

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	17/02012/FULD Tidmarsh	18/09/2017	Erection of replacement dwelling and 4no. Dwellings and associated works; demolition of Class B buildings and extinguishment of lawful plant storage and distribution operations; removal of hard standing.  Green Gables Tidmarsh Lane Tidmarsh Reading  Mr S Holland

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/02012FULD>

**Recommendation Summary:**

To **DELEGATE** to the Head of Development & Planning to **REFUSE PLANNING PERMISSION** for the reasons for refusal set out in section 8.1 of this report.

**Ward Members:**

Councillor Tim Metcalfe  
Councillor Rick Jones

**Reason for Committee Determination:**

Requested by Councillor Metcalfe due to level of community support

**Committee Site Visit:**

30<sup>th</sup> August 2017

**Contact Officer Details**

**Name:** Cheryl Willett  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519111  
**E-mail Address:** cheryl.willett@westberks.gov.uk

## 1. Relevant Site History

01/00500/CERT	APPROV	01.10.2004	Certificate of Lawfulness for existing use on land/buildings to rear of Green Gables - use of land and buildings for haulage, use of buildings for various Class B and sui generis purposes and erection of building for maintenance of plant.
03/01439/FUL	REFUSE	01.10.2004	Retention of replacement commercial building for class B1(c) purposes with domestic workshop and office [retrospective].
04/02148/CERT	REFUSE	25.10.2005	Plant hire and haulage. Ancillary maintenance building.
07/02171/CERTE	APPROV	11.04.2008	Operational development in the form of a hardstanding and installation of a petrol interceptor and wash down area on land to the south of Green Gables
07/02172/CERTE	REFUSE	13.05.2008	Storage, maintenance and hire of plant and machinery on land to the south of Green Gables
08/01410/FUL	APPROV	23.09.2008	Retrospective extension to building 6.
09/02579/CERTE	APPROV	19.04.2010	The storage of plant (including secure site plant stores and portable site office units), equipment and associated material and the hiring of these items.
13/02698/FULC	REFUSE	15.08.2014	Erection of 4no. light industrial units; extinguishment of plant hire operations.
16/02273/FULD	REFUSE	20.12.16	Erection of replacement dwelling and 5 no. Dwellings and associated works; demolition of class B buildings and extinguishment of lawful plant storage and distribution operations; removal of hardstanding.
17/00673/FULD	WITHDRAWN	03.07.17	Erection of replacement dwelling and 4 no. Dwellings and associated works; demolition of Class B buildings and extinguishment of lawful plant storage and distribution operations; removal of hardstanding.

## 2. Publicity of Application

Site Notice Expired: 17<sup>th</sup> August 2017  
 Neighbour Notification Expired: 16<sup>th</sup> August 2017

## 3. Consultations and Representations

### 3.1 Consultations

**Tidmarsh Parish Council** No comments received.

**Pangbourne Parish Council (adj)** Object. The site is outside of the settlement boundary and in the AONB.

**Highways** A total of 5 dwellings would be served from this drive. A road constructed to adoptable

standards is not required for this number of dwellings, and the Highway Authority would not particularly want to adopt this stretch of road (the threshold would normally be 6 dwellings or more). Some amendments to the kerb line at the access are proposed which are welcomed.

If an adoptable road is to be provided, amendments are requested. The turning head to the rear of the site with swept paths for refuse/recycling vehicle manoeuvres and there is some overrun. This should be all within the adoptable turning head. A 2 metre service margin should also be provided around the turning head.

The turning head nearest the highway is capable of accommodating the Council's refuse and recycling vehicles and so this could be utilised. The carry distance for residents would be excessive though.

The visibility splays must be shown to the nearside carriageway edge with no off-set. This must be amended.

Manual for Streets sets out that the proposed splay to the east is 66 metres which is appropriate for vehicle speeds of 40mph. However, this is not a residential road and Manual for Streets does not apply. DMRB should be referred to. A speed survey was requested to establish what actual recorded 85<sup>th</sup> percentile vehicle speeds are in the vicinity of this site. This was not undertaken. Therefore, whilst this survey has not been undertaken some improvements to the achievable visibility splay the access are proposed. Given the existing permitted use, and the comparison between the potential vehicle movements under the permitted use, and those for the proposed use, it would be difficult to substantiate an objection. However, both visibility splays must be shown to the nearside carriageway edge. There is no supportive evidence that demonstrates vehicles and cyclists approach the site in excess of 1 metre from the edge of the carriageway. The visibility splay plan must be submitted.

The accompanying highways statement refers to 6 no 3 bed dwellings but this is not what is

proposed. Adequate driveway parking has been proposed for each dwelling, with cycle storage taking place within the proposed garages.

The site has been operating less intensively of late. However, for a 645 sqm floor area, the level of vehicle movements for the existing and proposed uses could be comparable. There would be a reduction in LGV and HGV movements.

## **Environmental Health**

No comments received for this application, but those made for application 16/02273/FULD are still appropriate and are reported below.

Contamination may be present due to the current use and identification of a fuel tank. Further investigations would be necessary with remediation, which can be conditioned.

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

There is a commercial use immediately adjacent to the site, currently used for vehicle maintenance, MOT testing and B8 storage. A condition is recommended to ensure future residents are protected from this use.

## **Waste Management**

Further to the comments of the Highway Authority the applicants need to confirm whether the road is to be built to an adoptable standard. If built to an adoptable standard details of the swept path for refuse and recycling collection vehicles are required. If the road is not built to an adoptable standard a suitable bin collection point is requested, that is large enough for bins required by the properties. Potential residents of the properties should be aware that the collection point will be at the curtilage of the properties on Tidmarsh Lane. The distance for residents is far in excess of the 30 metres recommended by Manual for Streets. This may be problematic for elderly or disabled residents. This can be mitigated by ensuring there is flat level access with a path free of gravel or grass.

**Tree Officer**

There are very few trees within the actual site boundaries, other than the group of Leyland cypress and small ash trees. None of these are proposed to be lost to facilitate the proposed changes. The only concern is the close proximity of the new houses to the woodland edge. Whilst there should be sufficient separation for the new properties, the trees can be adequately protected and there needs to be sufficient space for future growth so they don't become too overbearing for the new residents.

The woodland edge is quite fragmented in places, so shouldn't become overbearing in the future.

The site contains a number of buildings and hard surfaces, which will require removal, some of which might fall in the root protection area of retained trees.

All new landscaping is gratefully received.

Full details for tree protection and landscaping can be secured by condition.

**SuDS**

No comments received by date of writing.

**North Wessex Downs AONB**

No comments received by date of writing.

**Environment Agency**

The proposed development is located in a Source Protection Zone 2 and on a Principal aquifer. As such it is a sensitive location with respects to controlled waters. Previous potentially contaminating activities including oil storage have been identified on site. Planning conditions are therefore required with required to contamination.

**Thames Water**

No comments received by date of writing.

**Ecologist**

No comments received by date of writing.

### 3.2 Representations

Total: 5                      Object: 0                      Support: 5

Summary of support:

- Welcome the opportunity to change the status of the site from industrial to residential use, in keeping with this otherwise quiet neighbourhood;

## 4 Planning Policy

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government legislation and guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF);
  - The National Planning Practice Guidance (March 2014) (PPG).
- 4.3 According to paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

The policies within the West Berkshire Core Strategy (2006-2026) attract full weight. The following policies are relevant to this application:

- ADPP1: Spatial Strategy;
  - ADPP5: North Wessex Downs AONB;
  - CS1: Delivering New Homes and Retaining the Housing Stock;
  - CS9: Location and Type of Business Development;
  - CS10: Rural Economy;
  - CS13: Transport;
  - CS14: Design Principles;
  - CS17: Biodiversity and Geodiversity;
  - CS19: Historic Environment and Landscape Character.
- 4.4 The policies within the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) attract full weight. The following policies are relevant to this application:
- C1: Location of New Housing in the Countryside
  - C3: Design of Housing in the Countryside
  - C7: Replacement of Existing Dwellings
  - P1: Residential Parking for New Development
- 4.5 The policies of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007 attract due weight in accordance with their degree of consistency with the

policies of the National Planning Policy Framework. The following saved policies are relevant to this application:

- OVS5: Environmental Nuisance and Pollution Control
- OVS6: Noise Pollution

4.6 In addition, the following locally adopted West Berkshire Council policy documents are relevant to this application:

- Supplementary Planning Document, Quality Design (June 2006): Part 2, Residential Development
- The West Berkshire Planning Obligations Supplementary Planning Document (2014)
- The North Wessex Downs Area of outstanding Natural Beauty Management Plan 2014-2019
- Community Infrastructure Levy Charging Schedule (adopted March 2014)

## **5. Description of Development**

5.1 The application seeks full permission for the demolition of Green Gables in Tidmarsh, an existing bungalow, and its replacement with a house; and for the demolition of the light industrial buildings and erection of four dwellings. The dwellings would be laid out in tandem, all accessed from the access road leading from Tidmarsh Lane.

5.2 The house replacing Green Gables would be two stories, at approximately 7.2m in height, 12.5m in width and 15.5m in overall depth. Four bedrooms would be provided. A garage/carport is proposed to the front of the dwelling. The dwelling is proposed in a similar location to the dwelling it replaces.

5.3 The four dwellings to replace the industrial units are similar in design and size. Plot 2 is a five bedroom house, at approximately 7.4m in height, 13.5m in width, and 12m in overall depth. Plot 3 is approximately 7.4m in height, 13.5m in width and 12.5m in depth. Plots 4 and 5 are approximately 8m in height, 12.6m in width and 13.8m in overall depth. All four dwellings have 5 bedrooms, and a garage/carport within each curtilage.

5.4 The site lies along Tidmarsh Lane, outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty. The rear of the site, behind the dwelling, is considered to be a brownfield site due to the presence of existing industrial units and hardstanding, as approved as part of previous certificates of lawfulness. It is important to note that the proposed new houses would occupy the southern third of the site (plots 4 and 5) would be erected on land which does not contain any buildings.

5.5 As a background to this application there is a history of previously unlawful industrial and sui generis uses at the units to the rear of Green Gables, which have been regularised by Certificates of Lawfulness. Application reference 01/00500/CERT lists the uses of each building (a map is contained as part of the committee pack):

- Building 1 - Use for Use Class B1(c) purposes

- Building 2 - Sui Generis use as toilet and washroom block and for storage of office furniture and general supplies associated with the other authorised uses on the application site
- Building 3 - Sui Generis use as an office and for the storage of vehicle parts and other items ancillary to the use of the land shaded orange on the plan forming the Second Schedule to this certificate as an operating centre for a haulage business operating a maximum of two HGVs and two trailers
- Building 4 - Use for Use Class B8 purposes
- Building 5 - Use for Use Class B1(c) purposes
- Building 6 - Use for Use Class B1(c) purposes
- The open land shaded orange on the plan forming Schedule 2 - Sui Generis use as an operating centre for a haulage business operating a maximum of two HGVs and two trailers and for parking of non-HGV vehicles and non-HGV trailers associated with the lawful use of Buildings 1-6.

- 5.6 The certificate of lawfulness for application 04/02148/CERT was submitted for 'Plant hire and haulage, with ancillary maintenance building'. The map is contained within the committee pack. This certificate of lawfulness application was refused, and no appeal made.
- 5.7 The certificate of lawfulness for application 07/02171/CERTE was submitted for 'Operational development in the form of a hardstanding and installation of a petrol interceptor and wash down area on land to the south of Green Gables'. The map is contained in the committee pack and relates to land to the south of the units found lawful under 01/00500/CERT. The certificate of lawfulness was allowed, and is based on operational development, rather than a change of use of the land.
- 5.8 The certificate of lawfulness for application 07/02172/CERTE was submitted for 'Storage, maintenance and hire of plant and machinery on land to the south of Green Gables', on the same parcel of land as covered by the above certificate. This was refused, and no appeal made.
- 5.9 The certificate of lawfulness for application 09/02579/CERTE was submitted for 'The storage of plant (including secure site plant stores and portable site office units), equipment and associated material and the hiring of these items', on a similar parcel of land as covered by certificate 07/02171/CERTE, with the exception of the most southern section of land being excluded. This certificate was granted.
- 5.10 The certificates of lawfulness limit the use of the buildings as outlined in the 2001 certificate, operational development south of these buildings as part of the 2007 certificate, and the change of use of part of this land as part of the 2009 certificate. The activities are restricted, though there is no restriction on the hours of use. Any operations which would deviate from the description of those developments permitted under the certificates would require planning permission.
- 5.11 It is worth noting that the certificates do not cover 'general industrial' (B2) use of the site as suggested by the objectors and their terms are quite specific and restrictive in what they set out as lawful use of the site.

## **6. Appraisal**

### **6.1 Community Infrastructure Levy**



- 6.1.1 The proposed works would be liable for payment of the Community Infrastructure Levy. The CIL forms completed with the planning application suggest that some 920 square metres of floor space would be created, which at £125 per square metres, equates to some £115,000. This takes into account the loss of the existing house, which is currently resided in. It does not take into account the existing commercial use.

## **6.2 Consideration**

- 6.2.1 The main issues for consideration in the determination of this application are:

- Principle of development;
- Affordable housing
- Impact of the proposed works on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty;
- Impact on neighbouring amenity and amenity of future occupants;
- Impact on highway safety;
- Impact on ecology;
- Planning balance

## **6.3 The principle of development**

- 6.3.1 The application site is located outside of the defined settlement boundary, where new development is more strictly controlled. The NPPF outlines in paragraph 55 that housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes should be avoided unless where, amongst others, 'the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'.

- 6.3.2 Policy ADPP1 of the Core Strategy requires development to follow the existing settlement pattern and comply with the spatial strategy. Tidmarsh is not a village listed within the settlement hierarchy, and the site is located outside of the settlement boundary. Core Strategy policy ADPP1 outlines that outside of the settlement boundaries only appropriate limited development would be allowed, focused on addressing identified needs and maintaining a strong rural economy. The supporting text to Policy ADPP1 outlines the following at paragraph 4.17:

'Outside these settlements, in the countryside, a more restrictive approach to development will be taken. Specific exceptions to this approach could include barn conversions and agricultural workers dwellings to support the rural economy. Any development within the North Wessex Downs AONB will be more restrictive than in the general countryside, reflecting the national designation of the landscape'.

Policy ADPP5 of the Core Strategy, when discussing the AONB, seeks to focus housing allocations in rural service centres and service villages.

- 6.3.3 Policy C1 of the Housing Site Allocations Development Plan Document (HSA DPD) also outlines that exceptions to the restriction on new residential development outside of the settlement boundaries would be limited to conversion of redundant buildings, replacement of existing residential units and appropriate infill, among others.

- 6.3.4 There is no support in planning policy which allows the development of the four houses to the rear of the site, replacing the industrial units. The application would see the loss of the existing industrial units. The NPPF supports the sustainable growth of business and enterprise in rural areas. Core Strategy Policy CS9 seeks to locate B1 space in protected employment areas or in suitably located employment sites and premises. Whilst the site is outside of such areas it is located adjacent to existing light industrial uses and an MOT and repair workshop. Thus, it is considered that the use is compatible with surrounding uses, despite the rural location. The site, however, is not in a sustainable location. This is one of the reasons why a previous application (13/02698/FULC) for light industrial units was refused.
- 6.3.5 Although the scheme is not a conversion of buildings on site Members should note that in the supporting text to Policy C4 of the HSA DPD (paragraph 4.31) it states that it is important that the original use of the building for that purposes no longer exists. The building may be performing an essential need and may lead to a request to replace it elsewhere, now or in the foreseeable future. Furthermore, Core Strategy Policy CS10 (rural economy) outlines that proposals seeking the loss of existing small and medium sized enterprises in rural areas must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area. No such information has been provided, other than a recognition of the refusal of new B1(c) units, as there is an existing employment use on site, its loss would be a material disadvantage of the scheme, in policy terms as also outlined in the second reason for refusal under 16/02273/FULD.
- 6.3.6 The local support and reason for call-in is noted. In terms of amenity having checked with the Environmental Health team no complaints with regard to noise have been received. Additionally, there are a large number of similar sites across the District where previously unauthorised development has been regularised either through planning permission or the grant of a certificate of lawfulness. The vehicle maintenance and repair business at the neighbouring site was approved under a Certificate of Lawfulness (02/00414/CERT), with subsequent permission to replace the workshop and included MOT testing. Around the site there are examples of employment sites at Wilco Farm (granted under application reference 09/00687/CERTE), some 370 metres from the application site. In Tidmarsh on land south of The Rancher Certificates of Lawfulness have just been approved for classic car refurbishment and detailing and a builder's yard. This site is some 1.3 kilometres from the application site. Glebe Orchard, located on the A340 between Tidmarsh and Pangbourne, has a history of B1 use and attempts at securing residential use on the site. This site is some 1.5 kilometres from the application site. A site such as this is not unique in circumstances and the other sites listed above are still in close or reasonable distance to residential properties. The existing use is not considered to justify the redevelopment of the site for residential dwellings in a location where such development would not be compliant with development plan policies. Potentially the same arguments could be made for the redevelopment of any of the large number of similar sites in Tidmarsh or across the rest of the district.
- 6.3.7 Policy C7 allows the replacement of existing dwellings in the countryside. The general principle of replacing the bungalow Green Gables itself is acceptable and

the criteria of the policy will be identified below. The building appeared to have been erected as a house for agricultural workers, though this restriction seems to have been extinguished.

- 6.3.8 Tidmarsh is a small settlement with limited services. There would be a reliance on the private car to access services and places of employment. Tidmarsh Lane is not attractive to walk or cycle. There are no nearby public rights of way which the residents could make use of. This is not in line with the Core Planning Principles in the NPPF which states that planning should manage growth through making the most of public transport, walking and cycling, and focusing development in locations which are or which can be made sustainable.
- 6.3.9 The principle of developing the rear of the site for residential dwellings is not supported. The site lies within an unsustainable location. In contrast the replacement of Green Gables by a new dwelling is supported by Core Strategy Policy ADPP1, and HSA DPD Policies C1 and C7.

## **6.4 Affordable housing**

- 6.4.1 The application proposal is for five dwellings. Core Strategy Policy CS6 requires a 20% provision of affordable housing on sites of 5-9 dwellings. The supporting text to the policy, at paragraph 5.31, outlines that the requirement for affordable housing will be applied to the total number of gross dwellings on the proposed development site, not to net dwellings. This equates to the on-site provision of one affordable dwelling.
- 6.4.2 The Planning Practice Guidance outlines that the Written Ministerial Statement (WMS) needs to be taken into account in decision making. The WMS states that, in designated rural areas, which includes the AONB, that no affordable housing or tariff-style contributions should be sought for developments of 5 units or less.
- 6.4.3 The WMS has been taken into account. However, there is an acute shortage of affordable housing in West Berkshire and the completion of more affordable housing is a priority for improvement as set out in the Council Strategy. The updated Strategic Housing Market Assessment (2016) identifies a net need of 189 dwellings per annum. The supporting text to Policy CS6 outlines that there is a shortfall of between 560 and 850 new affordable homes across the District per year to 2011. It is therefore justified to request affordable housing on the site.
- 6.4.4 In the case of the development proposed the houses are large and the location isolated. It is not considered that one dwelling would qualify as an affordable housing unit, and it may be the case that there is difficulty in securing a Registered Social Landlord due to the location. Therefore, a financial contribution in lieu of on-site provision is justified. The applicant has provided the Gross Development Value, and the figure suggested is £450,000. Comments from housing will be updated at the committee meeting. Such a contribution would be secured through a planning obligation. Given that the recommendation is for refusal a reason for refusal will be added for the non completion of a legal agreement to secure affordable housing or contributions in lieu.

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

- 6.5.1 The site is situated within the North Wessex Downs Area of Outstanding Natural Beauty, which is an area of nationally significant landscape importance where the conservation of the character and appearance of the AONB is given a high level of importance in planning decision making. Furthermore Policy ADPP4 of West Berkshire Core Strategy requires development 'Conserve and enhance local distinctiveness'.
- 6.5.2 Starting with the replacement of Green Gables, a bungalow, the criteria of HSA DPD Policy C7 should be adhered to:
- i) The existing dwelling is not subject to a condition limiting the period of use as a dwelling;
  - ii) When reviewing whether the replacement dwelling is proportionate to the one it replaces, the existing bungalow is quite low profile. From Tidmarsh Lane the existing vegetation to the front of the site is visible, blending in with the grassed surrounding, opening up to views of the bungalow. The new dwelling will be more visible, with the height increasing from approximately 4.5m to 7.2m. There are two storey dwellings in close proximity at Maidenhatch to the west.
- The floorspace would be increased by approximately 17% and the volume increased by 33% on the existing house. This includes the garage. The design of the dwelling has been scaled back from the previous refused application, and is of a more simple design. The reduction in height, the separation of the garage, and the overall reduction in bulk are all considered to overcome the previous objection to this element of the proposal. Although the garage is located forward of the dwelling, it is in line with the current extent of built form on site. It is not considered to be a dominant feature.
- iii) The proposal does not involve the extension of the existing residential curtilage.
  - iv) The proposal does not form part of a rural enterprise which means the replacement dwelling would need to perform the same function.
  - v) Protected species have been assessed. Comments are awaited from the ecologist, and Members will be updated at committee.
- 6.5.3 When considering the development of four dwellings to the rear of Green Gables, as noted in the committee report for the previously refused application on the site the current nature of development within the site is of buildings of an overall modest scale and density. There is already a large degree of hardstanding within the site, with associated structures, including the petrol interceptor, and on occasions portable structures used in connection with the permitted plant hire operations. This does not contribute positively to the qualities and character of the area and AONB. However, historically the plant hire operations have been occasional with long periods with no plant transient on the site, whereas the dwellings would be permanent additions, domesticating the appearance of the site and significantly increasing its visual intrusion on the area both in daylight and at night due to the lighting associated with the dwellings and their curtilages. The addition of significant built form on the southern third of the site, which currently contains no buildings, would be particularly intrusive.
- 6.5.4 The proposed houses are substantial in size. Although the height of plots 2 and 3 have been reduced from the previously refused scheme, from 8m to 7.5m the overall floor area is larger by some 20 square metres. The overall bulk is not

significantly different. Plots 4 and 5 are no different to plots 4, 5 and 6 of the previously refused scheme. Thus, it is still considered that the addition of dwellings in this location would increase the visual bulk and massing of development, and domesticate the land causing significant harm to the character of the AONB. The existing change in levels, sloping to the south away from Tidmarsh Lane, aids in reducing the perception of development. However, the significant increase in size of the dwellings in comparison to the existing built form cannot be ignored. Furthermore, the fact that development cannot be seen from public view points is not a reason for allowing development. The imposition of the large and highly conspicuous houses of suburban appearance within the open landscape would not be appropriate development, over and above the existing built form on land behind Green Gables.

- 6.5.5 Built form in the local area is defined by sporadic residential and commercial developments. There is no definite grain of development, though properties and businesses in the immediate vicinity (Green Gables, Tow Acres and Glade House) have similar fairly narrow frontages to the road with long deep plots behind. Development is located towards the rear of such neighbouring sites. No other sites have such a formal arrangement of built form as that proposed. This adds to the concern that the proposed form of development, which is appreciated to respond to the site width and depth constraints, appears as a suburban development, akin to a small residential housing estate. This would not be in keeping with the surrounding character of development, and result in harm to the AONB.
- 6.5.6 Overall, the replacement dwelling is acceptable, and is in line with HSA DPD Policy C7. The works to replace the commercial buildings with four dwellings are considered to result in a significant and unacceptable detrimental impact on visual amenity and the character of the rural landscape and AONB. As such this forms a reason for refusal.

## **6.6 Impact on highway safety**

- 6.6.1 The existing access would be utilised and adapted. The Highway Authority has commented that the road to be constructed would not normally be required for adoption, as the threshold for adoption is 6 dwellings. The applicant is not intending on offering the road for adoption. An amended plan has been requested in relation to visibility splays. Members will be updated at committee on progress.
- 6.6.2 As the road does not need to be built to an adoptable standard, this would mean that refuse vehicles could only collect waste and recycling from the entrance to Tidmarsh Lane. The residents would therefore need to transport their waste and recycling receptacles for a distance in excess of 30 metres, more than that is recommended in Manual for Streets. Surfacing would aid in mitigating this impact, and ultimately it is for the future residents to be aware of. A suitable bin store would need to be placed within 25 metres of the entrance.
- 6.6.3 The Highway Authority has considered the existing use and the road usage, and concluded that the existing and proposed uses are comparable. There will be the removal of HGVs and LGVs as part of the scheme and more private cars, which is welcomed when considering the local road network. The proposed use, and the impact on the highway, is therefore not objected to by the Highway Authority.

- 6.6.4 In line with HSA DPD Policy P1 each house would need to provide three car parking spaces. This is provided for each property. Whilst the garage space could not necessarily be regarded as a parking space, as such areas are not regularly used for parking of vehicles, a car port element is provided

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

- 6.7.1 The proposed dwellings would be well separated from nearby residential dwellings, and therefore would not result in loss of amenity. If approved hours of work would be conditioned, as would dust mitigation, in the interests of resident's amenity.
- 6.7.2 The proposed works would secure a good quality of amenity space for future occupants in accordance with the recommendations of the Quality Design SPD.
- 6.7.3 The representations, and pre-application community involvement, highlight that local residents are supportive of the residential scheme. Residents welcome that a residential use is more in keeping with the 'otherwise quiet neighbourhood'. Residents were also involved in the applications to establish the lawfulness of the commercial/industrial operations. The views of the neighbours have been taken into account, however, such public support for an application is not a material consideration if it is not based on sound planning reasons. In this case concern over possible commercial use of a site heavily constrained in its possible level of activity by the Certificates of Lawfulness issued on the site is considered to carry little weight.
- 6.7.4 Due to current and past uses of the site contamination is likely to be present, and as highlighted by the Environment Agency the site lies in a sensitive area in a Source Protection Zone 2 and on a principal aquifer. Therefore, should the application be approved conditions are recommended to check for contamination and remediate where it is found.

## **6.8 Impact on ecology**

- 6.8.1 As works are proposed to demolish existing buildings and in accordance with Local Plan Policy ENV19, Core Strategy Policy CS17, the NPPF and emerging HSA DPD policy C7 the applicants have commissioned an ecological survey to check for protected species. The report concludes that there are no priority habitats present and very limited opportunities for priority species to exist on site. There are recommendations outlined in the survey for biodiversity enhancement.
- 6.8.2 The Council's ecological consultant's comments will be presented to planning committee on the update sheet.

## **6.9 Planning balance**

- 6.9.1 When considering the benefits of the proposal the additional dwellings would add to the supply of housing in the district.
- 6.9.2 In consideration of whether or not the housing would be a more attractive use than the existing lawful operations, in terms of the social and environmental benefits, the same consideration could be said to have applied to the 2013 application for four B1(c) units. This application was refused on highway grounds, and as the site was

in an unsustainable location. It was recognised that the landscaping and low profile of the buildings was of benefit, and environmental health officers remarked that the proposed use would result in less disturbance to neighbours than the permitted use. The economic value of the use of the buildings, which were demonstrated to attract users, was taken into account as a benefit as well. This being the case the application was refused. A similar case is made as part of the current application where it is recognised that the residential use may have less of an impact than the permitted use, particularly on neighbour amenity and use of the highway network by HGVs and LGVs. However, it is not considered that this past use should be used to justify a housing development, suburbanising the site and this area of the AONB. There is no policy in the development plan which supports the redevelopment of the rear of the site for residential development. The applicant's statement in this application that should the scheme be refused the plant hire operations would be resumed is noted, and the owner of the site is able to do this with or without this planning application for residential dwellings. This use is restricted by the terms of the Certificates of Lawfulness, and should there be a statutory noise nuisance occasionally as a result of the renewed operations the Council's environmental health team can investigate noise and the enforcement action if it is considered to be expedient to do so.

- 6.9.3 When considering the economic benefits of the scheme these would be limited to the work created from the construction process. However, the loss of the existing commercial operations would result in the loss of employment and therefore a negative impact on the local economy. This counts against the proposal. Existing businesses would be displaced, and there is no information contained in the application to justify the loss.
- 6.9.4 Ultimately, it is considered that the proposed works for the four dwellings to the rear of Green Gables would have a significant detrimental impact on the character and amenity of the area and the AONB. The development is not an example of delivering the right kind of development in the right location.
- 6.9.5 The harm caused by the proposed development significantly outweighs any benefits, and as such, the proposal does not represent sustainable development.

## **7. Conclusion**

- 7.1 As outlined above, and summarised in section 6, having taken account of all the relevant policy considerations and the other material considerations referred to above and having regard to the clear reasons to object to the proposals, the proposed development is considered to be clearly unacceptable and refusal of the application justified.

## **8. Recommendation**

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

### **8.1.1 Reason**

1. The application site is an isolated and sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and outside of any defined

settlement boundary. The proposals to demolish the commercial buildings and remove hardstanding on land south of Green Gables and erect four dwellings are not supported by planning policy, and there is no presumption in favour of development in such locations. The redevelopment of the site is not an exception to the policies restricting housing development in rural areas in general and the Area of Outstanding Natural Beauty in particular, as defined by paragraph 55 of the National Planning Policy Framework (2012), West Berkshire Core Strategy Policies ADPP1 and ADPP5, and West Berkshire Housing Site Allocations Development Plan Document Policy C1.

2. The application site is an isolated and sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and outside of any defined settlement boundary. The site contains an existing residential dwelling and buildings and land for commercial purposes, and lies amongst open fields to the south of Tidmarsh Lane.

The proposed works to demolish the commercial buildings on the section of the site south of the existing dwelling Green Gables and erect four dwellings would have a demonstrably greater and more harmful and intrusive appearance in the landscape, on the character of the area and AONB than the existing buildings. The existing commercial buildings are low in profile and modest in size and the plant hire use is intermittent in nature and restricted by the terms of the Certificate of Lawfulness. By contrast the dwellings are large and suburban in appearance and layout, and the proposal would lead to the domestication of the appearance of the land in the daytime and increased light pollution at night. The imposition of the houses of an urban form and layout within the open landscape would not be appropriate development, over and above the existing built form on land behind Green Gables.

The proposed scheme would therefore be contrary to the Core Planning Principles set out at Paragraph 17 of the National Planning Policy Framework (2012) which states that development must always seek to secure a high quality of design and recognise the intrinsic character and beauty of the countryside. It would further be contrary to the requirements of Policy C3 of the West Berkshire Site Allocations Development Plan Document due to the impact of the design on the character of the area. It would also be contrary to the requirements of Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, which require that new development must demonstrate a high quality of sustainable design that respects and enhances the character and appearance of the area, and that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Furthermore due to their significantly increased visual impact the proposed new dwellings would fail to either conserve or enhance the special landscape qualities of the North Wessex Downs Area of Outstanding Natural Beauty and therefore the proposed development is contrary to the requirements of Policy ADPP5 of the West Berkshire Local Plan Core Strategy (2006-2026) and of paragraphs 109 and 115 of the National Planning Policy Framework (2012).

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



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

The proposed works are to demolish the dwelling and buildings on site and erect a total of five dwellings. The application is considered to fail to comply with the three dimensions to sustainable development as set out in paragraph 7 of the National Planning Policy Framework. Whilst the proposal might generate a short term economic benefit during the construction, its overall economic impact would be negative due to the displacement of the businesses currently operating from the site. The proposal supports the social role by providing housing but it is negated by its location being remote from accessible local services and the failure of the scheme to provide a high quality built environment. The site at Green Gables is located outside of any defined settlement boundary, and in a relatively isolated position away from urban areas, rural service centres and service villages. The site is not readily accessible by public transport, and Tidmarsh Lane is not attractive for future residents to walk or cycle due to the lack of footway and the narrow and winding nature of the road.

As set out in reason for refusal no. 2. the proposal is considered to have a significantly negative impact on the character and appearance of the local area and to fail to conserve and enhance the special landscape qualities of the AONB. Accordingly it fails to comply with the environmental role of sustainable development by damaging rather than protecting or enhancing the natural environment.

4. The development fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the National Planning Policy Framework, the Planning Practice Guidance, Policy CS6 of the West Berkshire Core Strategy (2006-2026) and the West Berkshire Council Planning Obligations Supplementary Planning Document.