

Item No	Application and Parish	No.	8/13 week date	Proposal, Location and Applicant
(1)	17/01445/FUL Compton		3 rd August 2017 Extension of time 2 nd November 2017	Part retention of The Lodge to provide ancillary workshop and garaging to Walnut House. The Lodge, High Elms, Aldworth Road, Compton, Newbury, RG20 6RD Mr Michael Milne

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/01445/FUL>

Recommendation Summary: **The Head of Development and Planning be authorised to GRANT conditional planning permission**

Ward Member(s): Councillor Virginia von Celsing

Reason for Committee Determination: Ward Member call in - Virginia von Celsing if the officer is minded to approved the application. Call in reason:-

“The PC are objecting on the following grounds:
Permission was given for new house (outside settlement boundary in AONB) on condition that the original one was demolished - applicant said unfit for modern use. The application is to retain this building.”

Committee Site Visit: Thursday 26th October 2017.

Contact Officer Details	
Name:	Matthew Shepherd
Job Title:	Planning Officer
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1. Site History

06/02584/CERTE. Use of land as a domestic garden. Approved 29.03.2007

09/01648/FUL. Demolition of existing dwelling and erection of new dwelling with garage. Refused 22.10.2009.

09/02244/FUL. Demolition of existing dwelling and erection of new dwelling with garage. Approved 29.12.2009.

10/03044/FUL. Demolition of existing dwelling and erection of new dwelling with garage. Approved 29.06.2011.

2. Publicity of Application

First Site Notice Expired: 13/07/2017

Amended Site Notice (after amended plans and proposal submitted): 02/10/2017

3. Consultations and Representations

Compton Parish Council: Objection to proposal. See Appendices for detailed comments. No comments received on amended documents consultation 18/10/2017.

Highways: I have no objection to this proposal subject to a condition ensuring that the accommodation is ancillary and is not a separate dwelling. No further comments made on what was previously said which still stood.

Ecology No objections

Environmental Health No objections - No objections to amended documents

North Wessex Downs AONB No response - No response to re-consultation

Archaeology No objections - No response to re-consultation 18/10/2017

Thames Water Utility No response 18/10/2017

Environments Agency No response 18/10/2017

Public Rights of Way No response 18/10/2017

Ramblers Association No response 18/10/2017

Waste Management The application raises no concerns with regard to the storage and collection of refuse and recycling. Existing arrangements will suffice for a potential additional dwelling.

Enforcement No comment

**Sustainable
Drainage Team
Natural England**

No response 18/10/2017

No objections - No further comment on re-consultation.

Planning Policy

Policy C1 of the HSA DPD sets out that residential development and redevelopment will be acceptable in principle within settlement boundaries and clarifies the circumstances where housing will be acceptable outside settlement boundaries. This proposed development is located outside the settlement boundary and while it is not considered that it falls under any of the circumstances where housing will be acceptable outside settlement boundaries, i.e. as set out in policies C2, C4, C5, C6 or C7; neither is it considered to be contrary to any policy within the development plan.

The specific circumstances of this proposed development are unique given the relevant planning history. Permission was previously granted for the demolition of 'The Lodge' and construction of 'Walnut House' (ref 10/03044/FUL) hence, given that 'The Lodge' is still standing, it is no longer in lawful use. Notwithstanding this, the building was previously in lawful use and has not materially changed since that time.

This specific circumstance was not envisaged when the HSA DPD was prepared.

However, given that 'The Lodge':

1. has not materially changed since it was in lawful use; and
2. is structurally sound and capable of conversion without substantial rebuilding, extension or alteration;

It is not considered that the proposed development is contrary to policies within the development plan. The proposal is not contrary to policies within the development plan.

Correspondence:

Objections raised in regards to

- Confusing over how permission can be sought on a building that should have been demolished as part of previous permission.
- Objection to the principle of the development as the dwelling should have been demolished
- The Milne's currently have two garages and numerous barn type storage/workshop structures in place on their existing lands which are totally separate to the Lodge.
- Walnut House has a very large basement area and two large spaces/bedrooms in the attics which we would respectfully like to suggest should be considered first with regards to their proposed needs/requirements re. workshops and storage/garaging items.

Total of 2 objections registered

No letters of support

4. Policy Considerations

4.1. The planning system is plan-led, which means that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The West Berkshire Development Plan comprises:

The West Berkshire Core Strategy 2006-2026
The West Berkshire District Local Plan 1991-2006 Saved Policies 2007
The West Berkshire Proposed Housing Site Allocations (DPD)
Supplementary Planning Documents and Guidance

4.2. In this instance, the following policies of the Development Plan are considered relevant to the proposal.

4.3. West Berkshire Core Strategy (2006-2026)

Area Delivery Plan Policy 1 Spatial Strategy
Area Delivery Plan Policy 5 North Wessex Downs AONB
CS 13 Transport
CS 14 Design Principles
CS 19 Historic Environment and Landscape Character

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

4.5. The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

TRANS 1 Meeting the Transport Needs of New Development
OVS.5 Environmental Nuisance and Pollution Control
OVS.6 Noise Pollution

4.6. The Core Strategy was adopted after the introduction of the NPPF and provides an up to date framework for development planning in West Berkshire which is consolidated by the West Berkshire Housing Site Allocations (DPD) (November 2015).

4.7. The West Berkshire Proposed Housing Site Allocations (DPD)

C 1 Location of New Housing in the Countryside
C 6 Extensions of Existing Dwellings with the Countryside
P 1 Parking Standards for New Residential Development

4.8. Supplementary Planning Guidance

Quality Design (June 2006)
House Extensions (July 2004)
Community Infrastructure Levy (CIL) Charging Schedule

4.9. Other Material Considerations

National Planning Policy Framework (March 2012)
Planning Practice Guidance (March 2014)

5. Description of Development

- 5.1. The original description of development was “The retention of The Lodge to provide ancillary accommodation to Walnut House including conversion to provide garaging and access.”
- 5.2. Following discussions and recommendations for a reduction of size of the proposal, an amended description of development was recommended for clarity. This was “The part retention of The Lodge to provide ancillary workshop and garaging to Walnut House.”
- 5.3. Walnut House was permitted as the result of application 10/03044/FUL. The proposal included the demolition of the existing dwelling. No condition was applied stipulating a time scale for the demolition of the property other than the standard 3 year commencement of development condition.
- 5.4. In this time the Local Authorities Enforcement team have been aware of the situation and have investigated breaches of planning consent. So far no enforcement notice has been served and upon receipt of this application the decision was taken that the Local Authority needed to determine this application as submitted.
- 5.5. The development is to retain around half the original property as ancillary carports and workshop. The development is 15 metres in length, 5.7 metres wide and 5 metres high (all measurements approximates). The development is outside of settlement boundary, set within a large residential curtilage, and within the North Wessex Downs Area of Outstanding Natural Beauty.

6. Consideration of the Proposal

- 6.1. The Principle of the Development and Extensions of Dwellings in the Countryside
- 6.2. The Impact on Neighbouring Amenity
- 6.3. The Impact on Highways Safety
- 6.4. The Impact on the Ecology of the Site

6.1. The Principle of Development and Extensions of Dwellings in the Countryside

- 6.1.1. The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy, the Saved Policies of the West Berkshire District Local Plan and the West Berkshire Housing Site Allocations Development Plan Document.
- 6.1.2. The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system and strongly emphasises the need to support sustainable economic growth. The first core planning principle set out in the NPPF is that planning should be genuinely plan led, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- 6.1.3. The Core Strategy was adopted after the introduction of the NPPF and provides an up to date framework for development planning in West Berkshire which is being consolidated by the preparation of the Housing Site Allocations DPD.
- 6.1.4. The proposed development at The Lodge, High Elms, Aldworth Road, Compton, lies outside any settlement boundary as defined within the West Berkshire Core Strategy (2006-2026) and West Berkshire HSADPD (November 2015).

- 6.1.5. Being outside of settlement boundaries the principle of development is not present. Proposals are still considered but are controlled to a greater extent, subject to the proposal being in accordance with development plan policies on design, impact on the character of the area, and impact on the amenity of neighbouring land uses.
- 6.1.6. Policy CS14 Design principles states how proposal should demonstrate a high quality design that respects and enhances the area and makes a positive contribution to the quality of life in West Berkshire. It should respond positively to the wider context it is placed in, not just the immediate area. CS19 Historic Environment and Landscape Character seeks proposals to respond appropriately in terms of location, scale, and design reflecting a holistic approach to the local distinctiveness, sensitivity, and diversity of locations.
- 6.1.7. Policy C 6 of the West Berkshire HSADPD (November 2015) states a presumption in favour of proposals for the extension of existing permanent dwellings. This is provided that they meet all four policy sections as set out.
- 6.1.8. The first is that the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling. The second, that there is no adverse impact on the setting, the space occupied within the plot boundary, on the local rural character, the historic interests of the building and its setting in the wider landscape. The third is that the materials are appropriate within the local architectural context. Lastly, that there is no significant harm to the living conditions currently enjoyed by residents of neighbouring properties.
- 6.1.9. The officer notes Planning Policies response in terms of raising no objections but also noting that the proposal does not fall under any circumstances noted in the countryside policies. The policy team noted that “the proposed development is located outside the settlement boundary and while it is not considered that it falls under any of the circumstances where housing will be acceptable outside settlement boundaries, i.e. as set out in policies C2, C4, C5, C6 or C7; neither is it considered to be contrary to any policy within the development plan.”
- 6.1.10 The case officer notes policies response, but raises that had the house been demolished, and the garage proposed as new, C 6 would apply. It is therefore relevant to the considerations of its retention and has been assessed against it accordingly.
- 6.1.11. The case officer has assessed the proposal against the policy criteria of C 6 as the ancillary garage would be considered an extension to the Walnut House. The scale of the enlargement is considered acceptable, the amended documents propose demolishing approx half the original building and converting the majority to a 3 bay carport with a small workshop attached. The built form is reduced on site. The scale of this building with its amendments is now considered subservient and of a scale that is acceptable as an ancillary outbuilding. The height of the development is retained at the same height as the original building; as such there is no increase in impact. The materials of the proposal are unclear but if similar materials can be used to the original building of ‘The Lodge’ the impact and change would be minimal and therefore would not pose harm to character of the area. This can be conditioned.
- 6.1.12 The development is not considered to have an adverse impact on the setting; space occupied or plot boundary or character of the area. This is due to the development demolishing around half of the original property; this is deemed an acceptable degree of development to be retained next to The Lodge. Although the original application required the full demolition as part of the description of development, it is considered that the part retention still results in the dwelling being replaced, but also provides an acceptable size ancillary building to Walnut house.

- 6.1.13 Due to it being retained in a cluster of buildings, connecting Walnut Lodge to other built form on site, the impact on the AONB and character of the area is not considered harmful. The proposed Laurel Hedge is not considered to be harmful to the wider landscape either.
- 6.1.14 The building is retained in its original location and does not pose an impact on neighbouring amenity. It is argued by the applicant that it will provide a shielding function to the rear amenity of Walnut House. No windows or roof lights are proposed and therefore no impact to neighbouring amenity is perceived.
- 6.1.15 In conclusion the proposal achieves the one for one swap of dwellings as required by the permission to construct the new dwelling on site. It does this through converting the dwelling to provide an ancillary outbuilding that is acceptable in policy terms. A condition will be applied for it to be retained as ancillary.
- 6.1.16 The proposal is therefore not contrary to policies within the development plan and strong material consideration dictates that the proposal is acceptable the proposed development is there in accordance with C1 and C 6 of the West Berkshire HSADPD, additionally it is also in accordance with ADDP 1, ADDP 5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6.2. The Impact on Neighbouring Amenity

- 6.2.1. The building is retained in its original location, this does not pose an impact on neighbouring amenity in terms of overbearing or overshadowing. The size and location of the development is considered an acceptable degree of development set next to Walnut House. It is argued by the applicant that it will provide a shielding function to the rear amenity of Walnut House.
- 6.2.2. No windows or roof lights are proposed and therefore no impact to neighbouring amenity is perceived from overlooking. The proposed Laurel Hedge will not provide an unacceptable impact on surrounding amenity.
- 6.2.3. The proposed development is not considered to have a negative impact on the neighbouring amenity and is considered in accordance with CS14 of the West Berkshire Core Strategy (2006-2026).

6.3. The Impact on Highway Safety

- 6.3.1 The highways department have been consulted on the proposal and are satisfied as to its impact on highways safety subject to a condition restricting its use as ancillary to the new dwelling. The case officer is therefore satisfied that there will be minimal impact and the proposal is in accordance with CS13 of the West Berkshire Core Strategy (2006-2026).

6.4. The Impact on the Ecology on the Site

- 6.4.1. The council's ecologist has reviewed the submitted bat reports and is satisfied as to their content and scope. The ecologist has recommended conditions. The proposed development is therefore considered in accordance with CS 17 of the West Berkshire Core Strategy (2006-2026).

7. Others Matters

- 7.1. The proposals assessment against the NPPF's presumption in favour of sustainable development. The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.

- 7.2. Being a proposed ancillary outbuilding the scheme has limited economic considerations beyond the immediate construction period. The Environmental considerations have been assessed in terms of design, amenity and impact on the area. Social considerations overlap those of the environmental in terms of amenity. Having assessed the application in terms of design, impact on the area and impact on neighbouring amenity the development is considered sustainable development. It achieves the original aims of the replacement dwelling permission on site and delivers a satisfactory outbuilding.
- 7.3. Paragraph 203 of the NPPF is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The NPPF goes on to state at paragraph 206 that conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. Conditions have been placed in regards to the
- Commencement of works
 - The approved plans
 - The materials will match as closely as possible
 - The building be retained for ancillary purposes
 - The parking be in accordance with plans submitted
 - The development will proceed in accordance with the recommendations in the Bat survey and mitigation report.
 - The demolition will be completed before first use
 - The landscaping in accordance with plans

The proposed floor space created is less than 100 square metres and therefore not liable for a CIL charge.

8. Conclusion

- 8.1. The proposal results in a one for one swap of dwellings in this location as originally intended when the new dwelling was permitted. This application achieves this through conversion of the original dwelling as ancillary accommodation to an acceptable, subservient size. The location, design, and impact on the surrounding areas are found to be to an acceptable degree of development in this location. The proposal is therefore considered in accordance with ADDP1, ADDP5, CS13, CS14, CS17, and C19. In addition it is also considered in accordance with C 1 and C 6 of the West Berkshire HSADPD. The proposal is recommended for conditional APPROVAL.

9. Full Recommendation

The Head of Development and Planning be authorised to grant Conditional APPROVAL of planning permission.

Conditions:-

1. Full planning permission time limit

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).

2. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.
- Drawing untitled containing Site Plan. Drawing number 7106:1 C. Date stamped 8th September 2017. .

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

3. Materials as specified

The materials to be used in the external finishes of the development hereby permitted shall match those on the existing development in colour, size and texture, and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

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 (March 2012), Policies ADPP 1, 5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).

4. Residential annex use

The garage/workshop building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Walnut House. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADDP1, ADDP 5 of the West Berkshire Core Strategy (2006-2026) and C1 of the West Berkshire HSADPD.

5. Parking in Accordance with the Plans

The vehicle parking and/or turning space to be surfaced, marked out and provided in accordance with the approved plans. 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).

6. External lighting (separate application required)

No external lighting of the building of the garage/workshop building hereby permitted shall be installed without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development, the character of the area, and the Ecology of the site. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with

the National Planning Policy Framework (March 2012), Policies ADDP 5, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

7. Demolition

The approved garage/workshop ancillary building subject to this permission shall not be brought into use until demolition of the relevant parts of the building known as 'The Lodge' have been completed fully as shown in approved plans;

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

Demolition will be completed fully and all spoil removed from the site.

Reason: In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. Ecology

Development shall proceed in accordance with the ecological mitigation measures detailed within sections 4.0 to 5.0 of the BAT Survey and Mitigation Report September 2017 conducted by Aluco Ecology unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be implemented in full and the measures shall thereafter be retained.

Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 17 of the West Berkshire Core Strategy Development Plan Document 2012.

9. Landscaping

All landscape works shall be carried out in accordance with the submitted plan

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

The approved landscape works shall be implemented within the first planting season following completion of first use of the 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 this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

INFORMATIVES

HI 3 Damage to footways, cycleways and verges

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.

HI 4 Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

Nesting Birds

Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

DC