

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	17/03392/OUTD Lambourn Parish Council	13 <sup>th</sup> February 2018.	Land at Windsor House Stables, Crowle Road, Lambourn.  Erection of 6 new dwellings on existing paddock land.  Charlie Parker.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/03392/OUTD>

**Ward Member(s):** Councillor Jones  
Councillor Lundie

**Reason for Committee determination:** The Council has received in excess of 10 letters of objection.

**Committee Site Visit:** 19<sup>th</sup> April 2018.

**Recommendation.** **The Head of Development and Planning be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.**

Contact Officer Details	
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## 1. Site History

15/00218/pre app – Erection of 8 dwellings on the site. Response by Council dated 23<sup>rd</sup> October 2015.

16/01093/OUTD – Outline planning application for the erection of 7 dwellings, with associated access. Withdrawn July 2016.

16/03204/OUTD – Outline planning application for the erection of 6 dwellings with associated access. Withdrawn. November 2017.

## 2. Publicity of Application

Site notice displayed 10<sup>th</sup> January 2018. Expiry 31<sup>st</sup> January 2018.

## 3. Consultations and Representations

Lambourn Parish Council	Objection. Position of loading ramp not acceptable. Dual access to the stables will make stables inoperable. It will also compromise the rules of the BHA. It would remove parking spaces for staff. Access onto Crowle Road is dangerous.
Environmental Health.	Conditional permission.
Highways	The internal road way is capable of being adopted subject to detailed revisions. The increase in vehicle trips is low so cannot be rejected on this basis. Subject to the applicant entering a s278 agreement, conditional permission is recommended.
Conservation.	No objection. The application site does not lie in the local conservation area, nor will it harm the setting of any listed buildings adjacent the High Street to the east.
Waste Management.	No objections. Once the internal road is adopted, adequate waste storage and access will be possible.
SuD's	Conditional permission.
Archaeology.	The site is of some medieval archaeological interest. Conditional permission re. pre-recording.
Housing	No response received. However under policy CS6, 20 % of the dwellings [i.e.1 unit] is required for affordable purposes. The applicant is willing to agree an appropriate off site contribution for this, via a s 106 obligation.
Jockey Club Estates	Objection. The application is contrary to policy CS12 in the Core Strategy, and will have a poor access. It will encourage fragmentation, and so not acceptable.
Tree Officer.	Initially objected to the application. The application will lead to the unacceptable threat of the future life of two trees the subject of a TPO. In addition given the location of the proposed new housing future pressures to remove/prune the tree canopies will arise due to significant shading issues. Further information submitted by applicant. Conditional permission

	now recommended.
Public Representations	25 letters of objection received. Based on the following issues – in summary only. Will increase local flooding and drainage issues, will harm the ongoing operation of the stables, impact on valuable trees, impact on the local heritage assets, very poor and dangerous access, loss of horse walker not acceptable, contrary to well established policy, no need for the housing, impact on local amenity, loss of privacy. Would ultimately diminish the future viability and operation of the race-horse stables, application should not be in outline form but should provide more detail, increase in level of local disturbance, waste collection will be difficult. Loss of attractive open space in the village, in addition.

#### **4. Policy Considerations**

National Planning Policy Framework 2012.  
National Planning Practice Guidance 2014.  
West Berkshire Core Strategy 2006 to 2026.  
Policies CS6, CS12, CS19, ADPP5.

#### **5. Description of development**

5.1 The application is in outline form, with all matters to be agreed at the reserved matters stage with the exception of access, i.e. appearance, layout, landscaping and scale are reserved. The site lies within the existing curtilage of Windsor House stables, currently operating within the defined settlement boundary of Lambourn. It presently comprises a small paddock, with trees, which incorporates a horse warm up / trot area. It is just over 0.4ha in extent. It is proposed to erect 6 dwellings on the site with associated 14 car parking spaces, and individual curtilages. Access will be off Crowle Road to the south, combined with the stable as now. A loading ramp is to be relocated, to improve the access. The horse walker [via a s106 obligation to be agreed] will be relocated on the large field to the south of Crowle Road, to replace the existing. In terms of the dwellings, three will be 2 bed in a terrace to the west of the site, whilst opposite will be three 3 bed houses, including a pair of semi-detached dwellings.

#### **6. Consideration of the application**

The application will be considered under the following matters.

- 6.1 - Access/parking.
- 6.2 - Policy/principle.
- 6.3 - Drainage /flooding.
- 6.4 - Trees
- 6.5 - Other issues.

##### 6.1 Access and parking.

6.1.1 The applicant has submitted a Transport Statement to justify the application submitted, having regard to the advice in policy CS13 in the WBCS. It is noted that the Highways Officer has recommended conditional permission be granted to the scheme, subject to the internal road way being built to adoptable standards. In addition a s278 agreement will be required to ensure the highways works on Crowle Road are carried out - namely the forward visibility splays in both

directions, and the formal crossing point to be created across Crowle Road. In addition the Highways Officer has not objected on the grounds of increased traffic generation from the 6 dwellings on the local highways network - the stables at present generate about 40 two-way movements per day, whilst the development will generate approximately 32. It is also clear that the site location is highly sustainable being very close to the centre of Lambourn. Given in addition that the level of on-site parking accords with policy P1 in the HSADPD, the application is accepted on highways grounds - no objections have been raised on the future potential conflict of the domestic traffic with the continuing use of the Yard which many objectors are concerned about. Notwithstanding, the application is accepted as complying with policy CS13.

## 6.2 Policy and principle.

6.2.1 The application needs to be carefully examined under the remit of policy ADPP5 in the WBCS as adopted. This policy corresponds to the Council's planning policies in regard to the AONB. Lambourn of course lies in this designated landscape area. Under the housing and environment section in the policy, [inter alia] where Lambourn is identified as a rural service centre, where the needs of the equestrian industry is given special emphasis. However, it is also clear that under policy C1 in the HSADPD as adopted, there is a general presumption in favour of new housing being permitted within defined settlements.

6.2.2 Balanced against this, is policy CS12 in the WBCS. This is the most pertinent policy for the Committee to take into account in the analysis of this application, in the view of the officers. This notes that [inter alia] permanent fragmentation of existing race yard facilities will be resisted, where in the AONB. The Committee will need to balance whether the partial re-use of the yard is acceptable for this non equestrian use, whether it will irrevocably harm the ongoing operation and viability of the yard, and whether the advantages of six additional dwellings in a sustainable location, including the provision of one affordable unit, is sufficient to mitigate these concerns.

6.2.3 Officers have carefully examined these issues and have concluded that, given the relocation of the warm up area being delivered via the s106 [and its use commenced prior to any start on the site to be achieved by the legal agreement], the actual operation of the yard will not be harmed to any appreciable level, such that there would be an objection on policy grounds. It is of course also important to recognise that this is the sole remaining yard within the village, given the access difficulties experienced of horses to the gallops, and the fact remains that a funding injection from the proceeds of the sale of the site for dwellings would assist in the future viability of the yard. This is identified as being the clear intention of the applicant and owner of the site, although NPPF advice makes it clear that the LPA cannot direct the proceeds go to such a use, via a s106 obligation, since this would not meet the three tests in para 204.

6.2.4 In conclusion no policy objection is raised against the application, which will also comply with policy CS6 in the WBCS re. affordable housing.

## 6.3 Drainage and flooding.

6.3.1 The application site lies in Flood Zone 1 so the sequential and exception tests as set out in the NPPF do not apply. Given the "small" [i.e. less than 1ha] site area normally no flood risk assessment [FRA] would normally be required to be submitted. However the site does lie in a critical drainage area, so a FRA has been submitted. This has concluded that subject to additional SuDS measures being incorporated on the site [to be achieved by condition], the development of the site will not increase the risk of flooding off site and will not create an environment in flooding terms unacceptable for future occupants of the proposed dwellings.

6.3.2 Initially, the Council's SuDS Officer was objecting to the scheme, given the need to obtain a physical outfall for off-site drainage across third party land over which the applicant has no control. This issue has now been effectively resolved since given very recent legislation changes on off-site drainage, Thames Water, the local utilities Company, are legally obliged to make such a connection if required, and they have statutory powers to make such connections across third

party land. This would of course be undertaken at the applicant's expense, but this is not a planning matter for consideration. Accordingly a "Grampian" style condition can be applied, to ensure off-site drainage is properly mitigated against, before any building can commence on site. Accordingly the application is considered to comply with policy CS16 in the WBCS. To clarify for the Committee, if this outfall for some reason is not achieved then no development could start, or if it did, it would be automatically unauthorised, being in breach of the relevant condition.

#### 6.4 Trees.

6.4.1 The Tree Officer initially objected to the application on the basis that two mature and attractive trees on the site of the paddock will be potentially harmed due to impact on their respective root protection areas, and future pressure from occupants of the housing to lop / prune the trees due to overshadowing and leaf drop etc. These are of course valid objections and fall to be considered under the remit of policy CS18 in the WBCS which corresponds to the conservation of green infrastructure, plus policy CS17 which relates to biodiversity.

6.4.2 There are two points to note here. Firstly the application is in outline form with only access to be agreed at this juncture. Accordingly IF the application is resolved to be accepted by the Council, in the subsequent reserved matters application the siting of the six dwellings on the site could be varied. So for example [without prejudice] one potential solution would be the relocation of plot 1 [annotated on the submitted site plan by the case officer] which is the two bed dwelling adjacent the proposed internal access road closest to the TPO tree, to between the three bed detached house and the pair of semi-detached dwellings to the east. This would involve varied garden areas etc., but it would remove the proximity problem of the TPO tree to plot 1. Secondly, via conditions and appropriate on site workings, the root protection areas could be satisfactorily protected but may entail [for example] the relocation of plot 6 further back into the site. Accordingly, the case officer is content that a satisfactory solution can be found at the reserved matters stage. If not such an application would be refused until a solution is found. This in turn will comply with policies CS17 and 18 in the WBCS. The tree officer has concurred with this view, albeit he still has some overall concerns about the future health of the trees/hedges on the application site, but these are not sufficient to recommend refusal to the application nor indeed to defend at any possible appeal - without prejudice. He is accordingly recommending conditional permission.

#### 6.5 Other issues.

6.5.1 Objectors have quite correctly raised a host of issues with which they are concerned about. It is hoped a number of those legitimate fears will be answered by the above text. However, some identify harm to the local heritage assets of the vicinity. Local planning authorities are required to have regard to the Planning [Listed Building and Conservation Area] Act of 1990, where regard must be had to the impact of new development on the setting and historic / architectural interest of listed buildings. The only one in the vicinity of the application site is Windsor House itself which is Grade 2 listed. The closest part of the red line application site to this listed building is 52m. Given the nature of the surrounding area and intervening buildings it is not considered that any undue harm will arise on that building. Given in addition that the local Conservation Area lies about 40m away from the application site, for similar reasons no harm is considered to arise. Accordingly, the application will comply with the advice on protecting heritage assets in the NPPF and policy CS19 in the WBCS.

6.5.2 The case officer has examined the submitted plans to ensure no undue harm will arise on local amenity. Clearly the advent of six new dwellings in this urban location will necessarily impact to a degree on surrounding amenity; local residents presently enjoy a pleasant setting of the paddock which will be largely altered but in terms of direct harm to privacy and / or overshadowing, this is taken to be acceptable, given internal separation distances. Loss of a private view is not a planning matter, in addition, nor is any reduction in house values. Next, it is inevitable that there will be a degree of noise and disruption during the construction phase, but once the dwellings are built, this will subside. In terms of CIL, should the scheme be permitted and built out, CIL will be payable; no calculation is yet possible since being in outline form the floor space calculations

cannot be undertaken. Finally the case officer is satisfied that there will be minimal impact upon the wider AONB landscape, in which the application site is located, given the surrounding built up nature of the site. It thus accords with the advice in policy ADPP5 in the WBCS and the advice in para 115 in the NPPF.

## 7. Conclusion.

7.1 All planning authorities are required to determine planning applications in accord with the three sustainability dimensions in the NPPF - These are addressed as follows:-

1. In economic terms, the application is supported. Not only will it provide a temporary boost to local construction firms, but in addition albeit in a small way additional household expenditure will become available in the local area, so supporting local facilities in the village from the additional six households. In addition, it is expected [although cannot be conditioned] that the capital gain arising from the site permission will assist the future viability of the sole race horse yard left in the main village of Lambourn.

2. In social terms the addition of one more affordable dwelling is supported.

3. The environmental aspect are less clear cut for the reasons set out in the main report. Officers are however satisfied, **on balance**, that the issues over access, amenity, trees and drainage can all be adequately accommodated on site.

7.2 Bearing in mind the clear advice in the NPPF that planning applications that accord with the Development Plan should be approved, without delay, unless material considerations indicate otherwise, officers are recommending this application favourably.

## 8. Recommendation.

The Head of Development and Planning be authorised to GRANT conditional permission, subject to the first completion of a s106 obligation to ensure a] a financial contribution towards one affordable housing unit off site and b] to ensure an off-site horse warm up / trot area in the paddock to the south of the site, completed prior to the first commencement of the scheme.

### CONDITIONS.

#### Time

1 The development permitted shall be begun on or before whichever is the later of the following dates:

- (a) three years from the date of this decision, or
- (b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

#### Reserved matters

2 Full details of the design and external appearance of the dwellings, and other works, layout, scale and the landscaping of the site (the 'reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission and shall be approved by the Local Planning Authority before any building or other operations start. This condition shall apply irrespective of any indications as to the reserved matters which have

been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters in accordance with the DMPO of 2015.

Permitted development rights.

3 Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilage, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy CS14 in the WBCS 2006 to 2026.

Height - 2 storeys.

4 No dwelling hereby permitted shall be more than 2 storeys in height [9.5m to ridge].

Reason. To ensure local amenity is respected in accord with policy CS14 in the WBCS of 2006 to 2026.

CMS

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 (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).

Layout of site - highways.

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 and the Developer to enter into a S278/S38 Agreement for the adoption of the site. 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 and to ensure waste collection. 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).

Visibility splays.

7 No dwelling shall be occupied until the visibility splays at the access on to Crowle Road have been provided in accordance with drawing number GA005 Rev I dated 05/01/2017 amended 14/11/2017. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 1.05 metres above the carriageway level.

Reason: In the interests 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).

Access.

8 No dwelling shall be occupied until the access at Crowle Road has been constructed in accordance with drawing no. GA005 Rev I dated 05/01/2017 amended 14/11/2017.

Reason: 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).

Cycle parking

9 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 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).

Hours of working.

10 The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and no work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers. In accord with policy OVS6 in the saved WBDLP 1991 to 2006.

Suppression of dust.

11 No development shall commence until the applicants have 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 construction phase. 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 policy CS14 in the WBCS of 2006 to 2026.

Contamination.



12 Should any unforeseen contamination be encountered during the development, the developer shall inform the LPA immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development.

Reason: In order to protect the amenities of proposed occupants/users of the application site. In accord with the advice in the NPPF on human health.

Archaeology.

13 No development/site works/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 accord with the advice in the NPPF.

SUDS

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 the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- 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 +40% for climate change;
- i) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- m) 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;
- o) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding;
- q) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible.
- x) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow.

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 applied in accordance with the National

Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Plans approved.

15 The permission hereby granted corresponds to plan numbers 15007-01-sk12-S1-P14, Sk07-S1-P8, SK06-S1-P8, SK16-S1-P9, SK14-S1-P5, by BPR architects, and plan numbers GA005 Rev 1 , and TR005 Rev G by Caneparo Associates .For clarification the layout is not controlled by this condition as it is a reserved matter.

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

Arboricultural method statement.

16 No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Watching brief.

17 No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

Landscaping.

18 No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

CIL

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 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)

NPPF

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

S106

This decision should be read in conjunction with a s106 legal agreement signed on the xxxx date. The reader is advised to make himself / herself aware of the contents.

DC