

# Notice of Meeting

## Western Area Planning Committee

**Wednesday, 9th April, 2014 at 6.30 pm**  
in the Council Chamber Council Offices  
Market Street Newbury

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 1 April 2014

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 519441 / 503043 / 5031 Email: [ewalker@westberks.gov.uk](mailto:ewalker@westberks.gov.uk) / [jlegge@westberks.gov.uk](mailto:jlegge@westberks.gov.uk) / [jcollett@westberks.gov.uk](mailto:jcollett@westberks.gov.uk)



**Agenda - Western Area Planning Committee to be held on Wednesday, 9 April 2014**  
(continued)

- To:** Councillors David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hower, Roger Hunneman, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)
- Substitutes:** Councillors Howard Bairstow, Billy Drummond, Adrian Edwards, Mike Johnston, Gwen Mason, Andrew Rowles and Tony Vickers
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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 1 - 18  
To approve as a correct record the Minutes of the meeting of this Committee held on 19 March 2014.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*
  - (1) **Application No. and Parish: 13/03164/OUTD - Meadow Rear Of Cottages 1 and 2 The Lamb Inn, Charnham Street, Hungerford.** 19 - 34  
**Proposal:** Outline application for construction of two new dwellings and garages. Matters to be considered: Access.  
**Location:** Meadow Rear Of Cottages 1 and 2 The Lamb Inn, Charnham Street, Hungerford.  
**Applicant:** Mr Nigel Thornton, Charnham Meadow Limited  
**Recommendation:** To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission.
  - (2) **Application No. and Parish: 13/03234/FUL - Carbrook, Curridge Road, Curridge** 35 - 46

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**Proposal:** Creation of a new secondary access to serve outbuilding.  
**Location:** Carbrook, Curridge Road, Curridge, RG18 9EB.  
**Applicant:** Mark Talbot  
**Recommendation:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to conditions.

(3) **Application No. and Parish: 14/00101/FULD - Land At Wallis Gardens, Adjoining West Berks Bowls Club, Pyle Hill, Newbury** 47 - 68

**Proposal:** Erection of 3 two storey three bedroom houses with attached garages.  
**Location:** Land At Wallis Gardens, Adjoining West Berks Bowls Club, Pyle Hill, Newbury, RG14 7SW  
**Applicant:** West Berks Bowls Association Ltd  
**Recommendation:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8) and the completion of a Section 106 legal agreement within two months of the date of Committee.  
OR  
If the s106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure, where expedient.

**Items for Information**

(4) **Appeal Decisions relating to Western Area Planning Committee** 69 - 74

*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.

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*(continued)*

(e) The Human Rights Act.

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact  
Moira Fraser on telephone (01635) 519045.

**WESTERN AREA PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON  
WEDNESDAY, 19 MARCH 2014**

**Councillors Present:** David Allen, Howard Bairstow (Substitute) (In place of George Chandler), Jeff Beck, Paul Bryant (Chairman), Hilary Cole, Roger Hunneman, Garth Simpson, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)

**Also Present:** Michael Butler, Derek Carnegie, Paul Goddard, Liz Patient and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor George Chandler and Councillor Anthony Stansfeld

**Councillor Absent:** Councillor Paul Hewer

**PART I**

**45. Minutes**

The Minutes of the meeting held on 5 February 2014 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Page 6, paragraph 7: amend 'shared spaces' to 'open spaces'.

**46. Declarations of Interest**

Councillors Ieuan Tuck, David Allen, Jeff Beck and Howard Bairstow declared an interest in Agenda Items 4(2) and 4(3) but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Roger Hunneman declared an interest in Agenda Item 4(3) but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Julian Swift-Hook declared an interest in Agenda Items 4(2) and 4(3) and reported that, as his interest could be perceived to be prejudicial but was not a disclosable pecuniary interest, he determined to remain to take part in the debate but would not vote on the matter. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information relevant to the application.

All members of the Committee reported that they had been lobbied on Agenda Items 4(2) and 4(3).

**47. Schedule of Planning Applications**

**47(1) Application No. and Parish: 13/02741/FUL - Yattendon**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/02741/FUL in respect of the erection of a shed at Orchard Day Nursery.

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In accordance with the Council's Constitution, Mrs Anne Harris, Parish Council representative, Ms Marian Spain, objector, Mrs Eva Hughes, supporter, and Mr Andrew Webber, applicant, addressed the Committee on this application.

Mrs Anne Harris in addressing the Committee raised the following points:

- It was believed that Mr Webber, the owner of the nursery, had purchased the shed in September prior to applying for permission to erect it. Residents considered this to be the most recent action in a series of similar events which had led to a mistrust forming between them and Mr Webber;
- The shed was planned for laundry and storage of recycling waste and frozen food, and Mrs Harris considered that there might be an environmental health issue related to the proximity of waste and food;
- Mrs Harris asked, if Members were minded to grant permission for the erection of the shed, whether it could be located behind the main building so as to be out of sight of residents, and whether it could be required to be constructed of a material more sympathetic to the area, such as timber.

Councillor Hunneman asked for confirmation that residents would be able to see the shed in its proposed location as this was not evident from the photographs shown. Mrs Harris responded that she had been assured that neighbouring residents would see the shed from within their homes.

The Chairman asked Officers to verify that the planned use of the shed for food storage and waste was a matter for Environmental Health and not a planning consideration. Derek Carnegie confirmed that this was the case. The Chairman also asked whether a change in the location of the shed would require a second planning application to be submitted. Derek Carnegie confirmed that this would be the case.

Councillor Bairstow asked Mrs Harris if she believed that residents would continue to object if the material used was required to be timber. Mrs Harris replied that she believed residents would still object.

Mrs Marian Spain in addressing the Committee raised the following points:

- Past activity by the owner in relation to the nursery had given rise to mistrust from residents as to Mr Webber's intentions. Mrs Spain cited two examples:
  - A new access driveway which had been promised but not built as the owner did not own the land required;
  - A building had been previously erected without planning permission as a storage facility, but was now used as a classroom.
- Mrs Spain did not believe that the shed would make the nursery a more viable business, as it's primary purpose was for convenience;
- Mrs Spain suggested that the proposed uses of the shed were not essential as, for example, laundry could be sent off site;
- The nursery was not an educational establishment according to definitions within the National Planning Policy Framework (NPPF);
- The shed would be taller than surrounding fences and would have a substantial visual impact for residents;
- There was currently a 'mish-mash' of buildings on the site and there appeared to be a lack of consideration for their overall appearance;

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- Mrs Spain was grateful for confirmation by the Planning Officer that a maximum of 24 children could be looked after at one time, but she remained concerned over the incremental increases taking place. Mrs Spain considered that the owner should continue to operate within the constraints of the site, or consider moving to a more suitable location.

Councillor Hilary Cole asked whether Mrs Spain considered that the site was overdeveloped. Mrs Spain replied that she did.

Councillor Swift-Hook requested clarification as to whether the nursery was a day care facility or a nursery school with an educational element. Mrs Spain spoke of the NPPF reference to 'statutory schooling' which recognised schools admitting children over the age of 5. Derek Carnegie commented that Officers were content that there was an educational element within the nursery.

Mrs Eva Hughes in addressing the Committee raised the following points:

- As an employee of the nursery for six years, Mrs Hughes believed the shed to be a necessary addition as the nursery was predominantly housed in a two bedroom bungalow;
- The shed was to have three purposes, storage for recycling materials, to house a washing machine, and to house an upright freezer.
- The nursery generated a considerable amount of recycling materials which could not be stored currently as they needed to be kept away from play areas. Recycling was currently stored in the kitchen area to which children did not have access. The nursery staff wished to involve children in the recycling of safe materials, but were unable to do so at present due to storage arrangements. It was not possible to store recycling waste outside due to rodent and bird disturbance.
- There had not previously been a washing machine on site, however the nursery generated approximately one load of washing each day and the use of a machine on site would allow for a quicker turnaround of items such as bedding, outdoor wear and children's clothing.
- Nursery staff currently shopped daily for food for the children. The addition of a freezer would enable more food to be safely stored on site.

Councillor Cole asked how the recycling was dealt with at present. Mrs Hughes replied that some was recycled but that the owner took the majority home. Councillor Cole asked how the nursery intended for recycling waste to be disposed of in the future. Mrs Hughes responded that she expected it to be removed as part of the general waste collections.

Mr Andrew Webber in addressing the Committee raised the following points:

- A shed had been identified, but had not yet been purchased. The smallest shed had been selected that was able to address the storage issues at the nursery;
- There were no intentions to expand the intake of the nursery which currently had 51 registered children, but only 24 were able to be on site at any one time. Mr Webber had signed a legal agreement to this effect;
- The Council's Early Years Team were in support of this application, and Mr Webber had worked with them in taking it forward;
- The nursery employed eight staff;
- The shed would have no foundations and could be built within a few hours;
- The minibus would remain parked next to the shed and was taller than the proposed shed;

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- The nursery kitchen operated as the office leaving no space to expand and include a washing machine here;
- The materials chosen for the shed were metal in order to protect the contents from pests and the weather.

Councillor Cole requested the age range of the children who attended the nursery. Mr Webber responded that all were between 1 and 5 years old.

Councillor Cole commented that the recycling that would be accumulated ought to be disposed of as commercial waste, not within domestic waste collections.

Councillor Jeff Beck questioned whether planning permission had been granted for the lean-to structure on site. Derek Carnegie informed the Committee that a certificate of lawfulness had been granted in place of planning permission, and that enforcement of the lack of planning permission would not be pursued.

Councillor Tuck asked whether the nursery was inspected by Ofsted and whether Ofsted had made any comment on Mr Webber's intentions. Mr Webber replied that Ofsted were not concerned about issues of this nature, but rather the welfare and the nursery staff's ability to care for the children.

Councillor Swift-Hook asked whether Mr Webber considered the nursery to be primarily a day care facility, or an educational one. Mr Webber replied that two qualified teachers were employed and were teaching the children the foundation curriculum, and therefore he would consider that the nursery was primarily an educational facility.

Councillor Bairstow asked whether Mr Webber would consider moving the location of the shed. Mr Webber confirmed that he would. Councillor Bairstow further asked how the shed could be built without ground disturbance when water provision and drainage would be required for the intended washing machine. Mr Webber replied that there was a limited amount of digging required to reach a waste pipe and all services were within one metre of the location.

Councillor Virginia von Celsing, as Ward Member, raised the following points:

- The nursery was originally a small building which was located on a site that had seen a gradual increase in the structures built on it. Councillor von Celsing believed that the log cabin structure had been built without planning permission, which had been applied for retrospectively;
- Access to the site was via a narrow, weak bridge, and she did not believe that the site was appropriate for a nursery;
- Councillor von Celsing considered that if the site was no longer suitable for the applicant, then the nursery should be relocated to an alternative site.

Councillor Cole stated her agreement that the continued development of the site gave cause for concern, and whilst in isolation the application for the shed might be supported, Councillor Cole was not able to support a further increase on the site.

Councillor Beck agreed that the gradual expansion of the site had resulted in mismatched set of buildings with no visual appeal, and proposed that the Officer's recommendation to grant planning permission be refused for reasons of overdevelopment in an incongruent manner. Councillor Cole seconded the proposal.

Councillor Allen tabled a contrary view, considering that the application on its own merits would provide a useful storage facility for the nursery. Councillor Allen supported the application.

Councillor Bairstow considered that the site served its purpose well, and did not consider that a suggestion for the applicant to relocate the nursery gave adequate understanding



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to the financial impact of doing so. Councillor Bairstow recognised that the owner did not appear to have a good relationship with residents; however he suggested that re-siting the shed might be acceptable to neighbours. Councillor Bairstow went on to suggest that should the applicant wish to expand further in the future, then a real consideration should be given to moving elsewhere.

The Chairman asked the Committee to vote on the proposal made by Councillor Beck. At the vote, the proposal was rejected.

The Chairman proposed that the Officer's recommendation to grant planning permission be accepted. Councillor Allen seconded the proposal.

At the vote, the proposal was carried.

**RESOLVED** that the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions:

### **Conditions**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026) should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawings titled: Dimensions of Proposed Shed and Roof Plan of Proposed Shed; received on 12 December 2013, an amended Block Plan; received on 22 January 2014, the Parking Plan; received on 29 January 2014 and the Arboricultural Method Statement; received on 18 February 2014; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

3. The materials to be used in this development shall be as specified on the application form and the sample of steel from Capital Coated Steel Ltd, colour: LG S2704 olive green; received on 24 January 2014. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

### **Informatives:**

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website

The Chairman advised the Committee that Agenda Items 4(2) and 4(3) would be considered in reverse order as Officers had advised in the update report that should Agenda Item 4(3) be refused by the Committee, then Officers would need to revise their recommendation for Agenda Item 4(2) to one of refusal. As a consequence it would be sensible to consider Agenda item 4(3) first.

**47(2) Application No and Parish: 13/02581/COMIND - Greenham**

*(Councillors Tuck, Allen, Beck and Bairstow declared a personal interest in Agenda item 4(3) by virtue of the fact that they were members of Newbury Town Council who had previously considered the application, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(3) by virtue of the fact that he was a member of Newbury Town Council and Greenham Parish Council who had previously considered the application, but reported that he would view the application afresh on its own merit. He also reported that the agent for this application was also acting for Greenham Parish Council and he therefore had a professional connection. As his interest could be perceived to be prejudicial but was not a disclosable pecuniary interest he determined to take part in the debate but would not vote on the matter).*

*(Councillor Hunneman declared a personal interest in Agenda item 4(3) by virtue of the fact that he lived close to the Rugby Club site. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 13/02581/COMIND in respect of a proposed sports and leisure club, with indoor and outdoor swimming pool, with associated parking, access, and landscaping.

In accordance with the Council's Constitution, Mr Phil Barnet, Parish Council representative, Mr David Mundy and Mr Paul O'Connor, objectors, Mr Sean Bates, supporter, and Mr Steven Smallman, Mr Max Wildsmith and Mr Phil Taylor, applicants/agents, addressed the Committee on this application.

Councillor Hunneman requested clarity regarding the condition that the sports and leisure club be completed prior to the Greenacres site (Agenda Item 4(2)) being closed. Michael Butler replied that it was recognised that streamlining the availability of the two leisure centres would be desirable but that this could not be guaranteed due to their private ownership. However, talks had taken place with the developers and a condition had been suggested to request a maximum of one year between one leisure facility being demolished and the other opening. The NPPF required planning authorities not to place onerous requirements on developers but to give flexibility, and it was considered that this suggested condition was appropriate.

Councillor Beck commented that conditions had not been included relating to hours of work.

Mr Phil Barnet in addressing the Committee raised the following points:

- Newbury Town Council (NTC) Planning and Highways Committee had considered this application. Members had voiced mixed views but were, in general, unhappy with the re-siting of a popular sports facility and felt that the matter had not been handled well by the applicants and their agents;
- There was concern that the number of squash courts was being reduced from three to two and no proper viewing area was proposed. It was considered that this would

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imply to the wider population that squash was not sufficiently important to cater for it, and would limit the opportunities for national competitions to be held in Newbury;

- NTC could not understand the justification for an outdoor swimming pool;
- NTC were concerned about the effect of traffic on the surrounding area;
- When the Falkland surgery lost parking spaces, the Rugby Club offered use of its car park, NTC queried whether the new facility would continue this permission for patients to use the 180 planned parking spaces;
- NTC questioned whether the new facility would be viable, especially if there was a significant delay between one centre closing and this opening. Members of Greenacres might find alternative facilities.

Councillor Cole asked whether NTC supported the Newbury Vision, as the Vision had highlighted this area as a potential sports quarter for Newbury, and this application therefore helped to meet the aspirations of the Vision. Mr Barnet believed that NTC would have been supportive of the application if it had provided a like for like replacement, but it was not felt that this was the case.

Mr David Mundy and Mr Paul O'Connor in addressing the Committee raised the following points:

- Mr Mundy represented the Save Our Great Greenacre Institution (SOGGI) campaign and reported that the majority of members wished to keep Greenacres, as it was a community hub and a place to belong to;
- Mr Mundy listed a number of concerns with the new development, believing that: it did not represent a like for like replacement facility; the proposed layout was inadequate; there was not requirement for the transition between the old and new facilities to be seamless; no consultation had been undertaken with current members of Greenacres; the information provided was inaccurate; the application showed no commitment to Newbury as a centre of sporting excellence; there was no safeguarding for the employees currently working at Greenacres or for members who would need to locate an alternative facility during the interim period.
- Mr O'Connor was a representative of the Priory Group who owned the Cloisters, a 24 bed rehabilitation unit for West Berkshire residents with long term needs;
- Mr O'Connor explained that he did not object to the proposal in principle, but he was concerned for the effect on the wellbeing of residents of light and noise pollution from the new facility, and requested that the visual impact not be overlooked. Mr O'Connor considered that the effect of lighting should be checked with the possibility of restricting the hours of lighting.

Councillor von Celsing asked Mr Mundy to elaborate on the errors that he believed had been reported, as the new facility appeared to be an improvement on the old. Mr Mundy listed several areas where he believed errors had been made: A further 40 people were employed at Greenacres on a part time basis; the membership was in the region of 1800, not 1100 as stated; there were double the number of squash players to those stated; and no estimate of usage of either swimming pool or the squash courts had been provided.

Councillor Swift-Hook expressed his concern at the difference in the number of adult members reported, and asked whether Mr Mundy was able to explain the difference. Mr Mundy was not, and added that the numbers also did not include non-members who used the facilities at Greenacres.

Councillor Swift-Hook asked Mr Mundy to explain his statement that members of Greenacres had not been consulted. Mr Mundy understood that although national

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organisations had been consulted on the proposal, the members had not. He would have wished for members to be asked what they would like at the new site, and queried why an outdoor pool was being provided when he did not believe this was wanted by anyone.

Councillor Hunneman asked whether members of Greenacres would transfer to the new facility if there was no gap between its opening and the closure of Greenacres, and also what would members do if there was a gap. Mr Mundy replied that most members did want a new facility if it was a like for like replacement. He added that if there was a gap, members would be lost, and they would feel let down by the Council's Planning Officers.

Councillor Garth Simpson asked what the catchment area was for Greenacres. Mr Mundy believed that members lived within approximately a ten mile radius.

Councillor Bairstow asked how many national competitors were training or playing at Greenacres, and how many competitions were held there. Mr Mundy was able to identify four national competitors at adult and junior levels, and estimated that more than 50 competitions took place across a range of sports. Councillor Bairstow asked if these activities could take place at the new venue. Mr Mundy responded that they could not.

Councillor Cole asked Mr O'Connor what consideration was given to the Newbury Vision when the Cloisters was built, as the area had already been identified as a sporting location. Mr O'Connor was not able to comment as he had not been involved in that decision.

Councillor von Celsing asked Mr Mundy to expand on his opinion that the new facility would be inferior to Greenacres. Mr Mundy explained that whilst supportive of the idea of a new facility, he had expected that it would draw on the desire for a centre of excellence. He believed that without a 25 metre swimming pool, and with the arrangement of squash, badminton and tennis courts as they were, this facility could not be classed as a centre of excellence.

The Chairman considered the apparent effect of lighting on the Cloisters. Mr O'Connor informed the Committee that lighting would be seen from some bedrooms and from the patio area and suggested that lighting should not be used after 9pm. Michael Butler advised the Committee that he had acted as Case Officer for the Cloisters planning application and confirmed that the location near to sports facilities and the associated lighting had been made clear, and he had been informed that residents would be interested in activities taking place around the Cloisters site. Michael Butler added that should a subsequent application for flood lighting be received, this would be considered on its merits.

Mr Sean Bates in addressing the Committee raised the following points:

- Mr Bates was the director of Newbury Rugby Club, a not for profit venture, with members of all age ranges;
- Mr Bates explained that the club had been financially stretched for some time, having inherited a legacy debt. The proposed development would enable the club to clear these debts and would also offer an opportunity to grow the club and offer more sports on the site;
- Mr Bates considered that the proposal would provide a world class facility and found it regrettable that objections to it had arisen. The issues appeared to be in relation to whether the facility would provide a like for like replacement, but Mr Bates offered the view that the facility would be larger and offer a greater sporting opportunity. He commented that the new leisure centre had been designed to be a superior facility to Greenacres, but that it could not be designed by members of Greenacres as it needed a broader view.

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Councillor Bairstow asked how Mr Bates responded to the argument that the facility had omitted to include a 25 metre swimming pool, and that there was one fewer squash court than at Greenacres. Mr Bates responded that consultation had taken place at the Rugby Club, attended by many Greenacres members. Mr Bates believed that the developer had taken into consideration the comments made through consultation but were not able to include all wishes.

Councillor Swift-Hook asked how Mr Bates related the proposed development with the NPPF which required that any sports buildings should be replaced by the same quantity and quality of sports facilities. Mr Bates explained that he was not able to comment on the requirements of the NPPF, but in his position as ambassador for the Rugby Club he saw the proposal as an opportunity to serve the community with increased sporting opportunities.

Councillor Swift-Hook enquired about the Rugby Club's plans to increase its own sporting facilities. Mr Bates replied that the Rugby Club already catered for children, a new sixth pitch was to be constructed, and talks were underway with the relevant organisations to consider whether the pitches could be used for football or hockey.

Mr Steven Smallman in addressing the Committee raised the following points:

- Mr Smallman introduced Mr Taylor, the owner of Greenacres Leisure Club, and Mr Wildsmith, applicant. Mr Smallman was the agent for the development;
- Mr Smallman explained that the proposed leisure centre was linked to the second application for development on the Greenacres site, and that this included cost linkages;
- The Greenacres site was a brownfield site, suitable for redevelopment. As it currently housed a leisure centre, this was required to be replaced with a similar facility, or an assessment to demonstrate that the existing facilities were not required;
- The developments had been subject to considerable consultation including two public exhibitions, and the original plans had been amended as a result of the comments received;
- The new facility would be of greater quality than the existing facilities at Greenacres. Mr Smallman considered that the only element that had reduced was the number of squash courts, but that the two courts proposed were sufficient for the numbers of squash players currently at Greenacres, and would allow competitions to take place. The additional court was considered surplus to requirements;
- The new facility placed great emphasis on families and children having access to sport which was in line with Sport England's aim of increasing participation;
- The new facility additionally provided community benefits, including a cash injection to the Rugby Club;
- Mr Smallman recognised that some objections had arisen from existing members of Greenacres, but he considered that the facility would contribute to the wider infrastructure of Newbury.

Councillor Hunneman asked why two swimming pools were included in the plans, but neither would be 25 metres in length. Mr Wildsmith advised that this was a commercial decision based in part on the population, and the associated increase in staffing levels and the size of the building that would be required for a larger pool. Mr Wildsmith went on to inform the Committee that across the leisure centres that he was responsible for, at least half of adult swimmers would choose the outdoor pool in summer months, and it also provided greater flexibility for swimming lessons and other activities. The use of the

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outdoor pool was of sufficient significance to require outdoor pools to be fitted retrospectively at some locations.

Councillor Swift-Hook remarked on the projected membership numbers, commenting that although the total number of members was expected to increase substantially, there was no associated increase in squash players. Mr Wildsmith replied that the numbers of squash players had been calculated by considering those who would play on a regular basis and that there might be hundreds of casual players in addition. Mr Smallman added that a supply and demand exercise had been conducted by Sports Solutions which had concluded that there was an over provision of squash courts in Newbury. Mr Smallman stated that the developers were not anti-squash and further commented that Greenacres was not considered a centre of excellence for squash. Mr Wildsmith informed the Committee that the facility would provide sporting opportunities for over 1000 juniors and 3500 adults, from the provision of casual sporting activities to professional athletes training facilities. The organisation also provided sports scholarships. There was a desire to develop excellence in people, but also to meet Sports England's aim of 'sports for all'.

Councillor Garth Simpson asked how deep the swimming pools were. Mr Wildsmith replied that they were 1.6 metres deep for the full length of the pool.

Councillor Cole asked, in relation to the desire to provide 'sports for all', whether there would be an increase in membership fees, and whether Mr Wildsmith considered that this might disenfranchise current Greenacres members. Derek Carnegie advised that the cost of membership was not a planning consideration. Councillor Allen asked whether it would be necessary to be a member to use the facilities. Mr Wildsmith confirmed that this would be the case.

Councillor Allen went on to ask for greater detail regarding the consultation that had taken place. Mr Smallman responded that two public exhibitions had been held, one of which was designed specifically for the existing members of Greenacres, and commented that these exercises had influenced the design of the centre, for example the original design had not included any squash courts.

Councillor Hunneman asked whether it would be possible to ensure a seamless transition between the closure of Greenacres, and the opening of the new facility. Mr Smallman responded that a verbal agreement had been reached that Greenacres would remain open for one year from consent being granted for the new development. However this could not be guaranteed. It was hoped that there would be no more than a two month difference. Michael Butler provided further information, advising that the NPPF required that a degree of flexibility be afforded to developers and that unreasonable conditions should not be placed on them. For this reason, it was recommended that a one year difference be conditioned. It was hoped that the time difference would be shorter, but it was not possible to have full control over commercial operations.

Councillor Simpson asked whether the mini-rugby pitches had been a constraint in the positioning of the tennis courts in pairs. Mr Wildsmith replied that this had been the case, along with a desire to position the indoor courts as far from the surgery as possible.

*[9:00pm – The Committee was adjourned for a 5 minute break]*

Councillor Swift-Hook asked Planning Officers to clarify the linkage between this application and the application on the Greenacres site. Michael Butler advised the Committee that the two applications were to be considered individually and on their own merits and could be decided for or against Officer recommendations. However, if this application for a new sports and leisure centre was to be refused by the Committee, then Officers would amend their recommendation for the application on the Greenacres site to one of recommended refusal.

Speaking as Ward Member, Councillor Swift-Hook raised the following points:

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- Councillor Swift-Hook would be supportive of the application if he had considered that it provided a similar level of facility to that being lost;
- Given the imminent arrival of 4000 new residents in the area, the new facility would likely be well needed;
- If the sports centre wanted to be considered as a centre of excellence, it would be required to have improved facilities;
- The benefits being brought to the Rugby Club were welcomed;
- Councillor Swift-Hook was encouraged by the comments that every effort would be made to ensure the time gap between the old and new facilities would be kept to a minimum, but he remained concerned that the Committee were being asked to approve a time gap of one year, especially considering the additional time that Greenacres would need to be closed prior to it's being demolished;
- Concern remained that the number of squash courts was not being maintained;
- Councillor Swift-Hook expressed great concern that the development of this facility would be funded by the loss of 12 affordable housing units at the Greenacres site. He did not agree that it was appropriate to assist the funding of a commercial facility through public money (i.e. the loss of affordable housing)

The Chairman advised the Committee that the issue of affordable housing was not relevant to this application, but was relevant to the next application on the Greenacres site. Michael Butler commented that the Committee were being asked to consider whether permission would be granted for a leisure centre on this site. He clarified that it would be the implementation of the application that would link this to the Greenacres application, and it was within the applicant's rights to do this.

Councillor Swift-Hook requested that the s106 agreement heads be reviewed to remove the link to the other application. Michael Butler suggested that the first header note under the Full Recommendation on page 47 of the agenda pack, linking the two applications, be deleted, and that any linkage be considered only under the Greenacres application. The Committee agreed this amendment.

Councillor Cole asked whether the considerable contribution to Highways would be considered alongside the expected future works on Monks Lane to create an access point to the Sandleford site. Paul Goddard confirmed that the money was a contribution, not a requirement to undertake works, in the knowledge that the Sandleford application was expected. It was also confirmed that the Sandleford development Transport Assessment would be required to take account of any committed development, as was usual practice. Sandleford would then devise works that would accommodate both Sandleford and all committed developments. The contribution from this proposal would then contribute to any works devised.

Councillor Beck proposed that the Officer recommendation to grant planning permission be approved. Councillor Cole seconded the proposal. At the vote the proposal was carried. *Councillor Swift-Hook requested that his abstention from voting be recorded.*

**RESOLVED that** The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the first completion of the required s 106 planning obligation, whose heads of terms are set out below.

1 - The required funding for highway improvements, as noted in the agenda report.[£127,000]

2 - The implementation on an agreed timescale of the new rugby club sports field provision on site.

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If for any reason the required s 106 obligation is not completed by the end of 2014, the application, if expedient, be refused for the following reason.

“Notwithstanding the applicants willingness to do so, the required s106 obligation has not been entered into, which would mitigate the highways impact from the new sports centre, and provide a means of ensuring the implementation of the new centre, plus the new rugby club sports pitches as replacement facilities. Accordingly, the application is contrary to the advice in para 74 of the NPPF of 2012, policies CS5 and 13 in the West Berkshire Core Strategy 2006 to 2026, and the advice in Delivering Investment from Sustainable Development adopted June 2013. It is accordingly unacceptable”.

### **1. CONDITIONS**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2010.

2. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy ADPP2 of the West Berkshire Core Strategy 2006 to 2026.

4. The new sports centre building shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. 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;
  - a) Completion of the approved landscape scheme within the first planting season following completion of development.



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- 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.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

- 6. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy 2006 to 2026.

- 7. No development shall commence until the applicant has submitted full details of the fire hydrants to be provided on the application site. The approved scheme shall then be implemented as agreed.

Reason: To ensure public safety is protected, in accord with the advice in the NPPF of 2012.

- 8. No floodlighting or other form of external lighting scheme shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.

Reason: In the interests of visual amenity and/or highway safety. In accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

- 9. No development shall commence until full details of the following shall be submitted to the Local Planning Authority.

- a) Written details concerning any proposed air handling plant associated with the development including;

- (i) the proposed number and location of such plant as well as the manufacturer's information and specifications.
  - (ii) The acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.
  - (iii) The intended operating times.

- b) calculations showing the likely impact of noise from the development;

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- c) A scheme of works or such other steps as may be necessary to minimise the effects of noise from the development;

The development shall not commence until written approval of a scheme under the above has been given by the Local Planning Authority.

Reason: To ensure public amenity is respected, in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 [saved 2007].

10. No development shall commence until details of the method of discharge of water from the two swimming pools, and the method of intercepting fats, oil and grease, from the building and the car parks, have been submitted to, and approved in writing, by the Council. The development shall then be built out in strict accord with the details so approved.

Reason: To ensure no pollution of the local water system, in accord with the advice in the NPPF.

11. The mitigation measures described in paragraphs 6.3 - 6.22 of the Phase II Reptile and Phase II Bat Survey Report by PV Ecology and dated October 2013 will be implemented in full. No development shall commence on site until detailed Habitat Enhancement and Management, Landscape, and Construction Management Plans have been submitted to the Local Planning Authority for prior written approval. Before the first use of the Sports Centre hereby permitted, a report from a qualified ecologist will be submitted to the local planning authority which confirms that the approved mitigation measures have been implemented in full.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026.

12. No development shall take place until details of the proposed access(es) into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

13. The sports centre use shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- 7.30am to 6.00pm on Mondays to Fridays 7.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

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Reason: In the interests of the amenities of neighbouring occupiers. In accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

The following informatives should also be applied

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

### **47(3) Application No and Parish: 12/02884/FULEXT - Greenham**

*(Councillors Tuck, Allen, Beck and Bairstow declared a personal interest in Agenda item 4(2) by virtue of the fact that they were members of Newbury Town Council who had previously considered the application, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(2) by virtue of the fact that he was a member of Newbury Town Council and Greenham Parish Council who had previously considered the application, but reported that he would view the application afresh on its own merit. He also reported that the agent for this application was also acting for Greenham Parish Council and he therefore had a professional connection. As his interest could be perceived to be prejudicial but was not a disclosable pecuniary interest he determined to take part in the debate but would not vote on the matter).*

The Committee agreed that an objector to Agenda Item 4(2) be allowed to speak as he believed he had made it known that he wished to speak prior to the meeting, but had not been included on the list of speakers.

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 12/02884/FULEXT in respect of the redevelopment of existing sports facility, and erection of 40 dwellings, with associated parking, garages, access and landscaping.

In accordance with the Council's Constitution, Mr Phil Barnet, Parish Council representative, Mr David Mundy, objector, Mr Sean Bates, supporter, and Mr Steven Smallman, Mr Max Wildsmith and Mr Phil Taylor, applicants/agents, addressed the Committee on this application.

Mr Phil Barnet in addressing the Committee raised the following points:

- Whilst a development of 40 houses would be a benefit to families, Newbury Town Council (NTC) remained concerned that there would be no affordable housing provided;
- The parking provision of two cars per dwelling appeared acceptable, however there was concern that this would result in a significant increase in car movements on Greenham Road;
- NTC were concerned about the effect of root disturbance on surrounding trees during the construction on the site.

Mr David Mundy in addressing the Committee raised the following points:

- The provision of a further 40 dwellings was a positive action, but Mr Mundy believed that it would disenfranchise the 1800 members of Greenacres, in particular senior citizens who considered the centre a community hub;
- Mr Mundy was also concerned that no affordable housing was being proposed.

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- The Chairman requested confirmation that Mr Mundy would want a short gap between the availability of the two leisure facilities. Mr Mundy requested a seamless transition.

Mr Sean Bates advised the Committee that he no longer wished to speak in relation to this application as he had raised all relevant points during the previous application.

Mr Steven Smallman in addressing the Committee raised the following points:

- In Mr Smallman's opinion, this application, and that for Monks Lane were inextricably linked as the development of one would provide the finance for the other.
- Liz Patient advised Mr Smallman that the application for Monks Lane had already been decided, and it would be the approval of this application, on the Greenacres site, that would cause a link to be established between the two sites. Liz Patient went on to advise the Committee and the applicant that the Committee were only concerned with planning issues. The financial connection to the new sports facility was only relevant to the extent that it impacted on the viability assessment relating to the provision of affordable housing on this site at Greenacres. The funding of the new sports facility without planning permission for the housing on this site was a matter of commercial viability.
- Michael Butler clarified that Officers had made their recommendation on the basis of there being no affordable housing on the site.
- Mr Smallman suggested that the discussion should therefore consider whether it was appropriate that no affordable housing provision had been made. He commented that a viability assessment had shown that the scheme could not sustain affordable housing, and stated that an otherwise sound development should not be prevented by planning obligations.
- Councillor Cole commented that it was unfortunate that the Committee had not had sight of the viability assessment. Councillor Cole appreciated the confidentiality of such information, but suggested that, as affordable housing was a flagship policy for the Council, Members should be apprised of all the facts, in order to make a fully considered decision. Councillor Swift-Hook recalled occasions when viability assessments had been disclosed. Mr Smallman explained that there were two methods for undertaking the assessment; an academic approach which used standardised figures, but was less accurate. The preferred method was to use actual costs, but this would necessarily be confidential.
- Councillor Hunneman suggested that a smaller number of affordable houses be provided if the full 40% was not viable. Mr Smallman responded that no affordable housing would be viable.
- Speaking as Ward Member, Councillor Swift-Hook raised the following points:
  - The development appeared to be satisfactory in relation to density, types and styles of housing, and for parking spaces;
  - There remained concerns regarding the loss of the Greenacres leisure centre, but Councillor Swift-Hook appreciated that this application had now been decided;
  - To approve this application would change the allowable use of the land, and Councillor Swift-Hook had not been persuaded that the closure of Greenacres would be beneficial;
  - The location of some of the proposed dwellings would overlook existing houses in Night Owls. These dwellings should be realigned to avoid excessive impact;

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- The greatest concern was the lack of affordable housing provision. This was the second development within the Greenham area in a relatively short time where affordable housing had been forgone. Councillor Swift-Hook suggested that an alternative arrangement be considered to ensure affordable housing was provided, perhaps by following the example of the Parkway development and utilising the off site affordable housing pot;
- *[10:00pm - The Committee agreed to continue the meeting and conclude by 10:30pm]*
- Councillor Swift-Hook suggested that a legal agreement be put in place linking the two applications to ensure that Greenacres would not be demolished until the Monks Lane site was complete.
- Michael Butler assured the Committee that the separation distances between houses had been checked and complied with the minimum distance.
- Michael Butler advised the Committee that should they wish to consider the provision of affordable housing through alternative means, this would almost certainly require the application to be deferred. Should affordable housing be a requirement, a new application would be required to be submitted to take into account the positioning of the affordable plots.
- Derek Carnegie responded to Councillor Swift-Hook's final point by commenting that this approach would advocate the refusal of applications where viability assessments had shown that affordable housing could not be supported. He advised that it was likely that the Planning Inspector would consider appeals to these decisions on a wider package of information, and the numerous benefits would likely result in the Planning Inspector accepting an appeal.
- Councillor Cole agreed that the lack of affordable housing was an issue, and was concerned that a sound decision could not be made when significant information relating to the viability assessment was not available. Additionally, Councillor Cole asked whether it was right that the debts held by the Rugby Club should be cleared at the expense of the provision of affordable homes. Councillor Cole considered that the application should be deferred.
- Councillor Hunneman agreed that affordable housing was paramount and that information relating to viability should be made available.
- Councillor Jeff Beck proposed that the Officer's recommendation to grant planning permission be accepted. The Chairman seconded the proposal.
- At the vote the proposal was lost. *Councillor Swift-Hook abstained from the vote.*
- The Chairman asked whether viability information could be viewed as a Part II – confidential – item. Officers were not able to answer this.
- Councillor Cole proposed that the application be deferred until investigation work had taken place to establish how viability information could be shared with the Committee. Councillor Allen seconded the proposal.
- At the vote the proposal was carried. *Councillor Swift-Hook abstained from the vote.*

**RESOLVED** that the application be deferred in order to allow Officers to obtain further information relating to viability.

### 48. Appeal Decisions relating to Western Area Planning Committee

Members noted the outcome of appeal decisions relating to the Western Area.

**49. Site Visit Arrangements**

The Committee agreed that future site visits would be held on Thursday mornings at 8am during British Summer Time and at 9am during Greenwich Mean Time.

*(The meeting commenced at 6.30 pm and closed at 10.15 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Proposal, Location and Applicant
(1)	13/03164/OUTD Hungerford Town Council.	Outline application for construction of two new dwellings and garages. Matters to be considered: Access. Meadow Rear Of Cottages 1 and 2 The Lamb Inn, Charnham Street, Hungerford. Mr Nigel Thornton, Charnham Meadow Limited

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/03164/OUTD>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission.

**Ward Member(s):** Cllr P Hewer and Cllr J Podger

**Reason for Committee Determination:** At the request of Cllr Podger - the land is outside the current settlement boundary, however it is not land which can be seen or accessed by residents and there would in my view be no impact whatever by granting the permission.

**Committee Site Visit:** 3rd April 2014.

## Contact Officer Details

**Name:** Mrs Isabel Johnson  
**Job Title:** Senior Planning Officer.  
**Tel No:** (01635) 519111  
**E-mail Address:** [ijohnson@westberks.gov.uk](mailto:ijohnson@westberks.gov.uk)

## 1. Site History

12/00491/FULD (adjacent site) Erect two new 2 bedroom cottages within redundant car park to The Lamb Inn together with integral garages and a driveway for one car and each with a private garden. Approved 5.03.12

## 2. Publicity of Application

Site Notice Expired: 17.02.14

## 3. Consultations and Representations

**Hungerford Town Council:**

Object. Due to it being outside the settlement boundary.

**Highways:**

Two issues that could lend these outline proposals unviable:

1. Suitability of Charnham Meadow for adoption and the issue of waste collections; and
  2. Availability of a turning head.
1. The limited width of Charnham Meadow and the lack of potential for any widening will ensure the road remains private. Most new developments where the number of 'frontages' exceeds five would normally require the road serving the frontages to be built to an adoptable standard. However, occasionally this standard cannot be achieved due to existing physical constraints, which is the situation we have with Charnham Meadow. On these rare occasions where the number of proposed dwellings is minimal and is unlikely to have a significant impact on the highway access, a recommendation for refusal for highway adoption reasons is unlikely to be upheld at an appeal. Furthermore, I have discussed the refuse truck requirements with our Waste Team and am led to believe on this occasion the lack of adoption, scale of development and associated bin carry distances are not significant enough to justify a recommendation for refusal.
  2. During my site visit earlier this year I observed two vehicles parked in the area identified as a 'turning head' (refer to 'Access Plan' / 'Site Plan'). Should the development proceed, this situation would compromise the turning head and could prevent large vehicles such as home delivery lorries and a fire tender from turning by the proposed cottages. Consequently, vehicles could be compelled to reverse out of Charnham Meadow and on to the A4 which could be a hazardous manoeuvre. As I noted previously, I would not have confidence a planning condition would ensure the area is kept available for turning. However, from reviewing the layout further, there appears sufficient area immediately to the south of the turning head where additional land could be dedicated for turning and for this reason I do not believe a recommendation for refusal on the grounds of highway safety can be fully justified. Condition recommended.



<b>Thames Water</b>	<p>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</p> <p>Water Comments On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.</p>
<b>Waste Management</b>	<p>As Charnham Meadow continues to be extended into the fields at the rear of the Lamb, the distance from the proposed new properties to the public highway at Charnham Street becomes greater for residents to present their wheeled bins and recycling receptacles for collection and the number of bins to be accommodated at the collection point at Faulknor Square increases. In addition to the distance involved, the gravel unmade track causes problems for the safe manoeuvring of wheeled bins by residents. The distance and road surface can preclude the provision of an assisted collection of bins and receptacles should this be requested by elderly or disabled residents.</p> <p>The distance to the collection point for these proposed new properties is in excess of 100 metres, which is far in excess of the 30 metres recommended maximum in the Manual for Streets. Refuse collection vehicles are unable to access the private road to collect from the properties directly.</p> <p>There is no requirement for bin stores to be constructed for individual properties and indeed the provision of bin stores can falsely imply that collection will take place from the store rather than the public highway.</p>
<b>S106 Contributions</b>	<p>Highways: £6,600, Libraries: £614, Adult Social Care: £1,458, Waste Management: £112, Public Open Space: £2,354, Education: £10,325</p>
<b>Ecology Officer</b>	<p>This application is in a Local Wildlife Site (SU36P01 - Denford Farm) and no information has been supplied assessing the value of this meadow. However, this site was designated mainly as a large bird site with associated wetlands. This particular part of the site has not been assessed as having habitat value (although the habitat around this meadow to the SW and SE has been mapped as UKBAP Fen and Reedbed habitat) and its loss to the larger bird site is unlikely to be significant. Therefore no objections to this application.</p>
<b>Natural England</b>	<p>Natural England has previously commented on this proposal and made comments to the authority in our letter dated 7 October 2013.</p> <p>The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.</p>

**Natural England Cont.**

Previous response:

**Statutory nature conservation sites – no objection**

This application is in close proximity to the River Kennet and Kennet & Lambourn Floodplain Sites of Special Scientific Interest (SSSI). These SSSIs form part of the Kennet & Lambourn Special Area of Conservation (SAC). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Kennet & Lambourn SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an appropriate assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the River Kennet and Kennet & Lambourn SSSIs have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

**Protected Species**

The application form for this proposal indicates that there is no reasonable likelihood of: protected and priority species being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site.

**Public Protection.**

No comments

**Conservation  
Officer**

Concerns over the impact on the setting of the Conservation Area. The scheme is considered contrary to the NPPF and Policy CS14 and CS19 of the CS, which require new developments to respect the character of the surrounding area. Additionally, the application would be contrary to Policy CS18 of the CS which seeks to protect and enhance the district's green infrastructure.

**Archaeology Officer**

The application to build two new houses is of some archaeological interest. As per the previous comments associated with Application 13/02332/OUTD, although the plot falls outside the historic core of the town of Hungerford, it lies at the confluence of the Rivers Kennet and Dun. The Kennet valley in particular is well known for its Mesolithic archaeology. The land appears to be former water meadows but it is possible that archaeological remains of earlier periods of use may exist. This could include environmental material, e.g. waterlogged deposits. No objections subject to condition re archaeological watching brief.

**Hungerford Town and Manor**

1. The area being considered for development is prone to flooding from the River Kennet. The Environment Agency website shows that the area concerned is an area where the Environment Agency issues flood warnings. It is not advisable to build on such land. By virtue of the fact that the land is known as a "meadow" and is adjacent to the river indicates the likelihood of it being a flood meadow not unlike Harvey's Meadow along the A4 which the Town & Manor also own, which floods quite regularly. We do not agree with the Principal Ecologist for West Berkshire Council that "the loss of the meadow to the larger bird site is unlikely to be significant". We believe that there is value in this local meadow and charge you to undertake an assessment of the Fen and Reedbed habitat that exists in this area before you grant planning permission. We would be prepared to provide further information and assistance in this regard, if you wish.
2. The site is part of a Special Area of Conservation. Under the NPPF the Local Planning Authority has the responsibility to ensure that development in a SAC makes a positive contribution towards the existing heritage assets of an area. The introduction of a new development in this natural riverside/meadow setting seriously harms the Conservation Area status and thus fails to preserve the current setting. This is contrary to the NPPF and West Berkshire Council's Core Strategy.
3. The application site is adjacent to a SSSI i.e. the River Kennet and the Kennet and Lambourn Floodplain Site, which is part of the SAC mentioned above. We are concerned that during the construction process the river will become polluted from storm water running off the building site. Furthermore, once the properties are constructed there is a risk of pollution to the River Kennet from storm/rain water run off mixing with pollutants e.g. oil/salt used by the householders. Soak ways constructed on site may well leak/leech pollutants into the ground and these will disperse into the river.

**Planning Policy**

Overall objection. Contrary to Policy.

**Correspondence:**

3 letters of representation received. Concerned with:

- Development outside settlement boundary would erode special character of area.
- Overlooking from new dwellings
- Inappropriate development outside settlement
- Drainage issues
- Environmental issues: balance of biodiversity and destruction of meadow.

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

4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- NPPF Policy
- 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 11: Hierarchy of Centres
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

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

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development
- OVS5: Environmental Nuisance and Pollution Control

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Document "Quality Design" (adopted June 2006).
- National Planning Practice Guidance (Draft)
- Hungerford Town 2010+ Plan and Hungerford Town Plan Refresh 2013

#### **5. Description of Development**

5.1 Outline consent is sought for the development of an open meadow area with two dwellings with garages. An indicative plan is included showing the layout of the dwellings, garden area and new gravel access to 'No.4'. The principle of the development is sought, together with access to the site. All other matters remain as 'Reserved Matters'.

5.2 The proposal site lies adjacent to the settlement boundary of Hungerford and Hungerford Conservation Area and within the North Wessex Downs AONB. The site has established hedging on three sides and part of the site lies adjacent to the rear boundaries of dwellings fronting Charnham Street. To the south and east of the site is open countryside land following the line of the Kennet and Avon Canal, the route of the River Dunn and a variety of drainage streams. This area is noted for its ecological importance and contribution to the biodiversity and environmental qualities of the locality.

5.3 Access to the site from the A4, Charnham Street is from an existing arrangement, leading to a gravelled track now serving two new cottages. Part of the scheme shows the introduction of a new access to serve the proposed dwelling on the south end of the site.

## **6. Consideration of the Proposal**

The main issues to consider are:-

- 6.1 The principle of the development
- 6.2 The impact on the character and appearance of the Conservation Area
- 6.3 Impact on the NWDAONB
- 6.4 Impact on neighbouring amenity
- 6.5 Highway Matters
- 6.6 Other Matters

### **6.1 Principle of Development**

- 6.1.1 This outline application seeks to establish the principle of housing development on a site outside the settlement boundary of Hungerford. Planning Policy has responded as below.
- 6.1.2 Two of the core planning principles of the National Planning Policy Framework (NPPF) at paragraph 17 are to proactively drive and support sustainable economic development to deliver homes and encourage the effective use of land that has been previously developed. The recent written Ministerial Statement on Local Planning also stresses the importance of bringing brownfield land back into use. Whilst the proposal would deliver some additional housing, the site is greenfield land.
- 6.1.3 To boost the supply of housing, the NPPF at paragraph 47 requires Local Planning Authorities to identify and update annually a specific supply of deliverable sites sufficient to provide five years worth of housing against their requirements with a 5% buffer. The Council's five year housing land supply at December 2013 demonstrates that there is a 5.64 years supply.
- 6.1.4 Local policy (Core Strategy policy ADPP1: Spatial Strategy, ADPP5: North Wessex Downs AONB and CS1: delivering new homes and retaining the housing stock) seeks to locate most development within or adjacent to settlements that are included in the defined settlement hierarchy. This is also echoed in Saved Local Plan policy HSG.1. New homes will primarily be developed on suitable previously developed land within settlement boundaries (these must be within rural service centres and service villages should a site fall within the AONB) other suitable land within settlement boundaries, strategic sites and broad locations identified in the Core Strategy, and land allocated for sites within subsequent DPDs.
- 6.1.5 Whilst adjacent to the settlement boundary of Hungerford, because the application site is outside the settlement boundary, and therefore in the countryside, it is contrary to policy in this regard.
- 6.1.6 Site allocations will take place through initial assessment in the council's Strategic Housing Land Availability Assessment (SHLAA), then allocation in the Site Allocation and Delivery (SAD) DPD (Development Proposal Document), which is currently being progressed. The review of settlement boundaries will be included in the forthcoming SAD DPD (estimated adoption Sept. 2016). Within the Council's 2013 update to the SHLAA, the proposal site was submitted (reference HUN021) and assessed as being potentially developable.
- 6.1.7 Therefore, the principle of new dwellings on this site is considered contrary to the NPPF as well as Policies ADPP1, ADPP5, CS14 and CS19 of the Core Strategy and Local Plan Policy HSG1.

## **6.2 The impact on the character and appearance of the Conservation Area**

- 6.2.1 The meadow area of the site which would accommodate the built form part of this proposal lies outside but adjacent to the Hungerford Conservation Area, the boundary of which 'wraps around' the site. The access route to the site is within the Conservation Area boundary.
- 6.2.2 The Conservation Officer has raised concerns as below:
- 6.2.3 The character of this natural riverside meadow makes an important contribution to the setting of the Conservation Area. The town's character owes much to the mix of buildings and open spaces, and the soft boundary between the town and its rural surroundings. Paragraph 137 of the NPPF states that 'Local Planning Authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance'. It goes on to state that 'proposals that preserve those elements of the setting that make a positive contribution to or better preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'. This is echoed in Policy CS19 of the CS which states that particular regard will be had to the enhancement of heritage assets and their settings.
- 6.2.4 The introduction of urban form in this natural riverside meadow would seriously harm the setting of the Conservation Area, thus failing to preserve an important element of the setting of the conservation area contrary to the NPPF and Policy CS14 and CS19 of the CS, which require new developments to respect the character of the surrounding area. Additionally, the application would be contrary to Policy CS18 of the CS which seeks to protect and enhance the district's green infrastructure.

## **6.3 Impact on the North Wessex Downs AONB**

- 6.3.1 Matters of appearance, landscaping, layout and scale have been reserved for future consideration. However, the principle of the introduction of such a development into this site would significantly alter the character of the site to an urban extension of Hungerford, poorly related in scale and layout to the developments within the immediate locality. This part of the town currently provides a soft edge to the settlement and the site provides a rural environment closely identifiable with the nearby riverside and overall rural nature of the area rather than a new housing development.
- 6.3.2 For these reasons the proposed development would unacceptably harm the character and appearance of the immediate locality and wider area, having particular regard to the location of the site within the North Wessex Downs Area of Outstanding Natural Beauty. As a result there would be a conflict with ADPP 5, policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (CS), the SPG, the Quality Design – West Berkshire Supplementary Planning Document (SPD) and the National Planning Policy Framework (NPPF).

## **6.4 The impact on neighbouring amenity**

- 6.4.1 Concerns have been made by local residents over the impact on residential amenity. The illustrative layout shows a suggested positioning of the dwellings and access. The proposed built forms would be situated approximately 2 metres at the closest point to No. 2 Charnham Meadow and the garage and store in the rear garden of one of the dwellings fronting Charnham Street. The new gravel drive specifically would introduce an urban form into the current rural setting with associated vehicle movements and noise from the gravel surface. Overall, it is not considered that the dwellings would give rise to sufficient impact on the amenities currently enjoyed by local residents to justify a separate reason for refusal.

- 6.4.2 However, the principle of the proposal introduces new development into a Greenfield site which is secluded and rural in character. The cumulative impact of this, together with the recently developed site of the former Lamb Inn is not considered to conserve or enhance the local distinctiveness of the area and local amenities.
- 6.4.3 The application is therefore considered to result in a cumulative detrimental impact on the amenities of neighbouring properties and the locality in accordance with the National Planning Policy Framework as well as Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document – Quality Design.

## **6.5 Highways Matters**

- 6.5.1. Highways have provided a conclusion which cannot justify a reason for refusal on highway safety as some amendments could be achieved to improve the turning head and access surface if required. Amendments have not been sought at this stage as there are other considerations which warrant a recommendation for refusal.
- 6.5.2 However, concerns remain that the scheme, if permitted would introduce an unsatisfactory relationship with the surrounding area in terms of general access, vehicle movements and potential conflict between vehicles and pedestrians using the access route.
- 6.5.3 Overall, the fact that there is not a specific highway safety reason for refusal is no basis for allowing inappropriate development that would have a harmful impact on the character and appearance of the area as previously detailed.

## **6.6 Other Matters**

### **Developer Contributions**

- 6.6.1 Developer contributions are sought to mitigate the impact of the development on local infrastructure and services and are detailed above. The applicant has indicated that an appropriate legal agreement to secure these contributions would be acceptable. These have not been sought at this stage.

### **National Planning Policy Framework**

- 6.6.3 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location but would adversely impact upon the environmental and social sustainability of the area for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have not been found acceptable the development is not considered to constitute sustainable development in accordance with the NPPF.

### **Ecology**

- 6.6.4 The Ecology Officer and Natural England have raised no formal objection to the scheme as the site has not been formally assessed. However, local concerns have been raised with regard to the ecological and intrinsic wildlife value of the site and this has formed part of the overall consideration of the scheme.

## 7. Conclusion

- 7.1 One of the merits of the scheme put forward by the applicant is to support sustainable development and that the site is only just outside the settlement boundary. However, this has to be assessed against the potential impacts on the character and appearance of the area, in this case its proximity to the Hungerford Conservation Area and location within the North Wessex Downs AONB.
- 7.2 As detailed above there are clear, in principle Planning Policy objections to the proposal. In addition to this, additional concerns are the cumulative impact of the introduction of new built forms in this location, the further urbanising effect on the character of the area and the possible concerns over access and waste collection in the future.
- 7.3 Area Delivery Plan Policy 5 and policies CS14 and CS19 of the CS set out, amongst other things, the need for new development to be of a high quality design which conserves and enhances local distinctiveness and respects the character and appearance of an area, including the landscape character of an area. ADPP 5 emphasises this point in relation to sites located in the North Wessex Downs AONB. The SPG and SPD reiterate similar aims with particular regard to residential development. Paragraph 17 of the Framework states that planning should take account of the character of different areas.
- 7.4 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that there are insufficient merits of the scheme which could override the clear principle objections to the proposal for two new dwellings outside the settlement boundary of Hungerford. Therefore the development proposed is considered to be unacceptable and a recommendation for refusal is justifiable for the following reasons.

## 8. Full Recommendation

- 8.1 To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission for the following reasons:

### 8.2 Reasons for Refusal

#### 1. Impact on NWDAONB

The proposed dwellings and residential use of the application site is considered to harm the intrinsic rural character and appearance of the area and is not considered to conserve the landscape or scenic beauty of the AONB as required in paragraph 15 of the NPPF. The illustrative plans indicate standard two storey dwellings which have the potential to introduce dominant forms in an area of small scale development. Elements such as bin stores, garages and any garden paraphernalia would further urbanise the existing rural appearance of the site. Moreover the layout of the proposed dwellings with an additional gravel drive is considered to introduce a new development out of character with the area.

As such the proposal is considered to harm the character of the area contrary to the NPPF as well as Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.

#### 2. Impact on character of the Conservation Area

The introduction of urban form in this natural riverside meadow would seriously harm the setting of the Conservation Area, thus failing to preserve an important element of the setting of the conservation area contrary to the NPPF and Policy CS14 and CS19 of the West Berkshire Core



Strategy 2006-2026, which require new developments to respect the character of the surrounding area. Additionally, the application would be contrary to Policy CS18 of the Core Strategy which seeks to protect and enhance the district's green infrastructure.

### 3. Contrary to Policy

The application site lies outside of the settlement boundary, as defined within Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. As such the application site is considered to be located in an unsustainable location contrary to the Government's guidance within the National Planning Policy Framework. Furthermore, the principle of new development outside any settlement boundary is unacceptable.

As such the proposal conflicts with guidance contained within the National Planning Policy Framework 2012, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.

### 4. Developer Contributions

The application fails to secure an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Council's adopted Supplementary Planning Document: Delivering Investment from Sustainable Development.

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Meadow rear of Cottages 1 and 2 The Lamb Inn, Charnham Street,

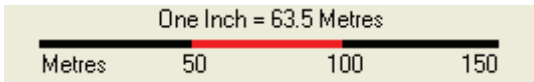


Map Centre Coordinates : 434077.03 , 168868.15

Scale : 1:2500

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	26 March 2014
SLA Number	100015913

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**WESTERN AREA PLANNING COMMITTEE  
ON 9 APRIL 2014**

**UPDATE REPORT**

**Item No:** (1)      **Application No:** 13/03164/OUTD      **Page No.** 19 - 32

**Site:** Meadow rear of cottages 1 and 2 The Lamb Inn, Charnham Street, Hungerford

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**Planning Officer Presenting:** Isabel Johnson

**Member Presenting:**

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**Parish Representative speaking:** Councillor Roger Thompson

**Objector(s) speaking:** Mr Chris Scorey – Town and Manor of Hungerford

**Support(s) speaking:** N/A

**Applicant/Agent speaking:** Mr Chris Strang

**Ward Member(s):** Cllr Paul Hewer  
Cllr James Podger

**Update Information:**

No update information.

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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Proposal, Location and Applicant
(2)	13/03234/FUL Chieveley Parish Council	Creation of a new secondary access to serve outbuilding. Carbrook, Curridge Road, Curridge, RG18 9EB. Mark Talbot

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/03234/FUL>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to conditions.

**Ward Member(s):** Cllr H Cole

**Reason for Committee Determination:** At the request of Cllr Cole

**Committee Site Visit:** 3<sup>rd</sup> April 2014.

## Contact Officer Details

**Name:** Mrs Sue Etheridge  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519111  
**E-mail Address:** setheridge@westberks.gov.uk

## 1. Site History

05/01019/HOUSE Gymnasium/Summer House approved 27<sup>th</sup> June 2005 – implemented  
09/00060/HOUSE Detached outbuilding for garaging and garden machinery with attic storage above approved 9<sup>th</sup> March 2003 – amended by 09/01549/HOUSE  
09/01549/HOUSE Amended proposal for a detached outbuilding to provide garaging with garden machinery and home office above with dormer windows. (Previous scheme approved 09/00060/HOUSE). Approved 25<sup>th</sup> September 2009. Lapsed see 13/02848 below.  
13/00612/HOUSE Detached outbuilding comprising machinery and tractor store with home office above. Approved 9<sup>th</sup> May 2013. Under construction.  
13/02848/HOUSE Erection of detached outbuilding to provide garaging for classic car collection with attic storage above. Approved 2<sup>nd</sup> September 2013. Not implemented yet.

## 2. Publicity of Application

Site Notice Expired: 29<sup>th</sup> January 2014.  
Neighbour Notification Expired 23<sup>rd</sup> January 2014.

## 3. Consultations and Representations

### **Chieveley Parish Council:**

Objection. This is a retrospective application for a new access already in use. In order for it to be created some fencing and part of an established hedgerow in a rural country lane was removed. Road safety concerns have been raised as the access way is in a narrow lane and on a sharp bend. It is used by pedestrians, horse riders and cyclists. The Parish Council have concerns whether good sight lines can be achieved and request that this is checked on site, not just off the plan provided. There is a regular flooding issue in this location so drainage needs to be considered fully by the Planning Authority and the materials used in order to limit the impact on the lane's surface water drainage in this location. The Parish Council referred to the approved planning application 13/00612/HOUSE where a field access way to the adjoining field was shown on the plans as the access for the machinery and tractor store.



- Highways:** No objection raised. Condition regarding set back of gates and visibility splays.
- Further detailed comments requested following recent highway concerns received by the Case Officer.
- Speed limit in this location 30mph. Given nature of the road and the siting of two bends in relative close proximity to each other, vehicle speeds would be below the 30 mph limit. The level of vehicle movements generated from this secondary access, serving a building associated with an existing dwelling is likely to be low. Forward visibility when heading toward the East is restricted and caution would need to be exercised when turning right into the site. However the nature of the road, existing speed limit and two bends will result in slower vehicle speeds and reduce the stopping distance required, enabling a driver approaching from the West time to stop if a vehicle is waiting to turn right into the access.
- Visibility splays should be 2.4m x 43m. These can be provided. Given the nature of the road in this location where vehicle speeds are slower, due to the bends, a splay below 43m could be accepted.
- No objection on highway safety grounds.
- Tree Officer:** No objection. The access is already in existence and any damage to trees has already been carried out.
- Damage has also occurred to the existing hedgerow and the required visibility splay may result in further hedgerow removal. I would suggest that the remaining hedgerow is replanted / bulked up on the Eastern side of the access to retain privacy and the rural nature of the area. Landscape condition suggested.
- Representations:** Five letters of representation plus one duplicate. Main concerns highway safety due to bends and vehicle speeds. Need for additional access (which has been constructed) and concern over future use of building under construction. Urbanisation of area. Concern regarding blocked drains and flooding in area.

#### 4. Policy Considerations

- 4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:
- NPPF Policy
  - Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 5: North Wessex Downs AONB
  - CS 13: Transport
  - CS 14: Design Principles
  - CS 19: Historic Environment and Landscape Character
- 4.2 Other material considerations for this application which includes government guidance are:
- The National Planning Policy Framework (March 2012) (NPPF).
  - Circular 11/95 - The use of conditions in planning permissions.

## **5. Description of Development**

- 5.1 Planning Permission is sought for the creation of a new vehicular access (retrospective) with gates and boundary fencing at Carbrook, Curridge Road, Curridge. The access has been constructed, without the benefit of planning permission. The proposed gates and fencing are not in place. During consideration of the application the proposed entrance and gates have been amended. The proposal is now for the creation of a single vehicular access with new timber gates 2 metres high and new 2 metre high close boarded fencing connected to the existing boundary fencing. Visibility splays of 2 x 43 metres are proposed. Brick piers originally proposed have been removed from the scheme.
- 5.2 The secondary access is to serve a new outbuilding comprising a machinery and tractor store with home office above. Approved in May 2013 and currently under construction (13/00612).
- 5.3 The dwelling, Carbrook, occupies a corner plot with the North-eastern and North-western boundaries formed with Curridge Road. The new access is located in the eastern corner of the site, adjacent to the new outbuilding currently under construction (13/00612). The site is located in a rural area, outside any identified settlement within the North Wessex Downs AONB.
- 5.4 The existing main access to the dwelling, to the north will remain.

## **6. Consideration of the Proposal**

The main issues to consider are:-

- 6.1 The principle of the development
- 6.2 The impact on highway safety
- 6.3 The impact on the character of the area
- 6.4 Other Matters

### **6.1 The principle of development**

- 6.1.1 The proposal is to create a secondary access for an existing dwelling house specifically to provide access to a recently approved outbuilding. The site is located outside of any identified settlement, in an area which is characterised by open farmland to the South and West and residential dwellings of various ages and styles lying primarily to the Northeast. The principle of providing a new access to serve an existing dwelling house within the countryside would be acceptable subject to policy considerations below. There are no specific policies which limit the number of accesses serving a private dwelling, although as this is a classified road, highway safety is a material planning consideration.

### **6.2 The impact on highway safety**

- 6.2.1 The proposal (part retrospective) would create a new access into a residential curtilage from Curridge Road. The access is located on the inner side of a bend on this narrow country lane. The speed limit here is 30 mph and due to two bends close together vehicle speeds are below this. The Highway Officer has considered the proposal and the impact on highway safety. Given the nature of the use (to serve the new ancillary outbuilding) and existing access, retained, to serve the main dwelling it is considered that the traffic movements serving the outbuilding would be quite low. The slow vehicle speeds influenced by bends in the road would mean that there is sufficient space/time to stop when vehicles are turning right into the site. The proposal provides visibility splays of 2m x 43m. These splays will necessitate the removal of some sparse hedgerow (some already

removed), the impact of the removal of hedgerow on the character of the area is considered below.

- 6.2.2 The new access will also have timber gates and a new close boarded fence connected to the existing close boarded fence. The gates will be set 6 metres back from the carriageway, with surfacing formed by semi permeable block paving. The new section of fence will be located outside of the required sightlines. The fence is similar to existing fencing which forms the boundary to the site where it fronts Curridge Road.
- 6.2.3 It is noted that local concern has been expressed regarding safety and need. The Highway officer has visited the site, and whilst at the time the road was flooded, has concluded that the road layout/ conditions are such that highway safety for the use proposed would not be compromised. Consideration to need is given below.

### **6.3 The impact on the character of the area.**

- 6.3.1 The new access is created on the inside of an existing bend in the road. The boundary was previously formed by a sparse hedge with 2 metre high close boarded fence behind. This 2 metre high fence still forms the main boundary treatment from the new access and around the Northern road boundary to Carbrook. There is a substantial conifer hedge behind the fence and a small narrow verge to the front. To the South and East the boundary treatment is more typical of this rural location with post and rail fencing and native hedging.
- 6.3.2 The new access would be visible when approaching from either direction as the original boundary treatment has been removed. The new gates will be set well back (6 metres) from the highway. Their height of 2 metres and of timber construction is considered acceptable in this rural location. Whilst the close boarded fencing is quite harsh and considered urban in its appearance, a similar fence exists and so the continuation of this fence is considered on balance acceptable.
- 6.3.3 The Tree Officer has raised no objection to the proposal. He has requested that due to the removal of trees and hedging to facilitate the new access new hedge planting should be provided against the fence and outside of the required sight lines. This will help to soften the new access and fence when viewed from the road. A suitably worded condition could be attached.
- 6.3.4 It is not considered that this new access would significantly detract from the rural character of this road nor be more visually intrusive to the wider landscape area within the AONB. The appearance of the close boarded fence will be softened with the required landscaping suggested above.

### **6.4 Other matters**

- 6.4.1 Local concern has been expressed regarding the need for the access, future use of the outbuilding and flooding caused by the existing bank and blocked drains.
- 6.4.2 The applicant has stated that the new access is required to provide access to the approved outbuilding rather than using the main access to the dwelling or an existing field access. The outbuilding is set at a slightly lower level than the main dwelling and existing access. Vehicular access to the building was originally envisaged across the lawn of Carbrook or via a field access, through an agricultural field/ paddock within the applicant's control off Curridge Road to the East. This new access immediately off Curridge Road would be better placed for the outbuilding which otherwise would require new access tracks and changes in levels involving engineering works to gain vehicular access.
- 6.4.3 The future use of this outbuilding is not for consideration as part of the current proposal. It is noted that the outbuilding was approved (13/00612) with a number of conditions

including restricting its use incidental to the main dwelling and not to be used for commercial purposes or as a separate dwelling unit. These conditions remain in place. Whilst a new access may make it easier for the creation of a separate planning unit, policy restrictions regarding new dwellings/ uses in the countryside and the existing limiting conditions would need to be taken into account should such an application be submitted.

- 6.4.4 There is a surface water flooding issue on this part of Curridge Road. The Drainage Officers are aware of the situation and investigating ways to mitigate the flooding. Letters received in connection with this current application indicate that the flooding issue is caused by blocked drains in the locality. Whilst the new access should not increase the risk of surface water flooding appropriate sustainable drainage method should be secured to ensure that the existing situation is not made worse. Conditions to ensure that the surface of the access is permeable (not semi permeable as stated on the submitted plan) and any raising of levels, resulting from spoil displacement is controlled are therefore suggested. Longer term solutions to address surface water flooding issues on this corner could be considered outside of this application.

## **6.5 National Planning Policy Framework**

- 6.5.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is to provide a secondary access for an existing dwelling and ancillary building. The new access with associated gates and new fencing would not adversely impact upon the environmental and social sustainability for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have been found acceptable the development is considered to constitute sustainable development in accordance with the NPPF.

## **7. Conclusion**

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, although the considerations are balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable.
- 7.2 The new access would not result in an increased impact on highway safety given the road layout and conditions. The new access and gates/ fence are appropriate to this rural locality and the fencing and loss of hedgerow can be mitigated against by securing an acceptable landscaping scheme of native species outside the required sightlines. The sightline requirement will not result in a large area of hedgerow removal.
- 7.3 The existing surface water flooding issues on this part of Curridge Road should not be made any worse by the proposal. Suitably worded conditions are suggested to ensure that the surfacing is permeable and raising of levels is controlled.
- 7.3 The application is considered to be in conformity with National and Local Planning Policies.

## **8. Full Recommendation**

- 8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions.

## 8.2 Schedule of conditions

### Time limit

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

### Approved plans

2. The development hereby approved shall be carried out in accordance with drawings (title/ numbers) Location Plan 1204:01A, Block Plan 1204:20 B and Elevations 1204:21 As received with the application validated on 16th December 2013 and amended by plans contained in the e-mail dated 5<sup>th</sup> February 2014 from the agent.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

### Landscaping scheme

3. No development or other operations shall commence on site until a detailed scheme of landscaping for the site (boundary hedging outside of sight lines) is submitted to and approved in writing by the Local Planning Authority. 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;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

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.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policies CS 14 and CS 18 of the West Berkshire Core Strategy 2006-2026.

### Visibility splays

4. The access shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

## **Set back of gates**

5. Any gates to be provided at the new access (as shown on the approved plan) where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 6 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

## **SuDS**

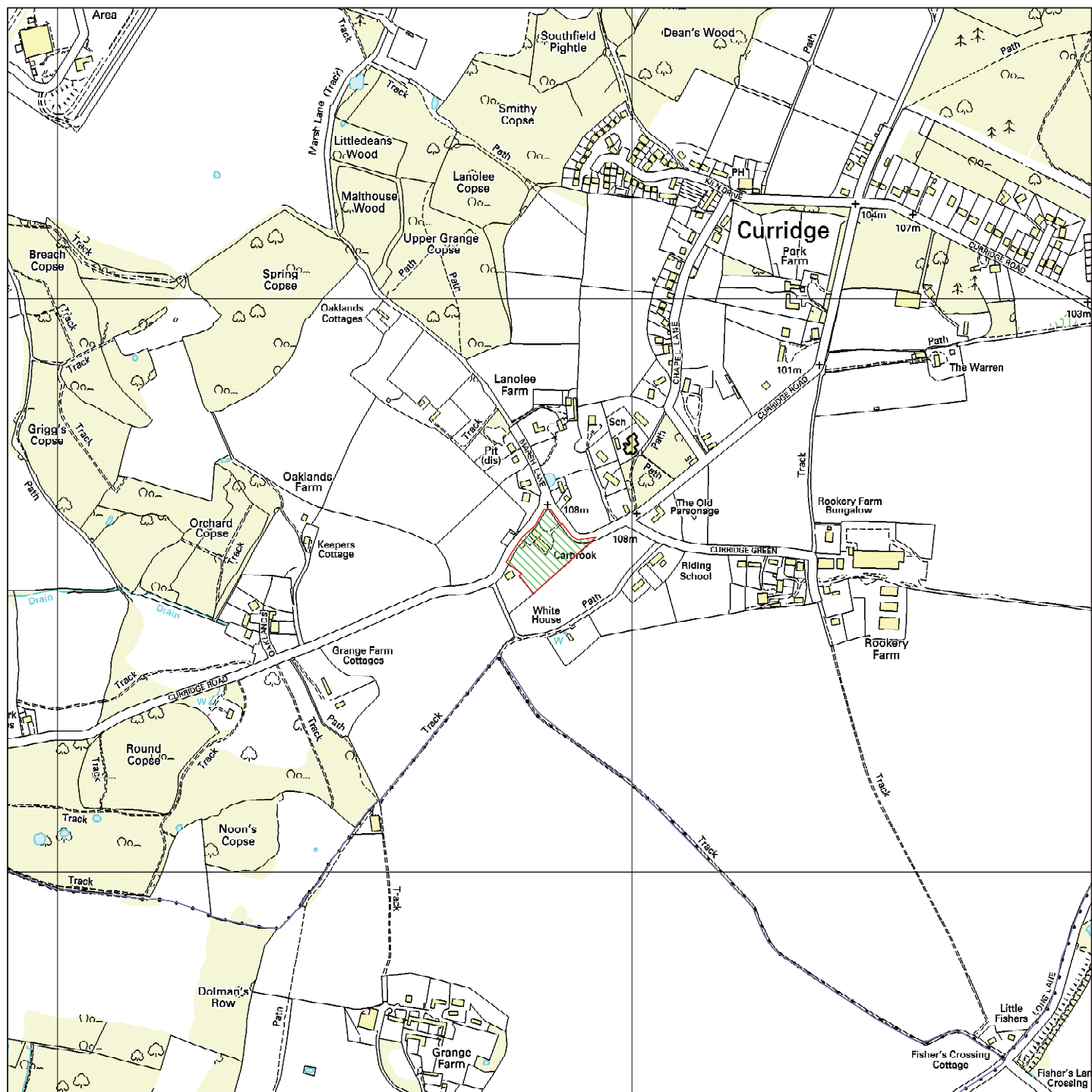
6. Within 2 months of the date of this decision there shall be submitted to the local planning authority for its written approval a scheme of surface water drainage incorporating sustainable drainage principles, to deal with the disposal of rainwater from the development. The scheme of surface water drainage shall be implemented in accordance with the approved details within 2 months of it being approved in writing by the local planning authority. The approved method of surface water disposal shall be retained thereafter. This shall include the provision of permeable paving at the access and the control of raising of any ground levels/verge levels at the site.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

## **Informatives**

Standard informatives including those relating to access construction, damage to the carriageway, footways, cycleways and verges.

DC

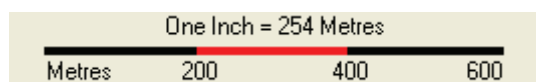


Map Centre Coordinates : 448858.60 , 171558.58

Scale : 1:10000

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	26 March 2014
SLA Number	100015913

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**WESTERN AREA PLANNING COMMITTEE  
ON 9 APRIL 2014**

**UPDATE REPORT**

**Item No:** (2)      **Application No:** 13/03234/FUL      **Page No.** 33 - 42

**Site:** Carbrook, Curridge Road, Curridge RG18 9EB

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**Planning Officer Presenting:** Derek Carnegie

**Member Presenting:**

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**Parish Representative speaking:** Mr Rob Crispin  
Councillor Wood

**Objector(s) speaking:** N/A

**Support(s) speaking:** N/A

**Applicant/Agent speaking:** Mr Chris Strang

**Ward Member(s):** Councillor Hilary Cole

**Update Information:**

Correction page 34 - Site History application 13/02848 should read 13/01532.

The Highways Officer had added:-

The speed limit on the road fronting the site is 30 mph, however from observations made it is highly likely that vehicles speeds are less than 30 mph, especially for vehicles travelling east.

The sight lines for vehicles leaving the site are 2.4 x 43.0 metres, which according the UK governments *Manual for Streets* (MfS) is suitable for 30 mph. The sight lines are therefore in excess of requirements.

The forward visibility for vehicles turning right into the site was recently measured at 31.0 metres. This according to MfS is suitable for vehicles travelling in the opposite direction at 24 mph. The extent of forward visibility is therefore advised to be appropriate.

No further update information.

DC

# Agenda Item 4.(3)

Item No.	Application No. and Parish	Proposal, Location and Applicant
(3)	14/00101/FULD Newbury Town Council	Erection of 3 two storey three bedroom houses with attached garages. Land At Wallis Gardens, Adjoining West Berks Bowls Club, Pyle Hill, Newbury, RG14 7SW West Berks Bowls Association Ltd

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/00101/FULD>

## Recommendation Summary:

To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8) and the completion of a Section 106 legal agreement within two months of the date of Committee.

OR

If the s106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure, where expedient.

## Ward Member(s):

Cllr B Drummond and Cllr J Swift-Hook

## Reason for Committee Determination:

At the request of Cllr J Swift-Hook

## Committee Site Visit:

3<sup>rd</sup> April 2014

## Contact Officer Details

<b>Name:</b>	Mrs Sue Etheridge
<b>Job Title:</b>	Senior Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	setheridge@westberks.gov.uk

## 1. Site History

No recent relevant planning history relating to this site. It is noted that the existing 13 dwellings which currently form Wallis Gardens were constructed following planning permission 03/01990/FULMAJ

## 2. Publicity of Application

Site Notice Expired: 26<sup>th</sup> February 2014  
Neighbour Notification Expiry 25<sup>th</sup> February 2014

## 3. Consultations and Representations

<b>Newbury Town Council:</b>	Objection/comment: Concern raised at narrow width of road, additional cars will increase the problem of access and turning; waste vehicles already have problems accessing the road; concern at overlooking of existing properties and possible overlooking of school playing field. If the development were to proceed, a £3,531 S106 contribution is requested towards the medium term plans to improve nearby open spaces / playgrounds on the nearby Nightingales estate.
<b>Highways:</b>	No objection. Concern that garages may not be used for parking of vehicles. Could be removed/ replaced with car ports. Noted that in the past residents in Wallis Gardens have parked on road causing problems for delivery/ waste collection vehicles. Revisions requested to secure visibility splays by removing piers/ railings either side of accesses; remove hard standing area shown for bin stores to avoid visibility being hampered. Cycle storage sheds are sufficient size for two cycles per dwelling. Conditions suggested.
<b>Thames Water</b>	No objection. Comments regarding surface water drainage and water pressure. No objections regarding sewerage infrastructure capacity and water supply.
<b>Waste Management</b>	No concerns with regard to the collection and storage of refuse and recycling from the proposed new properties. However, there have been problems in the past gaining access to Wallis Gardens due to vehicles parking on the bend in the road and narrowing the access. Whilst this does appear to have been resolved following contact with the residents in March 2013, it is possible that three additional properties may exacerbate the problem.
<b>Environmental Health:</b>	<p>Please note that there is no requirement for a hard-standing bin storage point to be provided for individual properties.</p> <p>Site lies on a former landfill site and is within 40m of Pinchington Lane Land Fill site. The site is currently being used in a commercial setting however the proposal is to change this to a more sensitive land use which could possibly open new contamination pathways to potential residents.</p> <p>Residential properties already exist in the locality therefore disturbance could be caused by the proposed construction activities.</p> <p>Full contaminated land condition and hours of work during construction conditions requested.</p>

<b>Tree Officer:</b>	<p>No objection. There are no trees on site to be impacted.</p> <p>The site is sandwiched between existing development and the Bowls Club and shuttered by close board fencing, therefore a significant , carefully considered Landscaping scheme, including long lived small to medium sized trees and hedging will be required to screen the development and break up it's outline in the urban setting.</p> <p>Landscaping scheme requested.</p>
<b>Ecology:</b>	<p>Two areas of concern.</p> <p>If the developer altered the position of the gully grids in relation to the position of the kerbs, when putting in the required drop kerbs. There is currently a 3cm berm at the base of the kerbs to prevent Great Crested Newts from falling into the gully pots and getting trapped. This berm must be retained.</p> <p>The grassland should be carefully checked by an ecologist for GCNs immediately prior to works starting on site, and animals found should be released next to the pond to the north of this site.</p> <p>Suitably worded conditions could be attached</p>
<b>Newbury Society:</b>	<p>The Society supports the objections raised by present residents of Wallis Gardens to this proposal to build three further houses on land owned by the Indoor Bowls Club. It would create a blind corner at the 90-degree bend in Wallis Gardens which, given that the width of the road is the legal minimum of about 4.25 metres, would be dangerous. We understand that the estate was originally built on the understanding that there would be a clear field of view across this corner, which the proposed houses would obstruct.</p> <p>We also support the objections to a rear access to the gardens of the proposed houses, which will result in parking in the one area available in the road as a turning circle.</p> <p>A resident has suggested to us that the application would compromise the present emergency exit from the rear of the Bowls Club, a point which you may care to look into.</p> <p>In the event that the application is approved, the materials and design of the houses should be consistent with the 13 present dwellings.</p>
<b>Developer</b>	Education: £15,487.66
<b>Contributions:</b>	Highways: £9,900
	Public Open Space: £3,531
	Libraries: £921
	Adult Social Care: £2187
	Waste Services: £168.80
<b>Correspondence:</b>	<p>Six letters of representation received. Main concerns relate to existing road layout with sharp 90 degree turn and difficulties for refuse collection, emergency vehicles and lack of parking/ visitor parking. The proposal will exacerbate the situation and also affect clear visibility. Orientation which will overlook The Willows School and other properties. Loss of outlook. Conflict of rear accesses with existing car parking spaces. Lack of detail relating to boundary treatments and landscaping. Lack of local engagement prior to submission.</p>

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

- 4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and forms the Local development Plan. The following policies carry significant weight in the decision making process:

- National Planning Policy Framework
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 1 Delivering New Homes and Retaining the Housing Stock
- CS 4 Housing Type and Mix
- CS 5 Infrastructure Requirements and Delivery
- CS 13 Transport
- CS 14 Design Principles
- CS 15 Sustainable Construction and Energy Efficiency
- CS 16 Flooding
- CS 17 Biodiversity and Geodiversity

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

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- Circular 11/95 - The use of conditions in planning permissions.
- Delivering Investment from Sustainable Development SPD June 2013
- Supplementary Planning Document "Quality Design" (adopted June 2006).
- Newbury Town Design Statement

## **5. Description of Development**

5.1 The application site lies within the identified settlement of Newbury, on land which forms an area of unused grassland to the West of West Berkshire Bowls Club. Access to the site is off Greenham Road (Pyle Hill). This access serves the Bowls Club and 13 existing dwellings in Wallis Gardens. Land immediately to the east contains the Bowls Club and associated car parking, to the north-west is the Willows Primary School, existing housing lies to the west and south. Further to the south is open land which includes a habitat for great crested newts. The site is surrounded on three sides by a brick and metal railing wall, comprising 1000mm wall, 1980mm piers with 900mm railing between. The site is open to the Bowls Club on the eastern side.

5.2 The application seeks planning permission for the erection of three two storey detached dwellings, each with three bedrooms. The submitted layout is for one link detached dwelling and a pair of semi detached dwellings each with a garage and single storey element providing a study to the side. The appearance, eaves and ridge height will be similar to existing dwellings in Wallis Gardens, with materials to blend in with existing. The dwellings are orientated northwest-southeast with rear gardens to the southeast. Dropped kerbs on the northern boundary would provide individual vehicular access to each dwelling and their two car parking spaces (one within the garage). Each dwelling would also have a pedestrian access into the rear garden to the south-east. The existing brick and metal railing wall is to be retained with a new close boarded fence forming the new boundary with the Bowls Club.

- 5.3 Each dwelling would have a rear garden area of approximately 75 sqm and the fronts would be set back from the pavement by 5 metres (closest point of single storey projecting bay). The rear of each dwelling would be 23 metres from the front of Nos. 11, 12 and 13 Wallis Gardens. The fronts would be 12 metres from the boundary with the school, which is formed by a metal fence and over 60 metres from the main school buildings with school grounds and play areas between. During consideration of the application, the proposed dwelling on the south-west side has been handed. This allows a gap of 10 metres from front of the existing dwellings (3 and 4 Wallis Gardens) to the proposed single storey garage and 12.5 metres to the flank wall. Proposed hard standing areas for bin stores in the front gardens have also been removed.

## **6. Consideration of the Proposal**

The main issues to consider are:-

- 6.1 The principle of the development
- 6.2 The impact on the character of the area
- 6.3 Impact on neighbouring properties and residential amenity
- 6.4 Impact on highway safety and parking
- 6.5 Developer contributions
- 6.6 Other Matters

### **6.1 Principle of development**

- 6.1.1 The site lies within the identified settlement of Newbury and forms part of the land owned by West Berkshire Bowls Club. The land is not in use by the Bowls Club and currently not landscaped. Development for new dwellings within sustainable locations is normally supported subject to other material planning considerations which are considered below. The majority of development will take place on previously developed land and other suitable land within settlement boundaries. Development of this site would, in principle, be in accordance with advice set out in Policies ADPP1, CS1 and CS 4 of the Core Strategy, Policy HSG 1 of the West Berkshire Local Plan saved policies 2007 and advice contained within the NPPF.

### **6.2 The impact on the character of the area**

- 6.2.1 The application site is currently undeveloped land within a cul-de-sac which comprises a Bowls Club fronting Pyle Hill and 13 two and three storey link detached, semi detached and terraced three bedroom dwellings at the western end of the cul-de-sac. The proposed dwellings will be of similar design, scale and density to the existing dwellings. The proposed appearance and size of the new dwellings and plot size would relate well to the character of the area.
- 6.2.2 The new dwellings would be orientated northwest-southeast on the site. This would mean that the rear of the dwellings would face the front of existing dwellings to the southeast. A rear to front spacing of 23 metres is proposed. The side elevation of the western-most dwelling would be 12.5 metres from the front of existing link detached dwellings, the single storey garage would be 2.5 metres closer. This relationship is considered acceptable in terms of the built character of the area.
- 6.2.3 During consideration of the application alternative orientation has been assessed. However the degree of separation would be compromised and a greater level of overlooking may result. The position of drive ways serving dwellings on both sides of the road could also affect the character of the area and highway safety (considered below).

- 6.2.4 The existing boundary to three sides of the site comprises a brick wall with metal railings above. This is to be retained, apart from sections of the wall to the front which must be removed/ lowered to provide visibility splays from proposed driveways. This wall around the site contributes to the character of the area. In order to ensure privacy within the rear gardens some of the existing railings should be replaced by close boarded fence panels. The north-eastern boundary to the Bowls Club is to be formed by 1.8 metre high close boarded fencing, whilst to the rear this would be acceptable a less harsh treatment should be secured to the front. Details of boundary treatments could be secured by condition.
- 6.2.5 There are no trees or landscaping on the site. This new development will provide the opportunity to secure a considered landscape scheme to soften the built form within the locality. A suitably worded condition could be attached.
- 6.2.6 It is considered that the proposed new dwellings will relate well to the existing built character of the area and would not demonstrably harm the visual character of the area. This would be in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026, advice contained within the NPPF and the Supplementary Planning Document "Quality Design" (adopted June 2006). It is suggested that Permitted Development Rights (PD Rights) in respect of extensions to the dwellings are removed, so that the plots do not become overdeveloped and result in harm to the character of the area. (PD Rights for the 13 existing dwellings were removed (03/ 01990).

### **6.3 The impact on neighbouring properties and residential amenity**

- 6.3.1 One of the core planning principles of the NPPF (paragraph 17) seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is further supported in the Council's SPD on Quality Design 'Part 2 Residential Development'.
- 6.3.2 The siting of the new dwellings will relate well to existing dwellings and other neighbouring uses. Distances between dwellings meet current guidelines (SPD Quality Design) (as discussed above). There would be no direct overlooking resulting in harm to residential amenity. It is suggested that permitted development rights allowing further windows at first floor and above be removed so that any potential for overlooking or perception of impact to privacy can be controlled.
- 6.3.3 It is noted that concern has been expressed regarding loss of outlook. Whilst this is unfortunate there is no right to a view. Within an urban situation development and new development which meets minimum space guidelines and is in character of the established built form is normally permissible.
- 6.3.4 Concern has been expressed regarding the potential for overlooking the school play area. The School has been notified of the application and no representation has been received. A 2 metre high metal fence forms the boundary to the school. The new dwellings would be 12 metres from this boundary and over 60 metres from the school buildings. It is not considered that amenity of the school or pupils would be unduly harmed.
- 6.3.5 The Environmental Health Officer has requested a condition limiting construction working hours due to the close proximity to existing dwellings. This can be secured by condition.
- 6.3.6 The application is therefore not considered to result in any significant detrimental impact on the amenities of neighbouring properties in accordance with the National Planning Policy Framework as well as Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document – Quality Design.



## **6.4 The impact on highway safety and parking**

- 6.4.1 The application has been reviewed by the Council's Highway Officer and Waste Services Officer. The application proposes two parking spaces per dwelling (one within each garage) and a cycle storage container in each rear garden. A rear pedestrian access to each dwelling is also shown. During consideration of the application the Highway Officer has requested the removal of the garages (to ensure sufficient parking), reduction in the height of the boundary wall to provide visibility splays and removal of bin storage area to front gardens. Amended plans have been received, although garages are to be retained.
- 6.4.2 The site layout meets current highway standards in terms of vehicle and cycle parking provision and visibility splays. Suitable conditions to retain parking/ garage use and visibility splays are suggested. Therefore there would be no adverse impact in terms of highway safety. The amended plans received now show a reduction of the height of the existing boundary wall at the corner to the point where it intersects the proposed garage. The removal of the existing wall will provide a greater level of forward visibility around this corner than existing.
- 6.4.3 Local residents have expressed concerns regarding access for refuse and emergency vehicles, visitor parking and conflict between users of parking to the rear of the proposed dwellings and existing parking spaces to the south-east of the application site.
- 6.4.4 The Waste Services Officer has confirmed that in the past there have been occasions where, due to inconsiderate parking on the highway, refuse vehicles have not been able to negotiate the 90 degree left turn to existing houses and the turning head. This has resulted in missed collections. It is not considered that this proposed development will exacerbate this situation providing vehicles are considerate in parking on collection day. The proposal provides in excess of the 1.5 spaces per dwelling currently required (West Berkshire standards) to meet off street parking requirements. It is noted that a letter was sent in March 2013 to the residents requesting no parking on the highway on collection day between 0700 and 1800 hours to avoid the possibility of missed collections.
- 6.4.5 The Highway Officer is satisfied that the proposal provides sufficient off street parking for residents and visitors. Whilst the new dropped kerbs to serve the new dwellings will mean that other visitors to Wallis Gardens may need to park on the street further away from the dwellings there are no parking restrictions on the highway. With regard to the rear access to the new dwellings, there is sufficient space for these accesses, which are shown through the existing boundary wall, to avoid conflict with users of the three parking spaces to the south-east. These rear accesses may also be used for exiting the premises with waste and recycling bins to be placed on the kerbside ready for collection. The Highway Officer raises no objection to the use of these accesses for this purpose.
- 6.4.6 Given the fact that the site occupies a corner plot, where it is acknowledged that road side parking occurs, the applicant should be requested for a Construction Management Plan. This would ensure construction traffic is managed and would avoid conflict with existing local residents. Access through the Bowls Club car park for construction traffic could be considered. A suitably worded condition is suggested.
- 6.4.7 The proposal is considered acceptable and would not introduce any significant concerns in respect of highway safety in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the WBDLP of the West Berkshire District Local Plan saved policies 2007.

## **6.5 Developer Contributions**

- 6.5.1 Developer contributions are sought to mitigate the impact of the development on local infrastructure and services and are detailed above. The applicant has indicated that an appropriate legal agreement to secure these contributions would be acceptable.
- 6.5.2 Subject to the Committee resolution the required contributions will be secured through a legal agreement.
- 6.5.3 This would be in compliance with policy CS 5 of the Core Strategy, advice contained within the NPPF and SPD Delivering Investment from Sustainable Development June 2013

## **6.6 Other Matters**

### **Contamination**

- 6.6.1 The Environmental Health Officer has advised that the site lies on a former landfill site and is within 40 metres of the Pinchington Lane land fill site. The change in use of this land from a commercial use (Bowls Club) to a more sensitive use could possibly open new contamination pathways to future residents. A full contaminated land condition is suggested.
- 6.6.2 It is noted that contamination mitigation measures were agreed as part of the 03/01990 permission. These have been implemented with gas vents located to the South of the site.

### **Ecology**

- 6.6.3 The Council's Ecologist has commented on the impact on Great Crested Newts, a protected species. Under the permission for the 13 existing dwellings mitigation measures were secured. These should not be compromised as a result of the current proposal. Conditions to ensure gully grids are not altered (There is currently a 3cm berm at the base of the kerbs to prevent Great Crested Newts from falling into the gully pots and getting trapped. This berm must be retained) and checking of the grassland immediately prior to the commencement of works on site for Newts and any found should be released next to the pond to the south of this site have been suggested. Any permission should include these conditions.
- 6.6.4 It is noted that mitigation measures were agreed as part of the 03/01990 permission. These included drop kerbs at each gully pot and the setting out of the gully pot by 1-2 inches; Habitat management along the strip of land to the south of the Bowls Club (use for GCNs in perpetuity), including the construction of the 2 ponds and 2 hibernacula. Monitoring of the newt population for 10 years from 1st occupation. These measures have been implemented.
- 6.6.5 The application of suitably worded conditions to continue mitigation measures and release of newts to the South would then be in compliance with development plan policies (CS17) and advice contained within the NPPF.

### **Sustainable Construction and Energy Efficiency**

- 6.6.6 Policy CS15 of the Core Strategy seeks to ensure that all new residential development should meet minimum standards of construction Code for Sustainable Homes level 4. The applicant has confirmed that this level will be met. A condition to secure this requirement ensuring compliance with the Core Strategy and advice contained within the NPPF could be attached.

## **Flooding**

- 6.6.6 The site does not fall into either Flood Zone 2 or 3. However as this would be a new building the requirements of policy CS16 surface water will need to be managed. An acceptable Sustainable Drainage Method could be secured by condition.

## **Bowls Club access**

- 6.6.7 Concern has been expressed regarding the existing emergency exit on the southwest (rear) elevation of the Bowls Club. The applicant has confirmed that a 1 metre wide tarmac path and gravel path around the building will remain to enable access to the Bowls Club car park.

## **National Planning Policy Framework**

- 6.6.8 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location and would not adversely impact upon the environmental and social sustainability for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have been found acceptable the development is considered to constitute sustainable development in accordance with the NPPF.

## **7. Conclusion**

- 7.1 Having taken account of all the relevant policies and the other material considerations referred to above, it is concluded that whilst balanced the proposed development is acceptable and a conditional approval is justifiable for the following reasons.
- 7.2 The site is located within an identified settlement. The proposed development respects the existing character of the area in terms of siting, scale and appearance. Residential amenity and that of neighbouring land uses would not be demonstrably harmed. There would be no conflict with highway safety. The applicant has agreed to enter into a legal agreement to mitigate the impact of the development on local services, infrastructure and amenity. Protected species will not be affected.
- 7.3 As such the application is considered to be in compliance with National and Local Planning Policies as well as Supplementary Planning Document "Quality Design" and the Newbury Town Design Statement.

## **8. Full Recommendation**

- 8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions and the completion of a Section 106 legal agreement within two months of the date of Committee:

### **8.2 Schedule of conditions**

#### **Time limit**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

### **Approved plans**

2. The development hereby approved shall be carried out in accordance with drawing title numbers Location Plan (V.07.14/06), Existing Site Survey (V.07.14/01), Site Layout and Roof Plan (V.07.14/04 rev B), Proposed Floor Plans and Elevations (V.07.14/03 rev B) and proposed sections (V.07.14/05 rev B) and Design and Access Statement received with the application validated on 20<sup>th</sup> January 2014 and where amended by e-mail dated 27<sup>th</sup> March.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

### **Samples of materials**

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Landscaping**

4. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. 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:
  - a) Completion of the approved landscape scheme within the first planting season following completion of development.
  - 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.

The landscaping shall be carried out in accordance with the approved scheme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Fencing and enclosures**

5. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in

writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority. This condition applies irrespective of the details submitted with the current application.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Hard surfaces**

6. No development shall commence on site until a scheme confirming any upgrade for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Construction method statement**

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
  - (a) The parking of vehicles of site operatives and visitors
  - (b) Loading and unloading of plant and materials
  - (c) Storage of plant and materials used in constructing the development
  - (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
  - (e) Wheel washing facilities
  - (f) Measures to control the emission of dust and dirt during construction
  - (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Visibility splays for private drives**

8. No dwelling shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the driveway/access and the adjacent footway. Dimensions shall be measured along the edge of the driveway/access and the back of the footway from their point of intersection. The visibility splays shall, thereafter, be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: To enable pedestrians to see emerging vehicles and to be seen by its driver. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

### **Access construction detail**

9. No development shall take place until details of the proposed access(es) to each dwelling have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be brought into use until the approved vehicular, pedestrian/cycle access and associated engineering operations have been constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the dwellings are first occupied and in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **Cycle parking**

10. No dwelling hereby permitted shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. In accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 – 2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Garages Retained for vehicle parking**

11. Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 1995, the garage on the site shall not be used for any purpose other than as garage accommodation, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage(s) is/are kept available for vehicle parking in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Contaminated land**

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### **a. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject

to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### **b. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **c. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### **d. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

**If required:**

**e. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years (to be agreed with the LPA), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy Cs 14 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF.

**Hours of work**

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

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

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**Ecology**

14. No development shall take place until full details of the proposed dropped kerbs and other accesses to the site including details of the storm water drainage system, including grilles, gully pots and kerbs, have been submitted to and approved in writing by the Local Planning Authority. The system shall ensure that the existing gully grids in relation to the kerb are not altered. The approved system shall subsequently be maintained in a condition to the satisfaction of the Local Planning Authority at all times.

Reason: In the interests of the great crested newt, a protected species and to ensure that existing mitigation measures are not adversely affected by this development. In accordance with Policy CS 17 of the West Berkshire Core Strategy 2006-2026 and advice set out in the NPPF.

15. Immediately before any development commences on site, the site comprising the grassland shall be carefully checked by an ecologist for Great Crested Newts. Any animals found shall be released next to the pond to the South of the site in the area edged blue on the approved location plan.

Reason: In the interests of the great crested newt, a protected species. In accordance with Policy CS 17 of the West Berkshire Core Strategy 2006-2026 and advice set out in the NPPF.



## **Sustainable Drainage**

16. No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. These details shall be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework, and the results of this assessment shall be provided to the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been provided in accordance with the approved details. Where a sustainable drainage system is to be provided, the submitted details shall:
- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - (b) include a timetable for its implementation.

Note: Any paved areas shall be formed of permeable paving.

Reason: The development must ensure that the design and locations of the SuDS provisions are adequate and maintainable and will provide adequate flood protection to this property and the surrounding area in accordance with National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026.

## **Code for Sustainable Homes**

17. The dwelling shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). The dwelling shall not be occupied until a final Code Certificate relevant to it, certifying that Code Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006).

## **No additions, extensions or alterations**

18. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwellings shall be built unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

19. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional window shall be inserted at first floor or above in any dwelling, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the potential overlooking of neighbouring properties and to safeguard the amenities of these neighbouring properties in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### 8.3 Informatives

This list does not contain all informatives which may be attached

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519803, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. 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.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. 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.
6. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.
7. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.
8. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
9. 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.

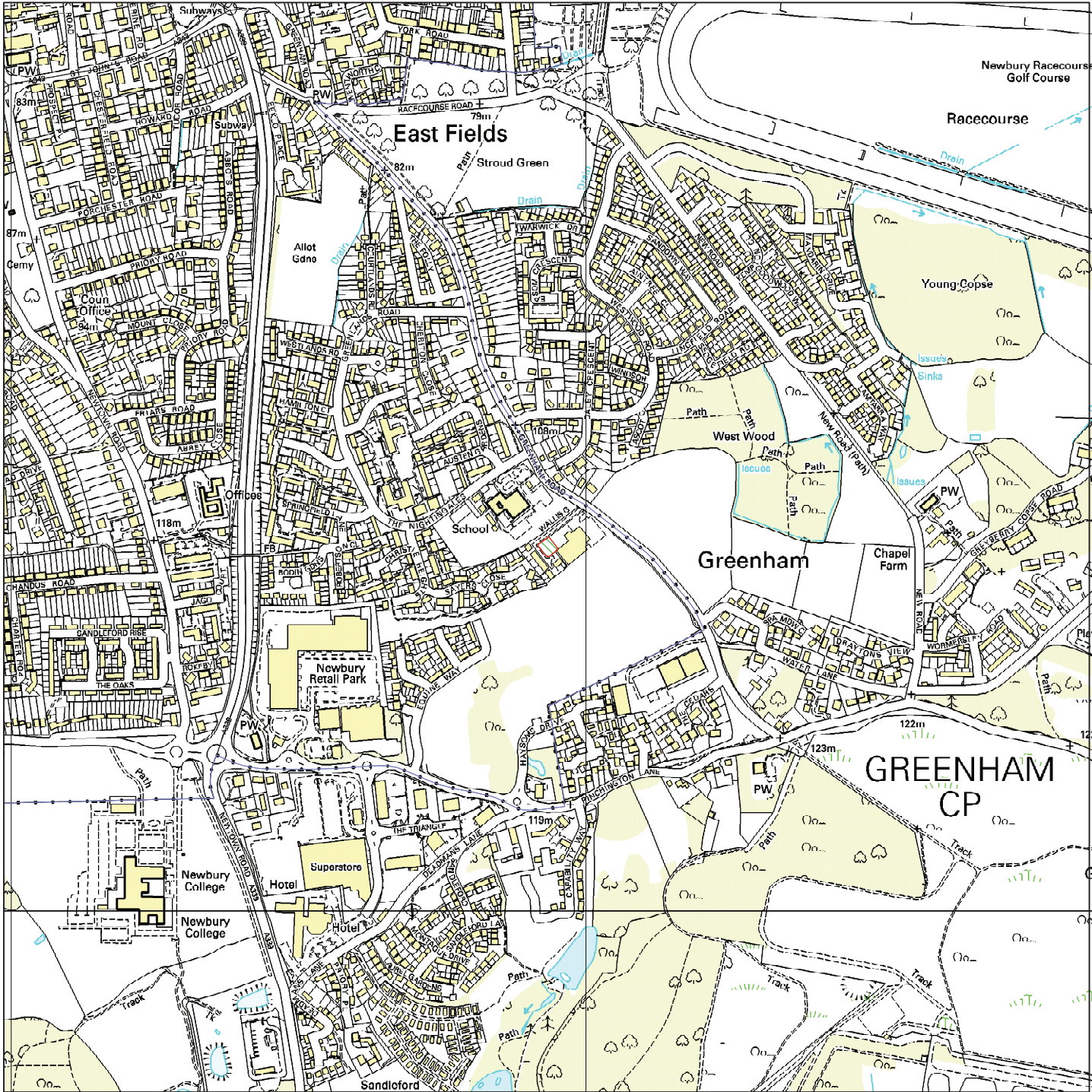
**OR**

- 8.4 If the legal agreement is not completed within two months of the date of Committee to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reason:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to the National Planning Policy Framework and Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPD Delivering Investment from Sustainable Development.

DC

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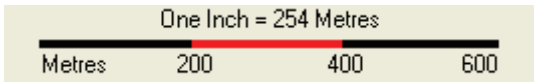


Map Centre Coordinates : 447933.67 , 165633.79

Scale : 1:10000

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	26 March 2014
SLA Number	100015913

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**WESTERN AREA PLANNING COMMITTEE  
ON 9 APRIL 2014**

**UPDATE REPORT**

**Item No:** (3)      **Application No:** 14/00101/FULD      **Page No.** 43 - 62

**Site:** Land at Wallis Gardens, Adjoining West Berkshire Bowls Club, Pyle Hill, Newbury RG14 7SW

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**Planning Officer Presenting:** Derek Carnegie

**Member Presenting:**

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**Parish Representative speaking:** N/A

**Objector(s) speaking:** Ms Debbie Kelly  
Ms Hannah Cooper  
Ms Ina Oakes  
Mr Terry South  
Mrs Denise South  
Mr Andy Gove  
Mrs Diane Hunt  
Mr Nigel Hunt

**Support(s) speaking:** N/A

**Applicant/Agent speaking:** Mr Brian Mursell

**Ward Member(s):** Councillors Billy Drummond and Julian Swift-Hook

**Update Information:**

The Highways Officer has added:-

The existing 13 houses within Wallis Gardens are provided with a total of 24 parking spaces including 9 garages, an average rate of 1.84 spaces per dwelling.

The proposed three dwellings will be provided with 6 parking spaces including 3 garages, an average rate of 2.0 spaces per dwelling.

Concern has been raised regarding forward visibility of the existing wall around the bend. Some forward visibility

is already possible however it will now be improved further by reducing the wall along the frontage and round the corner, when required, to a height of 0.6 metres.

No further update information.

DC



# Agenda Item 4.(4)

## APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
HAMPSTEAD NORREYS 13/02605  Pins Ref 2213507	Myrtle Cottage, Scottalls Lane, Hampstead Norreys Mr C Baker	Single storey extension	Delegated Refusal	Dismissed 26.3.14
NEWBURY 13/02951  Pins Ref 2214189	126 Andover Road, Newbury Mrs A Brooks	Garage and associated works	Delegated Refusal	Allowed 27.3.14

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13/02352 Pins Ref 2214189	126 Andover Road, Newbury, Berkshire, RG14 6NA	Garage and associated works	Delegated Refusal	Allowed 27.03.2014
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### **Procedural Matters**

The application description makes reference to the re-application of a previous planning application. However, the Inspector considered the proposal that was before him on its individual merits.

He also took into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching his decision.

### **Main Issue**

The main issue is the effect of the proposal on the character and appearance of the area.

### **Reasons**

The appeal site is located within the front garden of a large detached dwelling at 126 Andover Road. No. 126 forms a corner position within the street scene. The Supplementary Planning Document: Quality Design: Area Design Focus, Andover Road, Newbury (2006) (the SPD) identifies Andover Road as an important gateway and approach to Newbury. The SPD also sets out that the *'road and most pavements are wide, and there are many mature trees. Set well back from the road, the houses are of individual, high quality design, giving the Andover Road a great deal of style and charm'*.

The proposal would provide a single storey detached garage that would be approximately 5.5 metres wide and would have a depth of approximately 5.5 metres. The height from the ground to the pitched roof ridge would be approximately 2.9 metres. The external materials would match those of the host dwelling. Although the proposed garage would be located within close proximity to the front boundary of No. 126, he observed that the proposed garage even when taking into account the ground level change and its scale, would be largely screened from the street scene with a tall brick wall approximately 1.9 metre high and mature hedging projecting above the wall, which would be retained.

The Inspector acknowledged that the majority of the properties along this section of Andover Road have integral garages and that the dwellings and are set back from the public highway. However, the appellant has provided details of several other developments within close vicinity, most notably Nos. 133 - 135 and No. 101 Andover Road, which he observed on his site visit, whereby structures have been constructed forward of the general building line and are significantly more visible than the proposal when viewed from Andover Road. In addition, due to the siting of the proposed garage behind the tall boundary wall and mature vegetation, the key frontage and the spacious views from the street scene of the dwelling, which is set back from the road would be maintained. For these reasons, the Inspector considered that despite its prominent corner position, the proposal would not appear dominant or incongruous within the street scene. The proposal would therefore also conserve the 'garden suburb' character of the area, as identified by the SPD.

It was evident that No. 126 has a large front garden which could suitably accommodate the relatively modest detached garage. As such, he considered that the proposal would not result in the overdevelopment of the site.

In conclusion, the proposal would not result in the overdevelopment of the appeal site nor would it cause any harm to the character and appearance of the area. Therefore the proposal complies with: Policies CS14 Design Principles and CS19 Historic Environment and Landscape Character of the West Berkshire Core Strategy (2012); the West Berkshire Supplementary Planning Guidance: House Extensions (2004); the West Berkshire Supplementary Planning Document: Quality Design: Part 1 Achieving Quality Design (2006); the West Berkshire Supplementary Planning Document: Quality Design: Area Design Focus Andover Road, Newbury (2006); and the Newbury Town Design Statement.

#### *Conditions*

The Inspector considered the 6 conditions suggested by the Council against the tests set out within the National Planning Policy Framework and the advice provided by the Government's Planning Practice Guidance, issued on 6 March 2014 and have amended them where required. A condition is required in the interests of sound planning and for the avoidance of doubt, requiring the development to be carried out in accordance with the approved plans.

The Council has set out that the appellants Arboricultural report relates to a light weight wooded car shelter and therefore can not be fully relied upon. The Inspector concurred with the Council that in the interests of tree protection and to ensure the enhancement of the development by the retention of existing trees and natural features during the construction that conditions should be imposed that require: a scheme for the protection of existing trees to be provided; an arboricultural method statement; and the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring to be provided.

To ensure that surface water will be managed in a sustainable manner, a condition is necessary that requires a scheme of surface water drainage to be provided.

#### *Conclusion*

For the reasons set out above and considering all other matters raised, the Inspector concluded that the appeal should succeed.

#### **Decision**

The appeal is allowed and planning permission is granted for garage and associated works at 126 Andover Road, Newbury, Berkshire, RG14 6NA, in accordance with the terms of application Ref: 13/02951/HOUSE, dated 26 November 2013, subject to the conditions in the attached schedule.

DC

HAMPSTEAD NORREYS 13/02605 Pins Ref 2213507	Myrtle Cottage, Scottalls Lane, Hampstead Norreys Mr C Baker	Single storey extension	Delegated Refusal	Dismissed 26.3.14
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### **Procedural Matter**

The Inspector took into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching his decision.

### **Main Issues**

The effect of the proposed development on the character and appearance of the host dwelling and its surroundings, having particular regard to the location of the site within the North Wessex Downs Area of Outstanding Natural Beauty, and on the living conditions of the occupiers of Rose Cottage and Scottalls End, with particular reference to outlook.

### **Reasons**

#### *Character and appearance*

The appeal site is located at the end of Scottalls Lane on the edge of the village of Hampstead Norreys. The site and the other plots accessed off the lane consist of detached dwellings located in spacious grounds. The appeal property is separated from Scottalls Lane by a high fence along its front boundary. A footpath runs past the front of the site and into the fields situated to the east of it.

The proposed extension, whilst only being single storey, would be approximately 6.7 metres wide and it would project forward of the host dwelling. The Inspector accepted the principle of an extension at the site is acceptable. Furthermore, he noted the appellant's comments in respect of the design of the extension, the way it would relate to the host building and the materials proposed. However, given the size of the footprint of the proposed extension it would dominate the host building. The width of the extension and the way in which it would project forward of the host dwelling would have a particularly negative effect as consequently the extension would fail to relate to or respect the host dwelling. In addition the blank front elevation to the proposed extension would appear stark and would detract from the attractive front elevation of the host dwelling.

He accepted that the proposal would not be particularly visible from Scottalls Lane and there would be limited wider views of the proposal from the surrounding area including the footpath that runs into the fields to the east of the site. Furthermore, he noted the appellant's point regarding the overall percentage of the site that would be developed as a result of the proposal. Nevertheless, the fact that there would be limited views of the proposal, and the vast majority of the appeal site would remain undeveloped, is no basis for allowing inappropriate development that would have a harmful impact on character and appearance of the host dwelling and its surroundings.

In addition to the above, the Inspector noted the appellant's comments in respect of what the West Berkshire Council House Extensions Supplementary Planning Guidance (SPG) says about larger front extensions. However, he did not consider this to be relevant as what is proposed is a side extension. With regards to side extensions the SPG states that it is usually recommended that side extensions are set back from the main building by at least one metre.

For these reasons the proposed development would unacceptably harm the character and appearance of the host dwelling and its surroundings, having particular regard to the location of the site within the North Wessex Downs Area of Outstanding Natural Beauty. As a result there would be a conflict with Area Delivery Plan Policy 5, policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (CS), the SPG, the Quality Design – West Berkshire Supplementary Planning Document (SPD) and the National Planning Policy Framework (the Framework). Given the nature of the proposal and the location of the appeal site within the settlement boundary he did not consider that the proposal would be contrary to Area Delivery Plan Policy 1 of the CS.

Area Delivery Plan Policy 5 and policies CS14 and CS19 of the CS set out, amongst other things, the need for new development to be of a high quality design which conserves and enhances local distinctiveness and respects the character and appearance of an area, including the landscape character of an area. Area Delivery Plan Policy 5 emphasises this point in relation to sites located in the North Wessex Downs Area of Outstanding Natural Beauty. The SPG and SPD reiterate similar aims with particular regard to residential extensions. Paragraph 17 of the Framework states that planning should take account of the character of different areas.

#### *Living conditions*

The closest dwellings to the appeal site are Rose Cottage located to its west and Scottalls End, situated to its south, on the opposite side of Scottalls Lane. The appeal site is separated from Rose Cottage by a close boarded fence whilst trees and vegetation also exist along the boundary. A close boarded fence, with trees and vegetation located behind it, also exists along the front boundary of the appeal site, opposite Scottalls End.

The Inspector accepted that the proposal would bring the living accommodation at the appeal site closer to the boundaries of these dwellings. However, the proposed development would only be single storey and there is existing fencing, trees and vegetation along the southern and western boundaries of the appeal site. Consequently, and given the distance that would remain to these buildings, he was satisfied that the extension would not have a significant overbearing impact on the occupiers of either dwelling.

For these reasons the proposed development would not unacceptably harm the living conditions of the occupiers of Rose Cottage or Scottalls End, with particular reference to outlook. As a result there would be no conflict with, Policy CS14 of the CS, the SPG, the SPD or the Framework. Policy CS14 sets out, amongst other things, the importance of new development making a positive contribution to the quality of life in West Berkshire whilst the SPG and SPD set out the importance of ensuring that new development has regard to the outlook from neighbouring properties. Paragraph 17 of the Framework states that planning should always seek a good standard of amenity for existing occupants of buildings. However, this does not outweigh the harm that he identified above.

#### **Other Matters**

The appeal site is located in the Hampstead Norreys Conservation Area. The Council has not expressed any explicit concerns in relation to the impact of the proposal on the Conservation Area. However, the Inspector had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. For the reasons set out above the proposal would not preserve or enhance the character or appearance of the Conservation Area. This would compound the harm that would result from the proposed development.

The Inspector noted the appellant's comments in respect of the outbuilding on the appeal site and the proposed two storey extension previously granted planning permission at the site. In addition, he noted his comments with regard to the four dwellings granted planning permission on the northern edge of the village, on the east side of Water Street. Whilst the Inspector understood the appellant's points each proposal should be treated on its own merits. It is on this basis that the Inspector had considered the proposed development.

Finally, the Inspector had regard to the personal circumstances of the appellant and his family and their need for additional space. However, the need for additional space does not outweigh the harm that he identified to the character and appearance of the area, and so a dismissal of the appeal is a proportionate response.

#### **Conclusion**

For the reasons set out above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed. DC