

<b>Item No.</b>	<b>Application No. and Parish</b>	<b>8/13 Week Date</b>	<b>Proposal, Location and Applicant</b>
<b>(3)</b>	18/01441/HOUSE  West Woodhay Parish Council	8 <sup>th</sup> August 2018  E.O.T 14 <sup>th</sup> June 2019	Hayward Green Farm, West Woodhay, Newbury, Berkshire  Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.  Mr. Charles Brown

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01441/HOUSE>

**Ward Member(s):**

Councillor James Cole  
Councillor Claire Rowles  
Councillor Dennis Benneyworth

**Reason for Committee determination:**

The Council has received more than 10 letters of objection.

**Committee Site Visit:**

27<sup>th</sup> June 2019

**Recommendation.**

**The Head of Development and Planning be authorised to GRANT planning permission.**

**Contact Officer Details**

**Name:** Mr. Matthew Shepherd  
**Job Title:** Senior Planning Officer  
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## **1. Recent Relevant Site History**

- 1.1. 03/01329/FUL. Change of use of premises to mixed use of agricultural and stud farm, erection of an American Barn with 14 loose boxes and provision of a manege. Refused 18.09.2003
- 1.2. 04/00183/FUL. Change of use to mixed agricultural and equestrian use, erection of stables, barn, manege, lunge ring and retention of existing residential use of former egg store. Withdrawn 08.09.2004.
- 1.3. 04/02307/FUL. Change of use to agricultural / equestrian use, erection of stables manege and retention of existing residential use of former egg store. Approved 14.07.2005.
- 1.4. 06/01664/FUL. Replacement dwelling and stables. Withdrawn 07.09.2006.
- 1.5. 09/01887/FUL. Section 73 - Relaxation of Condition 7 - Existing agricultural and equine occupancy condition which cannot be complied with. Withdrawn 22.12.2009.
- 1.6. 09/02221/MDOPO. Modification of the obligation of approved application 04/02307/FUL. Withdrawn 23.12.2009.
- 1.7. 10/02100/FUL. Replacement of garden store/general purpose building to provide secure storage for machinery. Approved 14.10.2010.
- 1.8. 12/00408/CERTE. Use of the dwelling for occupancy. Approved 26.04.2012.
- 1.9. 12/02892/FUL Replacement dwelling and garage block. Approved 05.05 2013
- 1.10. 13/01560/COND1 Condition discharge details for permission ref 12102892/FUL- - Replacement dwelling and garage block. Approved 10.09.2013.
- 1.11. 13/01949/FUL Replacement dwelling (alternative) approved 27.09.2013
- 1.12. 13/03171/COND1- Application for approval of details reserved by Conditions 2 - Materials, 3 - Construction Method Statement, 4 - Landscaping, 5 - Tree Protection, 6 - Arb Report and Condition 7 - Spoil disposal statement of approved application – 13/01949/FUL - Replacement dwelling. Approved 14.03.2014
- 1.13. 13/02986/NONMAT Non Material amendment to planning permission 13/01949/FUL - Replacement dwelling - (Amendment) 2 no. additional dormers and adjustments to roof over bay projection. Refused 06.01.2014
- 1.14. 14/00590/FUL Replacement dwelling. Approved 27.05.2014
- 1.15. 14/02479/FUL Section 73: Variation of Condition 2 - Materials of planning permission reference 14/00590/FUL (Replacement dwelling). To allow use of Portland stone instead of lime render. Approved 21.11.2014
- 1.16. 14/03407/FUL Removal or variation of Condition 2 - Materials as specified in approved reference 14/00590/FUL (Replacement dwelling). Approved 18.02.2015
- 1.17. 15/00673/FUL Relocate Existing Drive. Approved 08.06.2015
- 1.18. 15/01729/FUL Section 73a - Variation of Condition 2 - Materials of approved reference 14/00590/FUL - Replacement dwelling. Approved 01.09.2015.

- 1.19. 15/01980/COND1 Details reserved by Conditions 4: Tree protection, 5: Arboricultural Method statement, 6: Landscaping, of planning permission 15/00673/FUL: Relocate existing drive. Approved 19.08.2015.
- 1.20. 15/03435/HOUSE Landscape scheme for new dwelling. Approved 18.03.2016.
- 1.21. 16/00193/COND1 Details reserved by Conditions (4) - Tree protection scheme and (5) - Arboricultural Method Statement of approved planning permission 14/00590/FUL. Approved 20.4.2016.
- 1.22. 16/02789/FUL Change of use from incidental to ancillary residential, together with inclusion within the curtilage (if required). Refused 10.01.2017.
- 1.23. Full planning history available on file.

**2. Publicity of Application**

- 2.1. This application was advertised by way of Site Notice placed on construction site boards adjacent to the entrance of the site which expired on 1<sup>st</sup> August 2018.
- 2.2. During the course of the application the red line of the application site was reduced to that of the previously accepted residential red line curtilage (14/00590/FUL and 15/03435/HOUSE). Notification for information as sent out to the Parish and objectors. Amended plans and documents were submitted during the course of the application to which Parish and Objectors were consulted upon.

**3. Consultations and Representations**

**Consultations**

<b>West Woodhay Parish Meeting.</b>	<p>The latest comments by the parish council are posted below. Previous comments are available on the Council's Website.</p> <p>Please see the following comments detailing our objections to the recent planning application no. 18/01441/HOUSE. Please note that West Woodhay Parish Meeting objects strongly to the application and would welcome the opportunity to speak at any future planning meeting or committee meeting held to consider this application.</p> <p>Blatant disregard for the Section 106 Agreement which firmly states the correct curtilage for this property. The agreement (drawn up and signed by the Applicant himself, the BVI company owning the property, and West Berkshire District Council in July 2005) was contained in Planning Application 09/01887/FUL on the Council website under the <u>second</u> application name of Haywood Green Farm. Things (lawyers) and the Council's own lawyers have confirmed that the correct curtilage is as shown in the Agreement.</p> <p><b>As such, the proposed Western Pavilion and proposed underground car park are outside the curtilage.</b></p> <p>The applicant and their agents give no justification or reasoning for their attempt to break of the Section 106 Agreement and, as noted by the lawyers, the historic planning documentation does not support the Applicant's assertion that residential curtilage exists to the extent</p>
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indicated by the applicant's red line plan. It is also very difficult to increase curtilage in an AONB. In each of their previous applications, the Applicant and his agents attempt to justify the current curtilage/red line area by referring to incorrect red lines drawn in previous applications. Even in this amended application, further / new misinformation regarding the curtilage / red line has been submitted by the Applicant in the amended 'Design and Access Statement' included within the amended application documentation. Seemingly, the red line area has been INCREASED AGAIN to conveniently include the old Machinery Store which is now being offered for demolition despite it being a building which was supposed to have been DEMOLISHED and REPLACED by the Garden Store under previous approved Application 10/02100/FUL in the second application name of Haywood Green Farm.

We are awaiting the North Wessex Downs AONB official response following their visit/onsite meeting with the Applicant, the Applicant's Agents and the Council Planning Officer in April 2019. West Woodhay Parish Meeting (WWPM) were excluded from this meeting DESPITE our request to attend. A previous email from Rebecca Davies of the AONB to the planning officer dated 31 January 2019, concurred with our views that the current application would be a gross 'overdevelopment of the site and its continued suburbanisation which is a result of the proliferation of outbuildings, loss of existing landscaping and the addition of hard and inappropriate landscaping that has occurred over the last 4 years'. She adds 'The continuous creep of development and extension of the residential curtilage will leave a permanent scar on the local landscape, there must be a point at which development is restricted in order to ensure the conservation of the natural beauty of the local landscape'. She goes further to say the development is out of keeping with property type and materials used to construct a building within the AONB; the application would potentially create another dwelling on the site.

Additionally, in Rebecca Davies's email dated 25 January 2019, she states 'In terms of the new application and underground car store to include multiple water pumps, the AONB would raise an objection. The cumulative impact of continued development would in my opinion represent overdevelopment of the residential curtilage, which in itself appears to have incrementally extended with each application into open countryside.'

The applicant and his agents have still made no attempt to engage or consult with the locals or the WWPM, even after this was remarked upon as unsatisfactory by the Councillors at the Committee Meeting on 21 November 2018. For the record, it should be noted that at no time during the continual development of this site has the Applicant EVER engaged or consulted with the locals or WWPM, nor made ANY attempt to do so. Interestingly, in her Pre-Application Advice letter to the Applicant dated 26th October 2017, the Senior Planning Officer Development Control at West Berkshire Council stated: "The NPPF strongly encourages applicants to engage with the local community before submitting their applications. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development may be looked at more favourably. You may wish to

contact the local parish council (West Woodhay Parish Meeting) to present your proposals. It is also advisable to discuss the proposals with any neighbours which may be affected by the development". No engagement has been made whatsoever.

At the Committee Meeting held in November 2018, and with grave concerns over ground water levels at hand, Councillors asked the Applicant and the Applicant's agents to supply a **full** hydrological report to show that neighbouring houses (in particular) upstream of Hayward Green Farm would not be affected by the further proposed development, and in particular from the proposed large underground car park and its associated water pumps to keep the area dry. The Councillors were concerned that this development will (i) not affect the local ground water levels generally; (ii) not lead to the cracking of foundations of neighbouring houses; (iii) not affect local residents' boreholes; and (iv) not interfere with the water level in the natural ancient fishpond at (neighbouring) Fishponds Farm House which is already experiencing greatly reduced water flow and water levels, which is especially worrying given its interesting levels of natural pondlife. The Geological Assessment, Surface Water Drainage Strategy and Flood Risk Survey produced focused upon the impact to Hayward Green Farm and not the neighbours' properties. Therefore there is still a concern that the significant excavations and continual pumping required to stop both the main house and large underground car park (with a bigger footprint than the main house itself) from flooding, will affect the neighbours properties, boreholes, general surface water levels and the ancient pond situated at Fishponds Farm House. The surveys fall woefully short of the Councillors' requirement and DO NOT provide reassurance to the neighbours.

In her email dated 25 January 2019, AONB representative Rebecca Davies stated 'The proposed building and engineering works would significantly affect the natural drainage of this landscape which has already been unbalanced by the erection of the colonial manor style dwelling'.

The applicant continues to cut down mature trees on the site without seeking permission. When compared to the 'bird's eye' Landscape Plan 15/03435/HOUSE approved by the Council in 2016, this amended current application shows where numerous mature trees have been felled – even though their continuing existence was approved by the Council. This continual reduction of mature trees around the property CONTINUES to increase the visual impact of the development site. Whilst the Applicant has proposed an "Estate Management Strategy" to plant trees to reduce the visual impact, this is just a proposal and on past experience, CANNOT be relied upon.

In her email dated 31 January 2019, AONB representative Rebecca Davies stated 'The site had native trees and hedgerows that gave some degree of screening of the site, screening that the agent used to support the replacement dwelling application by stating there would be limited visibility of the property due to the extensive planting within and around the site. Since then the original landscape scheme proposed was not adhered to and trees and boundary planting have been purposefully removed from site. Unfortunately this gives no assurances that the proposed planting some of which is outside of the red line of the application will be planted or maintained.'

1. The tennis court surface area is missing from the calculation which quantifies the amount of hard surface the new / amended application will create.

To justify the additional footprint created by the Western Pavilion the amended plans show the Applicant is offering to demolish the Garden Store which is partially within the curtilage (c.15% inside) and NOW also the Machinery Store which is OUTSIDE the curtilage although, as mentioned above, the Design and Access statement INCORRECTLY shows both within the curtilage. It should however be made clear that under approved planning 10/02100/FUL, planning was granted for the Machinery Store to be REPLACED by the larger Garden Store. The Machinery Store was never demolished. How therefore can this Machinery Store be used AGAIN for planning purposes to justify an increase in the number of buildings within the curtilage?

When this current planning application was first submitted, VERY WORRYINGLY and VERY DISGRACEFULLY the Applicant did NOT disclose that the underground car park was very dangerously close to the National Grid HST High Pressure underground pipeline. Very luckily, this was picked up as the application progressed but SHOULD planning have been granted on the initial application (and it should be remembered here that the Council Planning Team advised the Councillors to approve this initial planning), the resultant building works could have catastrophically breached the pipeline itself with resultant large scale loss of life, loss of neighbouring property, and large-scale pollution of the wide local area. Furthermore, the Applicant's agents (Carter Jonas) attempted to get the Council Planning team to confirm to the National Grid TOTALLY INCORRECT actual distances from the proposed underground car park to the pipeline. Luckily this was picked up on (by both the Council Planners and WWPM) to avert possible catastrophic consequences to both life and neighbouring property.

The applicant cannot be relied upon to comply with conditions as he disregards approved plans or conditions, for example:

- Point number 7 above. The REPLACED Machinery Store was never demolished under approved planning application 10/02100/FUL.
- Planning approval for the new driveway (15/00673) stipulates 'the existing vehicular accesses at the site shall be stopped up and abandoned immediately after the new access(es) hereby approved has/have been brought into use'. The new driveway is now being used and the old one still exists and is also being used.
- The new gates have been constructed SO TOTALLY out of keeping with the approved plans; and the driveway is formed of tarmac whereas gravel was approved by the Council.
- The Eastern Pavilion has had windows/roof lights fitted without permission and now the Applicant is applying retrospectively within the current application.
- The 50 acres of grassland/fields are being mown as lawn and there is no distinction between the garden/curtilage and the fields.
- In addition to this, it should be noted that planning applications have been made under the TWO different

	<p>names Hayward Green Farm and Haywood Green Farm, and when a planning application was made for the main residence in the name of Hayward Green Farm, no mention was made of the planning already approved for a replacement barn in the name of Haywood Green Farm. As such, there is a strong argument that more planning has already been granted on this site than it should have ever been.</p>
<p><b>Hampstead Marshal Parish Council</b></p>	<p><b>Hamstead Marshall Parish Council</b> West Woodhay / Hayward Green Farm / Application; 18/01441/ House</p> <p><b>Objection</b></p> <p>The Parish Council wishes to register its objection to the further development of this site.</p> <p>1. The application is a further intrusion into the AONB and directly challenges their <i>raison d'être</i>.</p> <p>2. The development is contrary to West Berkshire Core Strategy: <u>AONB Management Plan 2.14</u> - 'is driven by the primary purpose of AONB designation – conservation and enhancement of natural beauty'. <u>Spatial Strategy 4.8/second bullet point</u>- 'in open countryside - only limited development in the countryside will be allowed focussed on identified needs and maintaining a strong rural economy.' <u>Spatial Strategy 4/North Wessex Downs/ Environment</u> - Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies..'</p> <p>3.The development is contrary to the National Planning Policy Framework: <u>11 Conserving and enhancing the natural environment:</u> 109 'The planning system should contribute to and enhance the natural and local environment - protecting and enhancing valued landscapes...' 115 'Great weight should be given to conserving landscape and scenic beauty in....AONBs which have the highest status of protection in relation to landscape and scenic beauty'. <u>17 Core Planning principles</u>. The development does not take into account the views of local communities; because they must 'empower local people to shape their surroundings', and 'recognise the intrinsic character and beauty of the countryside and support thriving local communities'.</p> <p>4. As a Parish Council we regard this as over-development of the site and are concerned about the precedence this sets for other inappropriate schemes in the AONB.</p> <p>5. We are aware of the history of this site which involved setting up a small livestock unit, calling it a 'farm', then obtaining accommodation followed by enlargement etc. etc. Granting consent in this case will encourage ever more opportunist schemes such as this, which we can see already gestating in our parish.</p>
<p><b>Environmental Health</b></p>	<p>No objections. Recommended Consultation with Environment Agency in regards to borehole information.</p>
<p><b>Environment Agency</b></p>	<p>Consulted on the 14/01/2019 and did not wish to respond. Email</p>

	dated 08/02/2019.
<b>North Wessex Downs AONB Board</b>	<p>Although the North Wessex Downs initially objected to the application through amendments to the application they were able to raise no objections as follows:-</p> <p>Thank you for the opportunity to comment on the revised scheme and arranging the meeting on site with yourself and the agents.</p> <p>In light of the amendments made and your email relating to the issue of residential curtilage changes the AONB board would withdraw its objection to the proposed application, although we would still raise concerns over the extent of development on the site and the material proposed as it is alien to the AONB, however we recognise that we cannot make right the existing use of Portland stone and therefore the proposed building would reflect the style and proportions of the existing pavilion and dwelling.</p> <p>The accommodation above the garages has the potential to be lived in independently from the main house and therefore is tantamount to a new dwelling. The applicant/agent have expressed that this accommodation is for staff and visitors/guests only, we would therefore request that this be secured by a S106 agreement/condition to ensure that the accommodation is ancillary to the main dwelling and cannot be let or rented independently (short or long term).</p> <p>The agents have taken on board comments and tried to amend the plans accordingly relating to the creep of development / overdevelopment on site by removing 2 of the existing outbuildings, which we welcome. It is imperative that the buildings highlighted for removal are conditioned and works carried out prior to the commencement of development on the pavilion building.</p> <p>This locality falls within landscape character area 8E of the AONBs landscape character assessment which describes the locality as having a coherent character, with a consistent framework provided by the strong structure of woodlands, hedgerows and tress. This creates a small scale enclosed and even secretive character. The clearance of trees has unbalanced this characteristic and the removal of the 2 outbuildings will aid in restoring the intimate and secretive landscape, the landscaping proposed will continue the symmetrical character associated with the buildings whilst visually breaking views of the proposed pavilion. The density and species annotated are considered appropriate and should be conditioned as part of the development.</p> <p>The AONB welcomes the agent and applicants willingness to work with the AONB in creating a long term landscape and management plan for the entire site which should ensure the repair and longevity of the local landscape which has the aim and opportunity to enhance the local landscape to the wider benefit of the AONB.</p> <p>Lighting has the potential to cause harm to dark skies a special quality of the AONB and therefore we would ask that a condition requesting details of any external lighting be submitted the LPA.</p> <p>I discussed the issue of drainage with the agent of site and advised of our concerns over the pumps and water levels of the pond at</p>



	<p>Fishpond Farm. I am aware that a drainage assessment has been carried out in relation to the pond at Hayward Green Farm and the surrounding landscape which demonstrates that the pumps are not causing any reason for concern. It is however the water level above the site that is of concern, I am aware that the drainage consultants tried to gain access to Fishponds Farm but were refused entry and with no objection being raised by the WB drainage team the AONB cannot substantiate an objection on the activity and effects of the pumps.</p> <p>The proposed development, subject to the removal of two outbuildings and implementation of landscaping measures would on balance conserve the natural and scenic beauty of the local AONB landscape.</p>
<b>Highways</b>	No highway objections.
<b>National Grid</b>	<p>Objected to the application as the development was within the easement of a mains gas pipeline running through the site. They noted that if the development was removed from the 12.2m easement they would raise no objection to the application. The development was amended and moved approx. 13.5 metres away from the pipeline outside the easement. The National Grid still raised concern despite the development being moved outside of the easement. Given this they recommended a condition requiring an independent engineering assessment and a construction method statement for the construction of the development be submitted prior to commencement. They also advised taking advice from the Health and Safety executive.</p> <p>Any other permissions or work permits required are to be sort between the relevant parties.</p>
<b>Sustainable Drainage Team</b>	<p>The Land Drainage Officers were consulted on the application after the previous committee and reviewed the Surface drainage strategy, the proposed drainage strategy and the Hydrology report produced by the British Geological Survey.</p> <p>The officers conversed with the consultants to discuss the fine details. They were content with the details supplied and recommended no objections subject to a condition.</p>
<b>Health and Safety Executive</b>	<p>As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:</p> <p>The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.</p> <p>The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds. HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.</p> <p>This advice report has been generated using information supplied by</p>

	<p>at West Berkshire Council on 13 June 2019.</p> <p>Note that any changes in the information concerning this development would require it to be re-submitted. HSL-190607102248-</p>
<b>Thames Water</b>	<p>Thames Waters Consultation response is as follows:-</p> <p><u>Waste Water Comments</u> With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services">https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</a></p> <p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwriskmanagement@thameswater.co.uk">wwriskmanagement@thameswater.co.uk</a>. Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a></p> <p>Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>Water Comments: On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
<b>Tree Officer</b>	<p>Observations.</p> <p>No trees are likely to be directly impacted by this proposed development</p>

	No objection.
<b>Natural England</b>	Natural England has no comments to make on this application.

#### 4. Representations

4.1. The Local Planning Authority has received 28 representations all of which were objections to the application.

4.2. The matters raised in the letters of objection (summarised by officers) are:

- Objections to overdevelopment of the site through this proposal
- The overall appearance and lighting of the proposed building situated in the AONB is considered out of keeping with the village of West Woodhay, as is the rest of the approved site
- Noise and light pollution from the proposed development
- The residents of West Woodhay views have not been considered at any stage by the planners or by the developers
- The external lighting which is being proposed, if it is similar to the existing lights, is neither discreet nor sympathetic and it is totally out of keeping for the area.
- The current security lighting on site is not discreet and causes light pollution
- The plans do not mention or consider the water table or the underground aquifers and the impact the proposed underground car park may have upon this.
- The intention of this application and the need for such a large underground car park is unclear
- Objection to the roof lights in the two outbuildings that face outwards to neighbours properties rather than into the courtyard could cause impact to neighbouring amenity
- Concern over previous permissions not being implemented in full and outbuildings that were meant to be demolished still standing on site.
- Concern raised over the 'end goal' of a number of applications across recent years.
- Issues raised in regards to further construction traffic, noise, dust.
- Concerns over where the official domestic curtilage of the dwelling is now
- Concerns over the accuracy of implementation of previous permissions for landscaping
- The house's scale is already not in keeping with the surrounding AONB and there are already quite enough substantial houses within the village. What is really needed is affordable homes and maybe the owner should be made to consider including some in his development plans.
- The local highways have already been considerably damaged, at great cost to council tax payers, by the heavy construction traffic that has been used.
- Previous permissions should be built out and finished before more permission is granted upon the site.
- The Planning Statement omits some historic planning applications.
- Objection to the creation of underground parking when the existing pavilion has ample parking.
- Objection to the residential curtilage not being in accordance with previous 106 agreements.
- The Portland stone that the original dwelling was built in was not appropriate.
- why is no consideration or consultation given to those who live and pay their taxes in the local community and all permissions given to somebody who has no regard for our planning laws, no regard for our country side, no regard for the historical context of our buildings and who does not even live in this country.
- The Geological Assessment, Surface Water Drainage Strategy and Flood Risk Survey only focused on the impact of flooding to Hayward Green Farm and did not mention what effect it will have on neighbouring areas.
- Objections to the suggestion of an estate management plan

- The applicant is already meant to have demolished the Machinery Store and strangely is now trying to again use the promise of its demolition in order to justify further development.
- The deer fencing of the entire property boundary, destruction of trees, hedging & shrubs and mowing of all the agricultural land as if it were one large garden together with the already dramatic changes to the water flows and water levels have irreversibly damaged the fauna and flora over the entire site.
- The overall light pollution is completely unacceptable. Security lighting should only go on when activated by motion sensors yet the house, garage & gates are brightly lit - normally continuously throughout the hour of darkness.
- The previous application for the new driveway noted the old one should be stopped up which has not happened.
- Failure local to engage with the parish council or neighbours.
- The applicant is employing many tricks to get round planning issues
- The applicant initially asked for a great deal of development to start with only to reduce this amount in the expectation of receiving approval. Objectors raise that if this was all requested initially would it have been approved.
- Objection to the AONB changing their consultation response.
- Objection to the contents of the AONB's latest consultation response.

## **5. Planning Policy Considerations**

5.1. The statutory development plan comprises:

- West Berkshire Core Strategy (2006-2026)
- Housing Site Allocations DPD
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

5.2. The following policies from the West Berkshire Core Strategy carry full weight and are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty.
- CS 5: Infrastructure requirements and delivery
- CS 13: Transport
- CS 14: Design Principles
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

5.3. 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 future development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- TRANS1: Meeting the Transport Needs of New development.
- OVS5: Environmental Nuisance and Pollution Control.
- OVS.6: Noise Pollution

5.4. The following Housing Site Allocations Development Plan document policies carry full weight and are relevant to this application:

- C1: Location of New Housing in the Countryside

- C6: Extensions to Existing Dwellings with the Countryside
- P1: Residential Parking for New Development

5.5. Other material considerations for this application include:

- The National Planning Policy Framework (2018) (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design Supplementary Planning Document (SPD)

## 6. **Proposal**

- 6.1. The application proposes the demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.
- 6.2. The site is located outside of defined settlement boundaries, within a biodiversity opportunity area, and within the North Wessex Downs Area of Outstanding Natural Beauty.
- 6.3. The proposed pavilion measures approximately as follows; eaves height of 3 metres, length of 19.5 metres, width of 7.5 metres and a height of 6.5 metres. The underground car park will be approximately 14m by 30 metres.
- 6.4. There has been objection to the development not being in accordance with previously signed legal agreements. However the development is in accordance with the approved curtilage of application 14/00590/FUL and subsequent application 15/03435/HOUSE for the landscaping of the approved house known as Hayward Green Farm. Given the strong local objection this issue needs to be addressed. Given that the LPA has already permitted the curtilage submitted here under this current application in application 14/00590/FUL and 15/03435/HOUSE the applicant is simply following what the LPA has accepted as the domestic curtilage previously for the replacement dwelling of 14/00590/FUL. It is recommended that the legal agreements be updated to reflect the red line as it is currently, to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line (Domestic Curtilage) under application 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.

## 7. **Determining issues:**

- The Principle of Development and Impact on the Character and Appearance of the Area and Neighbouring Amenity;
- The Impact on Highway safety;
- Drainage and flooding;
- Ecology and Landscaping
- Utilities near the site

## 8. **The Principle of Development, Impact on the Character of the Area and Neighbouring amenity**

- 8.1. 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.

- 8.2. 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.
- 8.3. The proposed development at Hayward Green Farm, West Woodhay, Berkshire is outside the settlement boundaries as defined within The West Berkshire Core Strategy (2006-2026) and the West Berkshire Housing Site Allocations DPD (November 2015). Being outside of the settlement boundary development is restricted but there is a presumption in favour of extensions to existing permanent dwellings including new extensions to domestic outbuildings in the countryside under policy C6 of the Development Plan. This states that extensions to dwellings will be permitted provided that;
- i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
  - ii. it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
  - iii. the use of materials is appropriate within the local architectural context; and
  - iv. There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties
- 8.4. The residential site, contained within the red line of the application site (domestic curtilage) contains the replacement dwelling, a section of the garden store outbuilding, and an existing pavilion outbuilding. The proposed pavilion building would have a ridge height that is the same as the existing pavilions ridge height on site. Both of these would be subservient in height to the replacement dwelling on site. Drawings showing the existing and proposed site section display the subservience of the buildings heights. The proposed pavilion building would sit opposite the existing pavilion building on site, creating a U shaped configuration with a courtyard to the front leading to the entrance of the replacement dwelling on site. The design is considered to be in character with the existing dwelling mirroring the existing outbuilding on site and related to the existing dwelling on the site well. This would great a grouping of buildings reducing the isolation of the dwelling in the countryside. The rooflights proposed retrospectively within the original pavilion match that of the proposed pavilion and are conservation style roof lights. They do not detract from the proposed development and are an acceptable addition to the original pavilion on site. The whole development creates a symmetrical built form of development which is considered to be both well designed and attractive in this rural setting.
- 8.5. The development is accompanied by a substantial amount of evidence and documents to support the proposed developments acceptable impact. A Landscape Visual Appraisal (LVA) along with an impact statement was submitted with the application and has been reviewed. This LVA states it considers the impact on the landscape is not 'significant'. It states that the site was previously characterised by a cluster of built form, the proposed development considered here re-creates this cluster of built form ordering the site in a better manner, albeit in a different form. The removal of the existing garden store and garage building would assist in achieving this character by removing built form from the site. This amendment to the application can be secured via condition and results in a net decrease in floor space above ground within the AONB. This application reduces built form in the AONB to which the AONB board identifies as a positive aspect leading them to raise no objection. The case officer has reviewed the LVA and has visited the site. The case officer considers that the proposed development would not cause undue impact to the protected landscape and through keeping built form clustered closer together the proposed development would not be to the detriment of the character of the area or protected landscape. The proposed new landscaping within the site will assist in

minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form in the AONB. The AONB Board raises no objection to the development and adds *“The clearance of trees has unbalanced this characteristic and the removal of the 2 outbuildings will aid in restoring the intimate and secretive landscape, the landscaping proposed will continue the symmetrical character associated with the buildings whilst visually breaking views of the proposed pavilion. The density and species annotated are considered appropriate and should be conditioned as part of the development.”*

- 8.6. There is not considered to be any significant historic interest in the local area, the site is not contained within a Conservation Area and the proposed outbuilding would not harm the setting of any listed buildings.
- 8.7. The case officer does not consider the impact on the AONB to be unacceptable. The case officer agrees that the demolition of the garden store and the Garage in addition to the location of the proposed outbuilding would create a cluster of building in keeping with the previous built form on site. The replacement of the ramped access with a car lift to the basement of the development would have a lesser visual impact and is an amendment well received to the application. The underground car park would not be visible in the AONB neither would the car lift. A condition requiring details of spoil use and disposal is required to ensure the amount of evacuated material is dealt with acceptably. The proposed new landscaping within the site will assist in minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form in the AONB.
- 8.8. The proposed materials are considered to reflect the existing built form on site leading to support for the proposal. The proposed materials would be in keeping with the previously approved pavilion and replacement dwelling. This would benefit the “street scene” and character of the site, as the cluster of buildings would read as one site all associated with each other. This view is accepted by the NWD AONB board who comment *“that we cannot make right the existing use of Portland stone and therefore the proposed building would reflect the style and proportions of the existing pavilion and dwelling.”*
- 8.9. In regards to neighbouring amenity securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. SPD Quality Design - West Berkshire outlines considerations to be taken into account with regard to residential amenity, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies considers the potential noise impact.
- 8.10. The impact on neighbouring amenity is considered to be minimal. The nearest neighbouring dwellings are Fishpond Farm and Hatch House Farm. Both of these dwellings benefit from a considerable separation distance between themselves and the proposed development. Fishpond farm dwelling is approx. 300 metres away from the proposed development. This is also true for other dwellings in the area. The development does not raise concern in regards to overlooking, overbearing, overshadowing or loss of sunlight to neighbouring amenity given the level of separation between the proposed development and neighbouring buildings. Any impact on neighbours from construction noise will accordingly be minimal and temporary until development is finished.
- 8.11. Concern has been raised in regards to light pollution from the Velux windows facing outwards. The Case Officer does not feel four rooflights will causes an undue impact on

the neighbouring amenity given the level of separation. Rooflights are generally acceptable in the AONB to the point where many can be installed under Permitted Development Rights. Concern has been raised in regards to external lighting and the impact on the AONB's dark night skies. Your officer has requested these details during the course of the application but a condition was agreed upon. This will required details of any external lighting to be submitted to the LPA prior to development commencing for the existing and proposed pavilion buildings. The condition is justified to be applied to the existing pavilion building given the retrospective elements proposed within this permission.

- 8.12. For these reasons, the proposal is in accordance with development plan policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) policy C6 of the West Berkshire Housing Site Allocations Development Plan Document.

## 9. **Highway safety**

- 9.1. The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 9.2. The Highways Department has raised no objections to the application as ample parking is provided and there is not considered to be a detrimental impact upon the highway safety of the surrounding area. Although considerable parking is provided on site it is not considered that the actual traffic generation will be substantial or impact on the local highways network given the domestic nature of the dwelling.
- 9.3. Therefore the proposal is considered to be acceptable and in accordance with CS13 of the West Berkshire Core Strategy (2006-2026), Saved Local Plan policy TRANS1 and the NPPF (March 2018) subject to conditions.

## 10. **Drainage and Flooding**

- 10.1. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS 16 addresses issues regarding flood risk. This policy stipulates that sites require a flood risk assessment if they fall within Flood Zone 2 or 3, or of a certain size. Representation letters have raised concern in regards to the impact the underground car parking area may have on issues such as the water table, aquifers and bore holes. As a result of the previous deferred committee the applicant was asked to review this aspect of the proposed development produce the relevant reports. The applicant submitted a Hydrology Report produced by the British Geological Survey and proposed drainage schemes produced by Cole Easdon. The LPA's land drainage team have reviewed the sustainable drainage information submitted which includes a geology investigation and are satisfied with the details supplied. The LPA's SUDS officers are also content with the flood risk assessment and the sustainable drainage methods proposed for the site. The case officer has consulted the Environmental Health Officer in regards to bore holes and ground water impact. They indicated that they would have no concerns in regards to this application. The case officer has also consulted the Environments Agency who responded that they assessed the consultation as a "miss consultation", namely the development did not fall within the remit of applications the EA wishes to be consulted upon. Therefore any refusal reason in regards to ground water risk or sustainable drainage issues is not warranted as specific consulted officers and bodies have not raised issue in this area.
- 10.2. Thames Water have been consulted upon the application and have raised no objection to the development but offered informative information to the applicant. Thames Water



requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 10.3. Given the domestic use of the proposed development with no objections from consultees and the site not falling within Flood Zone 2 or 3, the development is considered to accord with policy CS16 of the Core Strategy and advice contained within the NPPF. Although objectors are not satisfied with the Hydrology report produced the evidence submitted by the applicant and check by the LPA indicates the harm from this development in regards to the issues raised previously are not present. Only circumstantial evidence has been submitted by objectors.

## 11. Ecology and Landscaping

- 11.1. Policy CS 17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The NPPF supports the overall aims and objectives of this policy. The application site is located within a biodiversity opportunity area and as such a preliminary ecology report has been submitted to the council this made several recommendations including:-

- No further protected species surveys were required
- The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged.
- Enhancements should be incorporated into the design of the development to benefit biodiversity. This could include installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
- Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

- 11.2. The Tree Officer visited the site and raised no objections to the proposed development. The proposed landscaping is in accordance with the existing landscaping adding to the quality of the development and mitigating the minimal change on the wider landscape that the proposed development brings.

- 11.3. The AONB officer welcomes the changes proposed to the landscaping and the removal of buildings on site will create the secretive landscape, the landscaping proposed will continue the symmetrical character associated within buildings whilst visually breaking views of the proposed development. The density and species annotated are considered appropriate and should be conditioned as part of the development.

- 11.4. The AONB welcomes the agent and applicants willingness to work with the AONB in creating a long term landscape and management plan for the entire site which should ensure the repair and longevity of the local landscape which has the aim and opportunity to enhance the local landscape to the wider benefit of the AONB.

- 11.5. It is considered the development complies with CS17 of the Core Strategy and provides mitigation and protection to the Ecology of the site and will not have a detrimental impact in accordance with the provisions of Core Strategy CS17 and advice within the NPPF.

## 12. **The Impact on Utilities near the site**

- 12.1. Through consultation with the relevant parties it was discovered during the course of the application that a mains gas pipeline runs near to the site and near to the proposed development. The national grid advised that this pipeline has a 12.2 metre easement restricting development. The development was amended so that it was moved outside of the easement. Despite this the National Grid still raised concern with the application. However they resolved to not object to the application subject to a condition requiring the submission of an independent engineering report and construction method statement for the development in regards to the pipeline. This was agreed by the applicant. The National Grid also suggest that the Health and Safety Executive was consulted. The HSE raised no objection and signposted the LPA towards the National Grid and its legal interests in the site (the pipeline easements). Although objectors have raised concerns it is clear that the protective easement is being observed as part of the development and any further permits or discussions during the course of construction need to be between the contractors and the national grid. The relevant insurance for the contractors will need to be observed to guarantee the safety of the pipeline, these are all issues beyond planning's control.

## 13. **Conditions**

- 13.1. Paragraph 54 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 55 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. It has been identified that works need to commence within two years as recommended by the ecology report conducted on site. This report recommends, due to the potential for the ecological interest of the site to change it should be re surveyed in two years if works have not begun. This re-survey could alter conditions and issues relating to Ecology of the site which will need to be re assessed by the LPA if changes occur. Conditions are required in regards to identifying the approved plans and tying the materials to be that of those stated within the applications form to match the existing materials on site.
- 13.2. In response to the level of objection raised locally and in the interest of preserving the 'dark night skies' that is a strong characteristic of the AONB, a condition requiring the submission of details of external lighting is required. The details were requested during the course of the application but a condition was agreed upon.
- 13.3. A condition requiring the demolition of the garden store and the garage building prior to the implementation of the proposed pavilion building is required. This is because a key factor in the submitted LVA is its removal and the relocation of the buildings on site as a closer cluster of buildings.
- 13.4. A condition is also required to ensure the biodiversity enhancements are installed in accordance with the recommendations of the submitted report to ensure the biodiversity opportunity area is enhanced. A condition requiring the implementation of the landscaping treatments is also recommended given the recommendations of the LVA. This is required to mitigate the minimal change to the AONB landscape.
- 13.5. A condition is required to restrict the proposed pavilion to a use that is ancillary to the replacement dwelling on site, no separate curtilage shall be created and the building shall not be rented or sold as a separate dwelling. This condition is imposed as a new dwelling in this location would be inappropriate, unsustainably located, and not in accordance with the development plan policies.

## 14. The Planning Balance

- 14.1. The NPPF states there is a presumption in favour of sustainable development, which paragraph 8 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 14.2. Being a proposed domestic house extension as an 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 to be acceptable sustainable development
- 14.3. The development has strong local objections to the development from both residents and from the Parish Council. It is considered that the objections have been satisfactorily addressed throughout this report.
- 14.4. The development has been carefully justified and designed to a high quality level reflective of the high quality of the site. The underground car park raises few concerns, the proposed outbuilding would reflect the design and character of the site and area and the retrospective elements of the development are considered acceptable. The demolition of both the garage and garden building would result in a net loss of built form above ground in the AONB. The proposed new landscaping within the site will assist in minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form above ground in the AONB. The AONB board have raised no objection to the application, the domestic curtilage has been previously agreed in applications, and the development outside of the easement of the mains gas pipeline. The applicants have listened to objectors and councillors at committee, produced the relevant documents and have overcome previous concerns of consultees and committee.
- 14.5. The application is therefore recommended for APPROVAL subject to conditions.
- 14.6. The development is in accordance with the National Planning Policy Framework (2019) and policies ADPP1, ADPP5, CS13, CS14, CS16, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), C3 and C6 of the West Berkshire HSADPD. In addition to these the proposal is in line with supplementary planning guidance Quality Design (June 2006) and House Extensions (July 2004). It is therefore recommended for APPROVAL.

## 15. Recommendation

**The Head of Development and Planning be authorised to GRANT Planning Permission subject to the following conditions:**

## **CONDITIONS.**

### **1. Full planning permission time limit**

The development hereby permitted shall be begun before the expiration of two 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. 106 Agreement**

The use of the ancillary outbuilding hereby permitted shall not commence until the applicant has entered into a variation of the section 106 agreement of application 93/42531/ADD to vary the residential curtilage so that it accurately represents what has been approved under application 14/00590/FUL and 15/03435/HOUSE.

It is recommended that the legal agreements be updated to reflect the red line as it is to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line under application 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.

### **3. Approved Plans**

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

- Drawing title "Site Location Plan ". Drawing number 6038/PLO1 Rev. B.. Date received 14<sup>th</sup> May 2019.
- Drawing title "Site Block Plan as Proposed". Drawing number 6038/PLO3 Rev D. Dated received 14<sup>th</sup> May 2019.
- Drawing title "Existing and Proposed Site Section". Drawing number 6038/PLO4 Rev.C. Date received 14<sup>th</sup> May 2019.
- Drawing title "Proposed West Pavilion- Staff, Home Officer & Garage". Drawing number 6038/13B. Date received 14<sup>th</sup> May 2019.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment". Drawing number 6038/05A. Date received 14<sup>th</sup> May 2019.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment, Roof Alterations". Drawing number 6038/06A. Date received 13<sup>th</sup> June 2018.
- Drawing title "Proposed Floor Plans". Drawing number 6038/PL12 Rev. D. Date stamped 14<sup>th</sup> May 2019.
- Drawing title "Proposed Basement Garage and Link Plan". Drawing number 5643/PL08 Rev D. Date received 14<sup>th</sup> May 2019.
- Drawing title "Proposed Roof Alteration". Drawing number 6038/06a. Date received 14<sup>th</sup> May 2019.
- Document title "Design & access statement". Document reference 6038 04s. Date received 14<sup>th</sup> May 2019.
- Drawing title "Proposed drainage strategy plan". Drawing number 6683 – 501a. Date received 14<sup>th</sup> May 2019.
- Document title "Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14<sup>th</sup> May 2019.
- Drawing title Landscape and Planting Plan. Drawing number uh-283-100. Date received 14<sup>th</sup> May 2019.

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

#### **4. Materials as specified**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

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 (2019), Policies ADPP 1, ADPP 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).

#### **5. Ancillary Residential Use restriction**

The outbuilding hereby approved shall not be used at any time other than for purposes as domestic ancillary use to the residential use of the dwelling known as Hayward Green Farm. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: To limit the future use of the building to prevent uses which would not be ancillary or incidental to the main dwelling. This condition is applied in the interests of preventing a change of use which would result in an unsustainable pattern of development, and detract from neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD 2006-2026, WBC Quality Design SPD (2006), and WBC House Extensions SPG (2004).

#### **6. Demolition of Garden Store and Garage Building**

No development shall commence until the garden store and Garage building has been fully demolished and all waste removed from site.

Reason- The demolition of the two buildings is used to justify the approved development. Without demolition of these buildings the development would proliferate built form on the AONB not in accordance with policy, This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

#### **7. Landscaping**

Prior to occupation of the pavilion the landscaping scheme shall be implemented in accordance with Drawing titled "Landscape and Planting Plan". Drawing number uh-283-100. Date received 14<sup>th</sup> May 2019.

Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

## **8. External lighting (details required)**

No development shall take place until details of the external lighting to be used on the site have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings hereby permitted are occupied. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. To protect the amenities of adjoining land users and the character of the area. 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 (2019), Policies ADDP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

## **9. Removal of spoil**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADPP5, CS14, CS19 of the West Berkshire Core Strategy (2006-2026).

## **10. Ecology Mitigation (implement)**

The mitigation measures described in the Preliminary Ecological Appraisal created by Ecologybydesign shall be implemented in full before the proposed development is commenced and the measures shall thereafter be retained. This measures are as follows;

- The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged.
- The installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
- Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

Reason: To ensure the protection of species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **11. SUDS condition**

The Land Drainage and Surface water of the development is to be managed in accordance with the documentation submitted during this application; namely;

- Drawing title "Proposed drainage strategy plan". Drawing number 6683 – 501a. Date received 14<sup>th</sup> May 2019.
- Document title "Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14<sup>th</sup> May 2019.
- A Hydrology Report (prepared by the British Geological Survey) received 22/05/2018.

This shall include the outfall from the pond at the downstream end of the SW network into the existing watercourse to be restricted by Hydrobrake to no more than 4 litres/second.

Reason: To ensure the protection of land and surface water drainage and ensure it is dealt. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **12. Submission of Engineering and CMS in Relation to Pipeline**

No development shall commence until an Independent Engineering Assessment to confirm the proposed development and method of construction will have no impact on the gas pipeline, has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Grid. Thereafter the approved Assessment shall be implemented and adhered to throughout the entire construction period.

Reason: To ensure the safety of the National Grids utilities Pipeline which runs through the site is not compromised by works. The condition is placed in relation to materials considered in regards to the health and safety of the areas and its occupants. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

## **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.

### **HI 8 Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

### **Thames Water Informative 1**

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

## **Thames Water Informative 2**

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

## **Thames Water Informative 3**

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## **Landscape Management Plan**

The applicant is encourage to engage with the North Wessex Downs AONB board and other relevant stakeholders to produce a estate management plan for the extensive landownership associated with the development to ensure conservation of the AONB landscape into the future.

DC