Hooker felt that additions post 1948 were concerning and the damage had been done to the original property over the course of many years. These had not been subservient, particularly the most recent modern extension. This created an issue when determining this application. However, Councillor Hooker felt the proposed extension was too large and would have a detrimental impact.

Councillor Tim Metcalfe commented that he liked the proposed design of the extension and felt that it would provide a balanced affect on the existing dwelling. The south facade would not be compromised. Councillor Metcalfe felt that the extended property would be appropriate to its situation and the vast garden space would remain. It was however questionable whether the overall increase in size would be too great when compared against the original listed building.

Councillor Metcalfe would not be supportive of a single storey extension as this would not achieve the balance of a two storey extension. Councillor Metcalfe advised that he would abstain from the vote on this application.

Councillor Paul Bryant felt that a single storey extension would be acceptable. The question of whether additions already made and proposed to be made to the original property were acceptable was a matter of opinion. The increase referred to in excess of 100%, compared to the original dwelling, was unusual in this instance, as much of the additions were not directly attached to the main building. Councillor Bryant stated that this proposed extension needed to be considered on its own merits as in each case.

Councillor Cole made reference to the HSA DPD, specifically Policy C6 – extension of existing dwellings within the countryside and asked Members to note that this stated that the relationship with the existing dwelling was key, and the scale, height and massing of an alteration or extension should appear subservient to the existing dwelling. Did this proposal achieve that? This included the cumulative impact of development. Cumulative impact was mentioned a number of times within housing in the countryside policies. These were key factors needing consideration.

Councillor Cole stated that as the Council's Portfolio Holder for Planning she would be supporting the Officers' recommendation to refuse in line with planning policy. She understood the applicant's reasoning for the application to better accommodate his growing family, but this was not a planning consideration. The Committee's decision had to be based on the scale, height and massing that would be created if this application was approved, the cumulative impact alongside previous development on the site and

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whether it would be subservient to the existing dwelling. In Councillor Cole’s view it would not be subservient.

Mr Carnegie reiterated that the Council had a duty to protect heritage assets. He also made the point that if this application was refused it could go to an appeal where it would receive an independent determination.

The proposal to accept Officers’ recommendation to refuse both planning permission and listed building consent was then put to separate votes.

**RESOLVED that** the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

1. The proposal fails to preserve the building, its setting, or its features of special architectural or historic interest. The proposal would result in harm to this Grade II listed building which would not be outweighed by any public benefits arising from the proposed works. The proposal therefore conflicts with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, the NPPF and Policy CS19 of the West Berkshire Core Strategy (2006-2026).
2. The proposed extension would be disproportionate in size and scale and would not be visually subservient to the existing dwelling. The cumulative impact of development would be materially greater and more harmful than that of the modest scale and proportion of the listed dwelling and would be out of keeping with and harmful to the character of the surroundings including the North Wessex Downs Area of Outstanding Natural Beauty. As such the application fails to comply with the aims of the NPPF, Policy ENV24 of the West Berkshire District Local Plan Saved Policies 2007, Policy ADPP1 and ADPP5 of the West Berkshire Core Strategy (2006 - 2026), Policies C3, and C6 of the draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document (November 2015).

**RESOLVED that** the Head of Planning and Countryside be authorised to refuse listed building consent.

*(The meeting commenced at 6.30 pm and closed at 9.10 pm)*

**CHAIRMAN** .....

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