

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/00761/FUL Chieveley	19 th May 2020 ¹	Creation of ecological pond, bunds, soakaways. earthworks and a soft landscaping scheme Vine Cottage Curridge Road Curridge Mr S Fairhurst
¹ Extension of time agreed with applicant until 6 th November 2020			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00761/FUL>

Recommendation Summary: To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION.

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

Reason for Committee Determination: Called in by Ward Member
10 or more objections received

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead a collection of photographs is available to view at the above link.

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the creation of an ecological pond, bunds, soakaways, earthworks and a soft landscaping scheme, on land at Vine Cottage Curridge Road. The application is partly retrospective, as there are bunds already on the site, however it is proposed to re-profile the bunds, and create new bunds, together with additional planting.
- 1.2 The application site is agricultural land 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 (NWD AONB). 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 proposed pond will measure 21 metres, widening to 40 metres in width and 58 metres long. The depth of the pond will vary to provide for different habitats, with the western side of the pond being 0.5 metres deep, and the centre of the pond at 1.5 metres deep. The bunds on the north and eastern side will be re-profiled, to provide a slope of 1 in 3, the maximum height is 1.4 metres. At present there is a single bund, a parallel bund is proposed to be created. The bunds will be created from waste within the site.
- 1.4 The pond is proposed to be lined with a Terram geotextile separating layer, and sand layer and a HDPE geomembrane. The water level of the ponds is below the bottom of the bunds. The water level of the pond is approximately 114.06 AOD, the bottom of the bunds area at 115 AOD, the top of the bunds are 116.5 AOD. A silt trap is proposed, and an overflow pipe, which connects to the proposed soakaways to the north eastern corner of the site, in the form of two soakaway pits. The trenches will be lined and are 25 metres length, 3 metres wide and 2.2 metres deep. The soakaways will have four observation wells to allow for monitoring, and covered with topsoil and re-seeded with a wildflower mix and orchard planting. Additional planting and seeding of the bunds is proposed.

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
19/00317/FUL	Creation of pond and embankment.	Refused 09/01/2020

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 means of a site notice posted on 13th May 2020, on a gate at the entrance to the site. The deadline for representations expired on 4th June 2020. Following the submission of revised plans, those who had made representations on the application were notified of the amendments, and were able to make additional representations until 30th September 2020.
- 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>The question of the maintenance of the soakaways is raised as a concern. Keeping the soakaways clear is a manual task & dependant on dedicated maintenance regime. If this is neglected the cottages alongside footpath 32 could be subject to flood-risk. Water Resource Assoc LLP report has already highlighted concerns regarding the sizing & maintenance of the soakaways.</p> <p>The application includes a section on inspection of the soakaway arrangements, but no indication of how this maintenance of essential inspection and cleaning will be ensured. Should WBC be minded to approve this application this aspect requires the most stringent condition.</p> <p>Para 5.9 of the Planning , Design and Access Statement refers to NPPF Para 83 (re Business Use) as a relevant policy, but Para 6.39 suggests no commercial use is planned, so why is Para 83 of the NPPF relevant</p>
Shaw-cum-Donnington Parish Council (adjoining):	No objections
WBC Highways:	As with the previous planning application, there is no objection from a Highways DC point of view. However I do recall considerable concern from Sustainable Urban Drainage Systems colleagues regarding the previous proposal and the potential to flood the nearby public highway. I would oppose any

	<p>development that posed such a risk to the public highway and any users of it.</p> <p>Conditions with regards to a Construction Method Statement and parking for contractors would be appropriate</p>
Environmental Health:	No objections
SuDS	<p>Initial response: requested additional information and clarifications, including the removal of trees/shrubs from the bund.</p> <p>Second response: Additional information required about topography; bund stability calculations; should include a spillway; an update plan should show additional manholes; root protection zones should be included; the proposed grill should be refined to make it easier to maintain; trees and shrubs should be removed from the bund; confirmation required of the width of the crest of the bund.</p> <p>Third response: The revised drawings introduce additional tree planting adjacent to the soakaways and no assurances are provided that these will not impact on the soakaways. Significant planting is still proposed on the bund. Therefore, our previous comments would still remain outstanding.</p> <p>Final Response: Revised drawings have addressed previous comments about the landscaping</p>
Ecology:	<p>Require a bee bank, and reptile/amphibian refuge on the southern slope. Management of the vegetation and habitats will be detailed in a Landscape Environmental Management Plan (LEMP), as a pre-commencement condition.</p> <p>The Construction Environmental Management Plan (CEMP) must contain the details contained in the recommendations part of the ecology report, to include water quality and invasive species management and tree protection measures</p> <p>Following submission of additional information, the biodiversity enhancements are acceptable, and recommend conditions.</p>
Trees:	<p>Initial response: Further details of a landscape planting and management written strategy which would include details of planting times and long term management are required to properly assess the proposal.</p> <p>Second response: The updated landscape plan now identifies tree and plant species proposed, size of new trees and their location. I request the written landscape planting and 5 year management plan to accompany this updated plan.</p> <p>Third response: The written landscape management plan now provides a comprehensive management and planting plan for the site. No further objections. Please condition landscaping in accordance with the submitted details.</p>

Public Rights of Way	No response received
AONB Board	No response received
Environment Agency:	No response received
Minerals and Waste Team:	No response received
Ramblers Association:	No response received

Public representations

- 4.2 Representations have been received from 13 contributors, none 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:
- The definition of ecological is preservation of the environment and of natural resources, question a new lake lined with plastic
 - Gorse, ferns, and felled trees have been removed, they should be replanted
 - Waste has already been brought to the site to build the bunds
 - Run-off has only occurred after trees have been felled in the surrounding area to alter the natural flows (google images sent to show extent of tree felling)
 - There are existing ponds to meet ecological need
 - Sceptical that there will be no commercial use of the pond
 - Concern about impact on septic tanks
 - The location is at odds with natural water flow of water and its proximity to housing and highway
 - Risk of groundwater flooding, houses flooded with groundwater in 2007
 - Size of the pond has never been justified, the size seems disproportionately large
 - Body of water should be similar to Oaklands pond
 - Water run-off has increased since trees have been removed
 - Pond should be re-sited in a natural depression away from housing and the highway
 - The soakaways should be reconfigured and relocated in the woods to the east/south-east away from houses, concerned about impact of subterranean water, overflow pipe should point north to overflow Curridge Road.
 - How will maintenance, construction and wheel washing be overseen?
 - Lack of consideration to the impact outside the Vine Cottage boundary
 - Preferred option is for the existing bunds to be removed and land reinstated and trees re-planted
 - New material will be required to be brought to the site for the bunds, and for the new planting, unclear what will happen to the waste material from the current bunds
 - Unclear about gravel apron
 - A Flood risk Assessment should be undertaken in accordance with policy CS16
 - It is not a sustainable design in accordance with policy CS14 as it relies on a maintenance plan to clear debris from the soakaway, and seems unenforceable

- The pond is above ground level and an eyesore in the AONB
- Impact on the public footpath
- Location of the site notice

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).

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)
- Sustainable Drainage Systems SPD (2018)
- Planning Obligations SPD (2015)
- Chieveley Village Design Statement (2002)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development
- Character and appearance of the AONB
- Flooding
- Ecology
- Highways

Principle of development

6.2 Policy ADPP1 defines the application site 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 NWD AONB 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 construction works for the creation of an ecological pond and associated bunds, soakaways, earthworks and soft landscaping scheme. The Planning, Design and Access Statement submitted with the application indicates that the pond is to enhance biodiversity, provide flood alleviation and enhance the amenity of the landscape setting. The consideration of the application is based on the consideration of the following matters.

Character and appearance

- 6.3 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.
- 6.4 The application site is agricultural land within the NWD AONB. 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 sporadic dwellings to the west, and the densely wooded area of Snelsmore Common East, as the site was previously used for sand extraction, and subsequently restored, it does not have the appearance of a traditional grazing or arable field. The bunds have been partially constructed on the site, and these are evident from Curridge Road. It is proposed to re-profile the bunds to reduce the external slopes from 1 in 4 to 1 in 3, which will make them appear more natural. It is proposed to sow the bunds with a wildflower mix, which will be extended to area around the pond, with a wildflower meadow seed mix to the east of the site close to the proposed soakaways. Additional marginal planting around the edge of the pond is proposed, with aquatic planting within the pond. The Tree Officer is satisfied with the tree protection measures which are proposed, and the planting and landscape management plans which have been submitted, and these can be secured through conditions. Whilst objections have been raised on the basis of the proposal being out of character with the area, there have been improvements proposed to the scheme, so that the bunds will appear more natural in the landscape. The presence of ponds is not an unusual feature within the countryside and there is a small natural pond in front of the houses on the opposite side of the road. Given that this 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 to be considered not to be harmful to the overall character and appearance of the site within the NWD AONB.

Flooding

- 6.5 The application site is within Flood Zone 1, and is not within an area at risk of groundwater or surface water flooding, and is not within a Critical Drainage Area. The Design and Access and Planning Statement indicates that one of the aims for the pond is to provide flood alleviation, through collecting water from the higher land to the south-west, and collect water surface water and which seeps into the application site. Further excavation will take place to create the pond, with soakaways to the east of the site. The bunds will be re-profiled with additional work added to them. The council's Drainage Officers have assessed the reports and drawings submitted with the application. There have been a number of amendments made to the application to the technical details of the bunds, the soakaway, silt traps, root barriers and landscaping. The drainage officer is satisfied with the plans which have been submitted.
- 6.6 The previous application for a pond on the site was refused because the proposals did not provide evidence that the development could be completed and maintained in a safe manner, and did not incorporate measures for the long term maintenance and management of flood protection and mitigation measures, and as such was contrary to policy CS16 of the Core Strategy. The previous concerns have been overcome with the additional information and revisions made to the proposals, and it is not considered that

the proposed pond will result in increased risk of surface water or groundwater flooding to the surrounding land and nearby residential dwellings.

Ecology

- 6.7 Policy CS17 says that biodiversity and geodiversity assets across the District will be conserved and enhanced. It goes on to say that all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity. An Ecological Appraisal and Ecological Enhancement Strategy was submitted with the application. It is proposed to plant the bunds with a wildflower seeding, and meadow seeds, and aquatic planting within the pond together with additional tree planting, and native hedges. The plans have also been amended to include the inclusion of bee posts within the bunds, and reptile refuges. In addition there have been amendments to the proposed landscaping scheme to increase the biodiversity value, such as the replacement of laurel hedge with native species. The proposal includes biodiversity enhancements, and the landscape management can be secured through conditions.

Highway Safety

- 6.8 Policy CS13 refers to development which has an impact on the highway networks, and policy TRANS1 refers to meeting the parking requirements of new development. The proposed pond is not for public use, and so there are no requirements for parking beyond the construction phase of the proposal. The Highways Officer has not raised any objection to the proposal. When the previous application was considered concerns were raised about the potential for flooding onto the highways, as the Drainage Officers have not raised objections to the proposal, the Highways Officer has confirmed that there are no highway safety objections to the proposal. A Construction Method Statement would be appropriate to ensure that during the construction phase of the proposal that there are appropriate measures in place to deal with construction vehicles, wheel washing, and site deliveries. This can be secured through a condition.

7. Planning Balance and Conclusion

- 7.1 The application is proposing the retention, extension and re-modelling of the existing bunds on the site, and the creation of a pond, together with the associated earthworks, soakaways, and landscaping. The proposed pond will not increase the risk of flooding outside of the site, and will not be harmful to highway safety. The landscaping enhancements which are proposed in the form of a mix of seed planting, as well as native hedges and additional trees, will enable the pond to blend into the surrounding NWD AONB landscape, and will enhance the area of land which is of poor visual quality. The proposal also has wider public benefits through the ecological improvements which are incorporated into the proposal. The previous reasons for refusal have been overcome, and given the environmental benefits of the improved biodiversity, and management of flood risk the proposal is considered to accord with the relevant development plan policies 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.	Commencement of development
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	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"> i. Location and Block Plan Drawing No BRU-VIN-LS-001 Rev B received on 9th September 2020; ii. Cross Sections Locations Drawing No BRU-VIN-LS-002 Rev B received on 9th September 2020; iii. Cross Section 50-80 Drawing No BRU-VIN-LS-003-2 Rev A received on 11th June 2020; iv. Cross Section 10-40 Drawing No BRU-VIN-LS-003-1 received on 23rd March 2020; v. Landscape Strategy with Management Codes 1 of 2 Drawing No BRU-VIN-LS-004 Rev E received on 9th September 2020; vi. Landscape Strategy with Management Codes 2 of 2 Drawing No BRU-VIN-LS-005 Rev E received on 9th September 2020; vii. General Arrangement Pond & Soakaway Details Drawing No BRU-VIN-LS-006 Rev A received on 11th June 2020; viii. General Arrangement Longitudinal Sections A-A & B-B Drawing No BRU-VIN-LS-007 Rev B received on 22nd July 2020; ix. Bund Level Analysis Drawing No BRU-VIN-LS-008 received on 22nd July 2020; x. Detailed Planting Scheme 1 of 2 Drawing No BRU-VIN-LS-010 Rev B received on 9th September 2020; xi. Detailed Planting Scheme 2 of 2 Drawing No BRU-VIN-LS-011 Rev B received on 9th September 2020; xii. General Arrangement Planting Schedule & Details Drawing No BRU-VIN-LS-012 Rev A received on 22nd July 2020; xiii. General Arrangement Landscape Strategy Drawing No BRU-VIN-LS-014 Rev B received on 9th September 2020; xiv. Landscape Management Plan Dated 08/09/2020 received on 9th September 2020; xv. Hy-Tex Root Barrier C3 Spec received on 30th July 2020; xvi. Geotechnical Assessment Dated 28/01/2019 received on 23rd March 2020; xvii. Technical Note: Hydrological Modelling and Soakaway Design September 2019 received on 23rd March 2020; xviii. Technical Note: Infiltration test April 2019 received on 23rd March 2020; xiv. Preliminary Ecological Appraisal and Ecological Enhancement Strategy received on 22nd July 2020; xx. Update Letter from Water Resource Assoc. LLP dated 26/02/2020 received on 23rd March 2020; and xxi. Planning Design and Access Statement by Bourne Rural Planning Consultancy Ltd dated 11th March 2020 received on 23rd March 2020. <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Construction Method Statement</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:</p>

	<p>(a) The parking of vehicles of site operatives and visitors;</p> <p>(b) Loading and unloading of plant and materials;</p> <p>(c) Storage of plant and materials used in constructing the development;</p> <p>(d) Wheel washing facilities;</p> <p>(e) Measures to control the emission of dust and dirt during construction;</p> <p>(f) A scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.</p> <p>A pre-commencement condition is required as there is insufficient information contained within the planning application, and these matters refer to first operations on site.</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 (February 2019), Policies CS14 and CS13 of the West Berkshire Core Strategy (2006-2026), Policies OVS6 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Landscaping in accordance with approved scheme</p> <p>All landscape works shall be carried out in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including;</p> <ul style="list-style-type: none"> i) Landscape Management Plan Dated 08/09/2020 received on 9th September 2020; ii) Location and Block Plan Drawing No BRU-VIN-LS-001 Rev B received on 9th September 2020 iii) Cross Sections Locations Drawing No BRU-VIN-LS-002 Rev B received on 9th September 2020 iv) Landscape Strategy with Management Codes 1 of 2 Drawing No BRU-VIN-LS-004 Rev E received on 9th September 2020 v) vi. Landscape Strategy with Management Codes 2 of 2 Drawing No BRU-VIN-LS-005 Rev E received on 9th September 2020 vi) Detailed Planting Scheme 1 of 2 Drawing No BRU-VIN-LS-010 Rev B received on 9th September 2020 vii) Detailed Planting Scheme 2 of 2 Drawing No BRU-VIN-LS-011 Rev B received on 9th September 2020 viii) General Arrangement Planting Schedule & Details Drawing No BRU-VIN-LS-012 Rev A received on 22nd July 2020 ix) General Arrangement Landscape Strategy Drawing No BRU-VIN-LS-014 Rev B received on 9th September 2020 <p>The approved landscape works shall be implemented within the first planting season following completion of development. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this development/completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p>

	Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).
5.	<p>Protection during construction</p> <p>During construction works, any deep excavation shall either not be left open overnight or an escape ramp in the form of a scaffold plank shall be placed at a shallow angle to allow any trapped badgers to exit the excavation.</p> <p>Reason: To prevent the incidental trapping of badgers during construction work. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
6.	<p>No Exterior Lighting</p> <p>No exterior lighting is to be installed without the prior written permission of the local planning authority.</p> <p>Reason: The site supports protected species and lighting could adversely impact on these protected species and deter them from utilising the site fully. This condition will ensure that bats are not adversely impacted upon by the proposals. The site is situated within the North Wessex Downs Area of Outstanding Natural Beauty where preservation of dark skies is an important part of conserving the natural beauty of the landscape. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

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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