

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	19/00317/FUL Chieveley	12 th April 2019 ¹	Creation of pond and embankment Vine Cottage, Curridge Road, Curridge Mr S Fairhurst
¹ Extension of time agreed with applicant until 20 th December 2019			

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00317/FUL>

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

Ward Member(s): Councillor Hilary Cole
Councillor Garth Simpson

Reason for Committee Determination: Ward Member call-in
More than 10 objections

Committee Site Visit: 16th December 2019

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the creation of a pond and associated embankment.
- 1.2 The application site is situated to the west of a dwelling known as Vine Cottage. It is situated in the open countryside beyond any defined settlement boundary, and is within the North Wessex Downs Area of Outstanding Natural Beauty (NWDONB). The site was previously used for sand extraction, and the land has been restored, there are a few mature trees within the site. The site is adjacent to Curridge Road, and to the north of the road is a group of 5 dwellings in Oaklands and to the east of the site are Foxford House and Galini Cottage, separated from the site by a track and the CHIE/32/1 Footpath a Public Right of Way.
- 1.3 The application is seeking planning permission for the creation of an attenuation pond and embankment. The application is partly retrospective as the embankment bunding has been partially constructed. The proposed pond is to be dug below the existing ground level with bunding which has been partially constructed along the northern boundary (with Curridge Road) along the eastern side of the pond.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
17/01829/CERTE	Excavation of water attenuation pond under Agricultural Permitted Development and creation of bunding with the excavated spoil	Refused 22/12/2017

3. Procedural Matters

- 3.1 [Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 The application was advertised by a site notice displayed on 5th March 2019, at a gate post at a post on the entrance to the site; the deadline for representations expired on 26th March 2019. A subsequent site notice was posted in the same location when additional information was received on 18th June 2019 expiring on 9th July 2019.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5). The proposed works are not with a class of development for which CIL is liable.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Chieveley Parish Council:	<p>Object</p> <p>Concern about the risk of flooding elsewhere and whether the embankment will be permeable, and leak. The embankments are too steep and could be unstable. Risk of flooding to nearby properties</p> <p>Leakage onto Curridge Road will add to the problem of ice in the winter.</p> <p>Conditions are required to ensure works are carried to the specialists requirements, to ensure the embankment does not fail</p> <p>Object due to the risks highlighted in the geotechnical and hydrology reports</p> <p>Request West Berkshire Council to commission and independent report putting into place provision for maintaining a stringent monitoring process.</p> <p>Following the receipt of additional information the objections were maintained and additional concerns raised with regards to the height of the bund; the position of the soakaway near to a property that has previously flooded; concern about rabbits undermining the bunds, the bunds not being wide enough, not compact enough and too porous</p>
Shaw – cum Donnington Parish Council:	No objections
WBC Highways:	<p>Wheel washing facilities will be required, and confirmation of whether material is required to be transported to or from the site, and if so haul routes.</p> <p>Following receipt of additional information, confirmed no additional information.</p>
Environmental Health:	No objections
Ecology:	A Phase 1 ecological study would have been preferable, but given it is retrospective it is too late, information about environmental improvements would be desirable.
Trees:	The works have already been carried out for the embankment and the pond. Any damage would have already occurred to the trees. They are not covered by a TPO and they are outside the conservation area. Would like to see some additional tree

	planting and landscaping around the site.
WBC Drainage:	<p>Initial response 20/03/2019</p> <p>Acknowledge the hydrology and geotechnics but the however there is a potential risk downstream to properties, and require further information with regards to drainage to a single soakaway; the hydraulic design of the soakaway and inclusion of 40% climate change allowance and the soakaway checked for a 24 hour half drain time; concern about the risk of blockage of the pipe and implications of a blockage; concern about critical storm duration.</p> <p>Note that although we understand that there is an issue with water flowing onto the highway downstream of the site, we do not consider that a Flood Alleviation Scheme of this scale is necessary at this location and the Council are not considering any flood alleviation works within the vicinity. The applicant has not submitted any information to demonstrate the downstream benefits of the proposals or the need for such a scheme. For a scheme of this nature, hydraulic modelling would typically be undertaken to confirm the design and test the downstream impacts.</p> <p>Second Response 13/08/2019</p> <p>Accept the findings of the additional soakage testing and the revised infiltration rates, would expect more information with regards to the design of the soakaways including detailed hydraulic calculations. Request detailed engineering drawings of the soakaways with supporting calculations, taking into account previous comments, and other previously made comments have not been addressed with regards to the soakaway pipe and hydrological calculations with regards to the critical storm duration.</p> <p>Third Response 11/11/2019</p> <p>Reviewed the additional information submitted by the applicant relating to the management of flood risk and consider the proposals to be acceptable in principle. However the drawings submitted are of insufficient detail to understand what will ebb built, request that the applicant submits detailed engineering drawings of the overflow structure and soakaways as previously requested in our comments. These drawings should be sufficient for construction purposes. If preferable, a planning condition could be set to require the submission of these details prior to completion, and filling of the attenuation area.</p> <p>Final Response</p> <p>Confirmation that not objecting to the application, but requiring additional details to be approved. These details can be conditioned with additional information being provided before the completion and filling of the attenuation area.</p>

AONB Board:	No comments received
WBC Minerals and Waste Team:	No comments received
Public Rights of Way	No comments received
Ramblers Association	No comments received

Public representations

4.2 Representations have been received from 26 contributors, 13 of which support, and 13 of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Concern about leakage/flooding to nearby properties, including properties which experienced ground water flooding in 2007, directly downstream from the pond
- Concern about the long term structural integrity of the embankments
- Concern about West Berkshire Council's ability to monitor the report recommendations
- Clearance of greenery has already increased the level of run-off
- Depth of 2.3 m of pond raises concern about future commercial uses
- Concern for safety of children visiting the fields
- Concern for safety in my garden if a sudden breach occurred
- The size and volume of the pond is unnecessary
- Impact on wildlife
- Out of character in the AONB
- Request that if the application is refused that the embankments are removed, and area re-planted to reduce surface run-off
- The pond should be dug below ground level to make surface water flooding not possible
- Size of the outflow pipe should be increased and cleaned annually
- Impact on the level of groundwater in the area
- Concern about water and ice on the highways and safety to vehicle and horse riders on the road
- Erosion of the adjacent PROW
- Proposed relocation of the soakaway does not consider the sub terrain water table within Oaklands, where there have been sink holes, and also Foxford House
- A comprehensive hydrological survey has not been undertaken of the wider area
- The membrane lined pond at Oaklands is 50 cm² in area with a culvert 40cm below the terrain level, which alleviates terrain flooding, this is not the case with the current application.
- The height of the embankment is not justified
- The word amenity s used but not explained.
- No justification why the water levels of the pond cannot be below terrain level

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS5, CS13 CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5, and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Chieveley Village Design Statement (2002)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Flooding
- Character and appearance
- Highways
- Ecology

Principle of development

6.2 The application site is defined by policy ADPP1 as being within the open countryside where only appropriate limited development will be allowed focused on addressing identified needs and maintaining a strong rural economy. Policy ADPP5 recognises the NWDAONB as a national landscape designation and states that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB, preserving the sense of remoteness and says that the development will respond positively to the local context. The application is proposing the continuation of the creation of an attenuation pond within an area of some surface water issues. The application has indicated that the pond is required to deal with surface run-off after periods of prolonged rain, to reduce run-off onto Curridge Road, however the consideration of the application is based on the consideration of the following matters.

Flooding

6.3 The application site is within Flood Zone 1 and is not at risk of flooding from river flooding, and is not within a critical drainage area, and mapping shows that the area is not at risk from groundwater flooding. The application was updated during the course of the application so that it included a Geotechnical Assessment; a Hydrology Report and a Hydrological Modelling and Soakaway Design. Whilst a Flood Risk Assessment

was not submitted as required by policy CS16 for a development of this size, the reports which were submitted have included details about the risk of flooding from the development. There have been a number of concerns raised by residents of nearby houses, and Chieveley Parish Council about the safety of the embankment bunds, the soakaway designs, and the overall efficacy of the embankments and the potential risk of flooding to the nearby properties, which are to the north and east of the proposed pond, and at a lower ground level. The criteria of policy CS16 which are relevant to this application are that the development can demonstrate that there would not be a detrimental impact on surface water or obstruct the run-off of water due to high levels of groundwater; and that appropriate measures required to manage flood risk can be implemented.

- 6.4 The Council's Land Drainage Engineers have assessed the application, and concluded that the initial submission was deficient as insufficient information has been submitted to address the potential risk to downstream dwellings, and additional infiltration testing was required, and the capacity of the design of the soakaway, and the size of the pipe and potential for it blocking. These details were submitted during the assessment of the application, and following the receipt of further infiltration tests; and subsequent Hydrological Modelling and Soakaway Design, and additional plans, elevations and details, and the pond spill-over outlet. Once this information was received the Council's engineers had confirmed that the applicants had demonstrated that the details relating to the management of flood risk were acceptable in principle. Further information is required with regards to the detail engineering drawings of the overflow structure and soakaways, which had been requested in the earlier consultation comments. Whilst this information is required, they can be dealt with as a condition to the planning permission as there is insufficient information at this stage, and the details which are required are not necessary to determine the application. These details can be approved before the attenuation pond is filled, so that the safety of the details can be approved, to ensure that there are not blockages and that the detailed design of how the elevations will block once completed can be confirmed. Whilst many of the objections raised by residents about the technical details, of the embankment details, and soakaways, the council's engineers have confirmed that they are satisfied with the technical details which have been submitted, and subject to a condition ensuring that the outstanding information is provided. With the suite of the conditions the Council's engineers are satisfied that the details submitted are sufficient to indicate that the attenuation pond, bunds and soakaways will not increase the risk of flooding, and associated safety risks identified by nearby residents about the proposal.

Character and appearance

- 6.5 Policies CS14 and CS19 require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire, the policy goes on to say that considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS19 seeks to conserve and enhance the local distinctiveness of the landscape character of the District. The policy says that particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.6 The application site is agricultural land within the NWDAONB. The site was historically used for sand extraction, and has been restored with a number of mature trees on the site. The land forms a transition between the open fields, and the densely wooded area of Snelsmore Common East. The bunds have been partially constructed on the site, and these are evident from Curridge Road. The bunds have some vegetation cover on them, however this is not the result of formal planting and the tree officer has

recommended a landscaping condition, this will ensure that there is sufficient planting to assimilate the bunds into the street scene. The completion of the bunds with appropriate planting will act as a screen to the water within the pond. Whilst objections have been raised to the development being out of character with the appearance of the area, with appropriate planting the embankments can be assimilated into the street scene. The presence of ponds is not an unusual feature within the countryside, and given that it is a transition area between the open fields around Curridge, and the wooded copse to the west of the site, and small groups of houses, the proposal is considered not to harm the overall character and appearance of the site within the NWDAONB.

Highways

- 6.7 Policy CS13 refers to development which has an impact on the Highway network. The Highways Officer initially required information about the material which may be required to transport material to and from the site, and the haul route required. After receiving confirmation that there was no further need to import or export waste from the site, the Highway Officer was satisfied that further information was not required. A condition requiring wheel washing facilities for further works on the site is required, to ensure that the surrounding roads are kept in a clean condition.

Ecology

- 6.8 Policy CS17 required biodiversity assets across West Berkshire to be conserved and enhanced, and the site is within a defined Biodiversity Opportunity Area. The policy says that opportunities will be taken to create links between natural habitats and that strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Area. The ecology representations indicated that it would have been preferable if a Phase 1 Ecology Study had taken place before the works commenced. However given that the application is within a Biodiversity Opportunity Area it is possible to condition a scheme of biodiversity improvements to be completed as the works are completed, in accordance with policy CS17.

7. Planning Balance and Conclusion

- 7.1 The application is seeking consent for the creation of an attenuation pond and associated embankments within the NWDAONB. The application was submitted with Hydrological modelling; the results of infiltration tests; and geotechnical assessments. The Council's drainage engineers have assessed the proposals, and subject to the acceptable submission of full and detailed drawings the proposal, which is for a development which is appropriate to its location within the AONB is considered to be acceptable, and will bring a benefit in reducing surface run-off on Curridge Road. Conditions can be added to ensure that there are biodiversity enhancements as a result of the development, and the addition of further landscaping will enable the bunds and pond to blend with the landscape. The proposal is considered to be in accordance with policies ADPP1, ADPP5, CS13 CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and is recommended for approval.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below:-

Conditions

1.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>[To be confirmed on Update Report]</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Engineering drawings</p> <p>The development hereby permitted shall not be brought into use until full and detailed engineering drawings have been submitted to and approved in writing by the Local Planning Authority, on an application for that purpose. The approved measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water management measures will be constructed and managed in a safe and sustainable manner, and insufficient information has been provided within the application to indicate that. This condition is imposed in accordance with the National Planning Policy Framework (2019), and Policy CS16 of the West Berkshire Core Strategy (2006-2026).</p>
3.	<p>Wheel washing</p> <p>Within three months of the date of this permission a statement shall be submitted to the Local Planning Authority on an application for that purpose setting out the wheel washing facilities to be undertaken during the additional construction works. Thereafter the construction works shall incorporate and be undertaken in accordance with the approved statement.</p> <p>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 (2019), and Policy CS19 of the West Berkshire Core Strategy (2006-2026).</p>
4.	<p>Landscaping</p> <p>The development hereby permitted shall not be brought into use until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority, on an application for that purpose. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;</p> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p> <p>b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>

5.	<p>Ecology</p> <p>The development hereby permitted shall not be brought into use until a scheme for biodiversity improvements has been submitted to and approved in writing by the Local Planning Authority, on an application for that purpose. The approved measures shall be maintained in the approved condition thereafter.</p> <p>To provide biodiversity enhancements within a Biodiversity Opportunity Area. This condition is imposed in accordance with the National Planning Policy Framework (2019), and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
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Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
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