

Notice of Meeting

Eastern Area Planning Committee

Wednesday, 12 March, 2014 at 6.30pm
in the Calcot Centre, Highview (off Royal Avenue), Calcot

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, 4 March 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 Calcot Centre 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

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Stephen Chard / Charlene Myers on (01635) 519462 / 519695 Email: schard@westberks.gov.uk / cmyers@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 12 March 2014
(continued)

To: Councillors Peter Argyle, Pamela Bale, Brian Bedwell (Vice-Chairman), Richard Crumly, Sheila Ellison, Alan Law, Royce Longton, Alan Macro, Geoff Mayes, Tim Metcalfe, Graham Pask and Quentin Webb (Chairman)

Substitutes: Councillors Jeff Brooks, Roger Croft, Manohar Gopal, Tony Linden, Mollie Lock, Irene Neill, David Rendel and Keith Woodhams

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
2. **Minutes** 1 - 8
To approve as a correct record the Minutes of the meeting of this Committee held on 29 January 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. & Parish: 13/03073/NONMAT - 23 Woodlands Avenue, Burghfield Common** 9 - 18
Proposal: Non-material amendment to Planning Permission 12/00623/FULD (*erection of a new detached dwelling house*)
Amendments: omission of decorative brickwork, amended window appearance.
Location: 23 Woodlands Avenue, Burghfield Common, RG7 3HU
Applicant: Royal Park Homes
Recommendation: To delegate to the Head of Planning and Countryside to approve the non-material amendment.

Agenda - Eastern Area Planning Committee to be held on Wednesday, 12 March 2014
(continued)

- (2) **Application No. & Parish: 13/03187/COMIND - land north of Goring Lane, Grazeley** 19 - 48
Proposal: Change of use from agriculture to a mixed use comprising agriculture and use for the installation and operation of 6552 photovoltaic modules (Sui Generis), for a temporary period of 25 years. Thereafter, the restoration of the land to solely agricultural use.
Location: Land north of Goring Lane, Grazeley
Applicant: Andrew Wickens
Recommendation: To delegate to the Head of Planning and Countryside to grant planning permission.

Items for Information

5. **Appeal Decisions relating to Eastern Area Planning** 49 - 54
Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern 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.
- (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.



West Berkshire
C O U N C I L

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 29 JANUARY 2014

Councillors Present: Peter Argyle, Pamela Bale, Brian Bedwell (Vice-Chairman), Richard Crumly, Sheila Ellison, Alan Macro, Geoff Mayes, Tim Metcalfe, Graham Pask and Quentin Webb (Chairman)

Also Present: Stephen Chard (Policy Officer), Gareth Dowding (Senior Engineer), Emma Fuller (Principal Planning Officer), Samantha Kremzer (Planning Officer) and Liz Patient (Solicitor)

Apologies for inability to attend the meeting: Councillor Alan Law and Councillor Royce Longton

PART I

56. Minutes

The Minutes of the meeting held on 27 November 2013 were approved as a true and correct record and signed by the Chairman.

57. Declarations of Interest

There were no declarations of interest received.

58. Schedule of Planning Applications

58(1) Application No. & Parish: 13/01934/FULD - Land to the rear of 9 - 15 High View, Calcot

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/01934/FULD in respect of a proposal for a terrace of three by three bedroom and one by two bedroom houses, external works, car parking and access road. Replacement car parking would be located off-site.

Following Samantha Kremzer's introduction to the report, Councillor Pamela Bale sought clarity on the number of parking spaces proposed as part of the application. Samantha Kremzer confirmed that the proposal included eight parking spaces (two per property). In addition, it was proposed that seven parking spaces would be provided which would serve to replace the garages which were in use/rented by residents. Gareth Dowding added that the seven replacement spaces were identified from a survey of garage use, but the arrangement for reserving/allocating the spaces needed to be confirmed.

Councillor Bale then queried the detail of the proposed S106 Contributions. Samantha Kremzer referred to section 6.8 of the report which confirmed that the applicants had indicated that they were willing to enter into a legal agreement to mitigate the impact of the development on local infrastructure and services. In terms of the actual contributions proposed, Samantha Kremzer apologised that these were omitted from the report, but agreed that this information would be added to the minutes as a post meeting note.

(Post meeting note: the proposed S106 Contributions were as follows:

- *Highway £12,100*

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- *Education* £20,739.20
- *Open Space* £4,474
- *Libraries* £1,169
- *Adult Social Care* £2,778
- *Waste* £224.80)

Councillor Alan Macro queried the fencing proposed to the northern boundary. Samantha Kremzer confirmed that a 1.8 metre fence would be erected, there would then be a passage to enable access to the rear of the proposed properties between the fence and the existing retaining wall. Councillor Macro then highlighted a safety concern for Royal Avenue residents who would lose the barrier to the retaining wall provided to them by the garages if they were demolished. It was agreed that this would be addressed with the applicant.

Councillor Richard Crumly queried the policy changes which had been introduced since the previous application for the site was approved in 2010. Samantha Kremzer advised that the Core Strategy and National Planning Policy Framework (NPPF) had been introduced, however the general drivers for the determination of planning applications were largely unchanged.

Councillor Bale queried whether maintenance of the rear access to the bungalows could be made a condition of approval. Gareth Dowding confirmed that, should the application be approved, the S278 Agreement would involve checks in this area such as whether the access met necessary standards, i.e. disabled access.

Samantha Kremzer confirmed that the location of the waste compound was a condition of approval. Councillor Brian Bedwell was concerned that the storage space for the four proposed properties was inadequate, but Samantha Kremzer responded that this had been assessed by the Council's Waste Officers who raised no objections to what was proposed.

In accordance with the Council's Constitution, Mr Dominic Rys, objector, and Mr Adrian Best, applicant, addressed the Committee on this application.

Mr Rys in addressing the Committee raised the following points:

- He was speaking on behalf of a number of other local residents, many of whom were present at the meeting to demonstrate their objections.
- His property overlooked the application site and the position of his home currently afforded views over an attractive landscape. However, the erection of the four proposed dwellings would remove his privacy and that of his neighbours. It would be possible to overlook the bedrooms and living space of the proposed dwellings and vice versa. This situation would be more of an issue for residents living in the bungalows to the south of the site. Overlooking of gardens was a further issue.
- The close proximity of the proposed properties with existing homes was a further cause for concern, with increased noise levels being one area of concern as a result. Greater consideration was needed in respect of the existing area.
- If approval was granted, Mr Rys felt he would have no alternative but to move.
- He felt the design of the proposal was poor and did not meet the Council's guidelines. It was not in keeping with the existing low housing density in the area and, if approved, would not contribute to the area. It therefore conflicted with the Council's Core Strategy.

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- There was a lack of use of the existing garages, but Mr Rys advised that there was a demand for them which would help alleviate parking difficulties.
- Mr Rys repeated that the proposal was not in keeping with the character of the area and was concerned that approval could set a precedent.
- Safety was also a concern, particularly for elderly residents, when considering that the one route of vehicle access would become a turning space.

Councillor Bedwell questioned the statement made about the demand for garages when many on the application site were not in regular use. Although he acknowledged that there were parking difficulties on Royal Avenue. Mr Rys explained that many residents were unaware until recently of the existence of the garages as they were not located on a through road, but many were interested in buying or renting a garage in order to park a second car. There was also uncertainty as to how to acquire a garage and there was some anecdotal evidence that following enquiries into renting a garage, residents had been told they were not available.

Mr Best in addressing the Committee raised the following points:

- The application sought to re-establish the permission for housing on the site which was previously granted in 2010 and had expired in October 2013. The design of this proposal was largely identical, however it had been ensured that it matched the current Code for Sustainable Homes. Some minor changes had also been made following discussions with Planning Officers in relation to fence height, additional signage, disabled access and the refuse area, and these were addressed in the conditions.
- The application was in accordance with the Core Strategy when considering that the site was in a sustainable location with good transport links and would provide affordable homes.
- The grant funding for the affordable housing scheme had been confirmed.
- The Council's Housing Strategy Officers were supportive of the proposals as there was a high demand for affordable homes.
- Approval of the application would bring a brownfield site into a greater level of use.

Councillor Bedwell noted that there were a number of conditions should approval be granted and requested an assurance that they would be met. Mr Best provided an assurance that conditions would be adhered to and added that Sovereign had much experience in implementing planning conditions.

Councillor Bale referred to the previously expired permission and questioned why it had not been renewed. Mr Best explained that there had been uncertainty with regard to grant funding and therefore the previous permission had not been renewed. However, the funding had now been confirmed and the development could proceed.

Councillor Macro repeated his safety concern with regard to the northern boundary as Royal Avenue residents would lose the barrier to the retaining wall once the garages were demolished. He queried whether a fence could be erected to sit on top of the retaining wall. Mr Best felt that works to this boundary could be a condition of approval and Samantha Kremzer suggested this be specifically included as an additional boundary condition. Mr Best added that the existing retaining wall would remain and be enhanced if necessary to ensure safety, and he was content to accept this as a condition of approval.

Councillor Quentin Webb sought assurance that the retaining wall would be checked once work had commenced on site and Mr Best confirmed this was a critical piece of work to undertake if permission was granted.

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Councillor Tim Metcalfe referred to the southern boundary which would also require a retaining wall and it was also proposed to include some landscaping. He queried how the landscaping would be planted alongside the wall. Mr Best advised that this work would be designed and undertaken by an engineer. Liability for works would be held by the contractor.

Councillor Webb referred to the single point of vehicle access to the bungalows and sought some assurance that it would remain easily accessible, particularly for disabled access. Mr Best agreed this was a critical point as it was the only point of access and added that discussions had already been held with the potential contractor with a view to maintaining this access.

Councillor Bale requested greater clarity on the differences between this and the previously approved application. Mr Best acknowledged that it was a very similar application. However, in order to comply with the Code for Sustainable Homes there was a need for some modifications. These had been discussed with Planning Officers together with areas such as fencing, signage etc as already reported. Conditions of approval had therefore been enhanced.

Councillor Peter Argyle queried the ownership history of the site. Mr Best confirmed the site was originally part of West Berkshire Council's housing stock and was transferred to Sovereign in 1989.

Councillor Argyle then questioned why so few of the garages were let and whether efforts had been made to increase this. Mr Best was unclear on this point, but understood that Sovereign's Property department had raised concerns with regard to the condition of the garages. Ultimately usage had dropped and the site was identified for development.

Councillor Bedwell, speaking as Ward Member, raised the following points:

- There were a number of very important conditions and, should permission be granted, there needed to be a level of certainty that they would be implemented in full. For example, as per the debate, it was important that condition seven – fencing and enclosures, be updated in the interest of safety. Samantha Kremzer repeated the view that this would be best covered as part of a separate condition.
- He felt a reason for the garages being largely unoccupied was due to their distance from the dwellings. He noted that seven parking spaces were to be provided, but questioned whether these could be utilised by those residing in the bungalows as their interests needed consideration.
- Councillor Bedwell also sought clarity on what was covered by the S278 Agreement and whether this included the need to maintain the access road.

Councillor Argyle, speaking as Ward Member, raised the following points:

- He too had concerns for the elderly residents living in the bungalows and highlighted the need for the access to be maintained. These residents would also be considerably overlooked.
- He sought comment from Officers on the garden sizes proposed which he felt appeared small in comparison to existing gardens in the area.

Gareth Dowding explained that two of the seven spaces would be reserved for one property in 9-15 High View. As for the remainder of these properties, no current space was rented and therefore no spaces would be reserved for their use. The provision of the five remaining spaces was to mitigate the loss of the garages that were identified as being in use.

Turning to the S278 Agreement, this was in line with the Highways Act and was between the Highways Authority and the developer. It enabled the developer to undertake

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highway works at their own cost and it was then for the Highways Authority to adopt the highway if appropriate.

Councillor Metcalfe commented that a number of garages could be in use for storage purposes. He also pointed out that parking was already a difficulty as evidenced by site photographs.

Councillor Graham Pask pointed out that currently there was an informal ability for visitors to the bungalows, including carers, to park their vehicles in the area surrounding the garages. He accepted there was no formal arrangement for the bungalows, other than the two reserved spaces, but an informal parking capacity would be reduced and Councillor Pask felt that consideration needed to be given to the residents of the bungalows.

Gareth Dowding clarified that there was no proposal for parking provision for visitors to the bungalows and they did not form part of the planning application. Councillor Pask accepted that legally this was the position, but was concerned when considering visitor parking for the bungalows, particularly carers.

Councillor Pask expressed his sympathy with some of the points made by objectors and if planning permission had not previously been granted on the site for a similar application he might have been minded to oppose Officers' recommendation. However, the previous permission was a factor needing careful consideration.

Councillor Bale stated that while she understood the view of Highways, the Council had a moral obligation to consider the needs of elderly residents and the ability for carers to park in the vicinity etc. She then referred to the previous permission, granted under delegated authority by Officers, and queried the level of consultation undertaken. Samantha Kremzer confirmed that the appropriate site notice had been displayed at the site entrance between June and July 2010, a selection of residents were notified and two letters of objection were received. Therefore due process was followed.

Councillor Pask accepted that car parking provision for the bungalows was technically outside of the application. However, he repeated that areas of the application site would be used by visitors/carers on an informal basis and this ability would be lost by approval of the application. Gareth Dowding explained that the garage site was private, outside of the control of the Highways Authority and therefore the landowner could have fenced the area off if they so wished.

Councillor Metcalfe queried whether the seven spaces would be on private Sovereign owned land or adopted highway and suggested that access to the seven spaces should be unrestricted. Gareth Dowding explained that the location of the boundary needed to be established in order to ascertain whether or not this was on Sovereign's land. If the spaces were on the public highway then it would be difficult to prevent general use.

Councillor Macro requested clarity as to whether the existing five spaces on site were being merged into the seven. Gareth Dowding confirmed that this was not the case and the area of the site containing the five current spaces was the proposed location of the turning head.

Councillor Metcalfe queried why the number of proposed spaces was restricted to seven as he felt this could be extended. Gareth Dowding responded that in theory this could be extended, but Sovereign had taken the view that the provision of seven spaces would mitigate against the loss of the garages and were not obliged to offer more.

Councillor Pask was of the view that there were no planning grounds on which to refuse permission, particularly when considering the previous permission for the site. He also accepted that the concerns he had raised in relation to the bungalows were not technically related to the application. However, as a result of the concerns raised by

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Members, Councillor Pask was of the hope that Sovereign would give consideration to providing more off road parking.

Councillor Pask then proposed to accept Officers' recommendation to grant planning permission subject to conditions, including an additional fencing and enclosures condition, and subject to the use of the seven car parking spaces being unrestricted.

Samantha Kremzer felt that the additional condition could include a requirement, before the commencement of works, for detail on the retaining wall to be submitted, i.e. its maintenance and enhancements if found to be necessary.

Councillor Pask made reference to condition 10 – parking/turning in accordance with plans, which stated that the dwellings would not be occupied until the turning area, vehicle parking for the proposed dwellings and seven replacement spaces had been provided. He felt this condition should be tightened to ensure that the seven spaces were provided and available for use prior to the demolition of the garages. Samantha Kremzer felt this could be reflected in the condition.

Councillor Bale reiterated the request that Sovereign give consideration to the provision of additional parking spaces, although accepted this was separate to this application. Councillor Webb pointed out that this could not be insisted upon, but was hopeful that the Highways Officer and the applicant could give this some consideration. Gareth Dowding agreed that this would be explored.

In considering this application, Councillor Metcalfe stated that he would not want the use of the seven parking spaces to be restricted. Gareth Dowding reminded Members that the seven spaces were provided to mitigate against the loss of the garages and residents who used the garages were entitled to have first say on them. Liz Patient added that the allocation of the seven parking spaces was a matter for the applicant to decide upon, subject to confirmation of land ownership, and these were only provided due to the loss of the in use garages. They were identified as a mitigation measure and would not be available for general use. The applicant was not obliged to allocate these spaces or identify additional spaces.

(Post meeting note: confirmation from Gareth Dowding that the seven parking spaces would be constructed on highway land. Therefore they could not be allocated to individuals and had to remain free for all).

Councillor Crumly then seconded Councillor Pask's proposal to grant planning permission subject to conditions, including revised conditions.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the schedule of conditions and subject to the completion of a legal agreement by 28 February 2014.

(Post meeting note: the application had been found to be invalid for technical reasons).

59. Appeal Decisions relating to Eastern Area Planning

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

Concern was raised by Members in relation to the issues highlighted by Planning Inspectors in forming their decisions. In particular, the decision in relation to the land adjacent to the Olde Forge House, Bath Road, Beenham. Councillor Quentin Webb requested an update/guidance from Officers at the next meeting.

60. Site Visits

A date of 12 February 2014 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 19 February 2014.

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(The meeting commenced at 6.30pm and closed at 8.00pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	13/03073/NONMAT Burghfield	24 March 2014	Non-material amendment to Planning Permission 12/00623/FULD. (<i>Erection of a new detached dwelling house ...</i>) <u>Amendments:</u> omission of decorative brickwork; amended window appearance. 23 Woodlands Avenue, Burghfield Common, RG7 3HU Royal Park Homes

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/03073/NONMAT>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **APPROVE THE NON-MATERIAL AMENDMENT**

Ward Member(s): Councillor Carol Jackson-Doerge
Councillor Royce Longton

Reason for Committee determination: Petition received comprising at least 20 signatories;
Referral by Development Control Manager

Committee Site Visit: 5 March 2014

Contact Officer Details

Name: Bob Dray
Job Title: Senior Planning Officer
Tel No: (01635) 519111
Email: BDray@westberks.gov.uk

1. INTRODUCTION

- 1.1 This application seeks a non-material amendment to approved application 12/00623/FULD, which granted planning permission for the erection of a new detached dwelling house, to the front of the existing dwelling house at the site. The development included the associated provision of hardstanding, enclosures and landscaping. The existing dwelling is to be retained to the rear of the site, to be accessed by a new access driveway to the side of the new dwelling.
- 1.2 The amendments sought in the application form are the omission of decorative brickwork, and an amended window appearance. However, on the plans it is also noted that the bargeboard is of a more simple appearance, and the shape of the porch roof has changed from a lean-to to a pitch.

2. PLANNING HISTORY

- 2.1 The following applications on the site all relate to the development hereby proposed.

- 11/01322/FULD** Redevelopment of site allowing for two new three bedroom semi-detached houses with associated amenity space. Provision for off street parking, storage of refuse and recycling. Retention of existing dwelling house to rear of site. Withdrawn 16/11/2011.
- 11/02473/FULD** Erection of a new detached dwellinghouse to the front of the existing dwellinghouse, and associated provision of hardstanding, enclosures and landscaping. Retention of existing dwellinghouse to the rear of the site, and the construction of associated access, hardstanding and enclosures. Refused 08/03/2012.
- 12/00623/FULD** Erection of a new detached dwelling house to the front of the existing dwelling house, and associated provision of hardstanding, enclosures and landscaping. Retention of existing dwelling house to the rear of the site, and the construction of associated access, hardstanding and enclosures. Granted planning permission 24/05/2012.
- 12/02255/COND1** Application for approval of details reserved by Conditions 3 (samples of materials), 4 (replacement driveway), 5 (hard surfaces), 6 (fencing and enclosures), 7 (landscaping), 8 (ground and floor levels), 9 (cycle storage), 10 (refuse storage), 11 (construction method statement), and 14 (surfacing of access) of approved application 12/00623/FULD. Details approved 22/11/2012.
- 13/00361/FUL** Section 73. Variation of Condition 2 - Approved Plans - vary to retain existing materials to the existing drive (in part) and proposed new surfacing and drainage to the entrance and turning area adjoining existing dwelling to the rear of the site - of planning reference 12/00623/FULD. Refused 12/04/2013.

- 2.2 As set out above, planning permission was granted on 24/05/2012 for the erection of the new detached dwellinghouse. Prior to this application the site was cleared, and a tarmac driveway was constructed without planning permission to the side of the proposed dwelling, providing a new access to the retained dwelling to the rear. This driveway was considered unacceptable on visual impact and drainage grounds.
- 2.3 The Council therefore negotiated a replacement driveway as part of the proposal; Condition 4 was imposed for the pre-approval of a replacement driveway and its completion before occupation of the new dwelling. The time limit for implementation was reduced to one year, instead of the usual three years, to ensure the timely resolution of this breach of planning control.
- 2.4 Details of the replacement driveway were agreed as part of the conditions submission (12/02255/COND1), and a subsequent application to vary these details (13/00361/FUL) was refused for the same reasons that the original driveway was considered unacceptable.
- 2.5 Since this time, it has been brought to the Council's attention that the development was not carried out in accordance with the approved plans. Following site inspections by officers, a number of breaches of planning control were identified. The development was considered to be in breach of Conditions 2, 4, 5, 6, 7, 9 and 10 of 12/00623/FULD. In view of these breaches the development is at risk of enforcement action being taken by the Council.
- 2.6 The identified breaches as of November 2013 are detailed in the table below, together with the applicant's proposed means of resolution. The new dwelling has not been constructed in accordance with the approved elevation drawings (reference MS/SB/23/11ND) because of breaches 1-4 below. The landscaping of the site has not been carried out in accordance with David Williams Landscape Consultancy Landscape Proposals Plan (reference 0127/L1C) because of breaches 5-7 below. The replacement driveway to the side of the new dwelling had not been constructed in accordance with the approved drawings, and the cycle and refuse storage had not been provided.
- 2.7 The latest status of the development and outstanding breaches will be reported to the committee on the Update Report.
- 2.8 The breaches of planning control are detailed for the purpose of context. However, the determination of this application must be limited to the consideration of whether the changes proposed are 'non-material' in relation to the development as a whole.

	Breach	Condition	Proposed resolution
1	The front porch was not constructed.	2	Porch recently under construction.
2	The brickwork detailing, including 'quoins' and the central 'I' detailing has not been carried out.	2	Submission of this non-material amendment application.
3	The decorative bargeboard has not been constructed.	2	A bargeboard has now been constructed, but not 'decorative' as per the plans.
4	The appearance of the installed windows differs from those approved	2	Submission of this non-material amendment application.
5	The 1.2 metre picket fence has not been erected to the front and side boundaries of the new dwelling.	7	To be provided before occupation.
6	The hedging has not been planted in accordance with the planting schedule to the front and side boundaries of the dwelling.	7	To be provided before occupation.
7	The existing close-boarded fence marking the boundary between the original and new dwellings, which was erected during the construction phase, has not been removed.	7	To be provided before occupation.
8	The replacement driveway has not been constructed in accordance with the approved details because the SGS Agrablock System was not installed to the replacement driveway, but instead gravel was simply overlain on a concrete base. The SGS Agrablock System appears to have been installed to the frontage of the new house, and would therefore be in accordance with the approved plans.	4 & 5	To be provided before occupation. The Council's Land Drainage Engineers shall be requested to carry out a site inspection to confirm whether, or to what extent, this breach has been resolved.
9	The cycle and refuse storage has not been provided in accordance with the approved details.	9 & 10	To be provided before occupation.

3. NON-MATERIAL AMENDMENTS

- 3.1 Section 96A of the Town and Country Planning Act 1990 was brought into force on 1 October 2009, via the commencement of Section 190 of the Planning Act 2008. It is a provision to provide a mechanism to make non-material amendments to existing planning permissions via a simple application procedure with a quick decision time.
- 3.2 There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A.
- 3.3 The local planning authority must have regard to the effect of the change, together with any previous changes made under this section. They must also take into account any representations made by anyone notified (see Section 4 below), provided they are received within 14 days of notification. As this is not an application for planning permission, Section 38(6) of the Planning Act 2004 does not apply (the requirement to determine applications in accordance with the Development Plan unless material considerations indicate otherwise).
- 3.4 This procedure, which has no consultation requirements, and minimal notification requirements, cannot be used to make a material amendment. Section 96A allows new conditions to be imposed, or existing conditions to be removed or altered.
- 3.5 Decisions made by local authorities on non material amendment applications do not constitute an 'approval of the local planning authority' for the purposes of section 78 of the Town and Country Planning Act 1990. There is therefore no legal basis for an Inspector (on behalf of the Secretary of State) to hear an appeal or to make a decision in a non-material amendment case.

4. PUBLICITY

- 4.1 As an application under Section 96A is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, the Government does not expect consultation or publicity to be necessary in the majority of cases, and does not anticipate effects which would need to be addressed under the EIA regulations.
- 4.2 Instead, before the application is made, the applicant must notify anyone who owns the land which would be affected by the non-material amendment, or where the land comprises an agricultural holding, the tenant of that holding. The applicant must also record who has been notified on the application form. Anyone notified must be told where the application can be viewed, and that they have 14 days to make representations to the local planning authority.
- 4.3 A petition has been submitted in objection to the application. The petition states:

“The new building in its present form with the plastic barge boards and lean to porch is considered a poor compromise and adds little to the street view. For this new building to make any contribution to the street view will require that it be built as the original approved plan and with decorative barge boards, full brick detailing, and original window size and style. The difference between 23a and the example built by Millgate Homes in Clayhill Road is significant with the latter making a positive addition to its surrounding area.

We urge West Berks Planning to ensure that every detail of landscaping that impacts on the street view be rigorously enforced, and ensure the best possible outcome for local residents and future occupiers.”

- 4.4 In accordance with the Council’s Constitution, following the receipt of a petition of at least 20 signatories the application has been referred to the Eastern Area Planning Committee for a decision.

6. APPRAISAL

- 6.1 As detailed in Section 3 above, the decision of the Local Planning Authority is to be based on whether there is a ‘non-material’ change to the development, and not on the planning merits of the proposal in terms of the Development Plan and other material considerations. As this building is not listed, it is conceivable that there may be such small variations to the approved plans without being considered ‘material’.

Decorative brickwork

- 6.2 The original plans (MS/SB/23/11ND) showed decorative brickwork comprising quoins on the corners of the walls, and a ‘I’ feature centrally located under the eaves of the gabled front elevation. The dwelling has been constructed, and the proposed replacement plans show, no such decorative brickwork.
- 6.3 It is considered that the prominence and the relatively small size of the variations in the brickwork (they appear to be individual bricks) do not have a material impact on the overall appearance of the building. It is considered that the proposed replacement plans would therefore have been approved as part of the original application without any material impact on the character and appearance of the dwelling.

Windows

- 6.4 The original plans (MS/SB/23/11ND) showed multi-pane casement windows, with possible lead effect. Casement windows have been installed comprising top and side hung openings, but without the finer grain indicated in the approved plans.
- 6.5 It is considered that such variations are of such a small scale in the context of the overall development, as to be regarded as non-material. In most circumstances, the fine detail of casement windows may be considered indicative because it is acknowledged that the purchasing of windows precisely matching those shown in approved drawings may not be possible.

- 6.6 It is important to take into account the fact that the windows could normally be replaced with any windows of materials that are “similar in appearance”, without planning permission once the dwelling has been occupied by virtue of permitted development rights.

Decorative / plain bargeboards

- 6.7 It is considered that the complete omission of any bargeboards would be a material variation from the approved plans. The absence of any bargeboards on this dwelling resulted in a ‘flat’ appearance of the front elevation. The installation of the plain bargeboards has given the front elevation some perceivable depth, and in its current form is not considered a material change from the approved plans.

Porch shape

- 6.8 It is considered that the complete omission of any porch would be a material variation from the approved plans. The absence of a porch on this dwelling resulted in a ‘flat’ appearance of the front elevation. The installation of a porch, albeit with a different roof shape, has provided some articulation and depth to the front elevation, and in its current form is not considered a material change from the approved plans.

7. CONCLUSION

- 7.1 For these reasons detailed in Section 6, it is considered that the changes proposed are non-material in the context of this development.
- 7.2 Overall, it is considered that the dwelling, as constructed, has been causing material harm to the character and appearance of the area, and as such detracts from quality of the street scene. However, it is considered that the individual elements that are the subject of this application are not the reasons for this harm. Rather, it is considered that the harm originally resulted from the complete omission of bargeboards (causing a ‘flat’ appearance to the front elevation), and the failure to complete the approved hard and soft landscaping. Whilst the elements under consideration would be welcome if carried out, they are not considered to be of such significance so as to be material in this instance.
- 7.3 As such, it is recommended that the application for a non-material amendment is approved as set out in the full recommendation of Section 8.

8. FULL RECOMMENDATION

DELEGATE to the Head of Planning & Countryside to **APPROVE THE NON-MATERIAL AMENDMENTS** to Planning Permission 12/00623/FULD as shown on drawing numbers 013264/13C, 013264/19C, 013264/10B and 013264/13B.

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13/03073/NONMAT

23 Woodlands Avenue, Burghfield Common

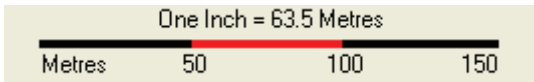


Map Centre Coordinates : 465267.07 , 167131.78

Scale : 1:2500

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Organisation	West Berkshire Council
Department	Environment
Comments	465267 167132
Date	27 February 2014
SLA Number	100015913

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Agenda Item 4.(2)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	13/03187/COMIND Wokefield	24 March 2014	Change of use from agriculture to a mixed use comprising agriculture and use for the installation and operation of 6552 photovoltaic modules (Sui Generis), for a temporary period of 25 years. Thereafter, the restoration of the land to solely agricultural use. Land north of Goring Lane, Grazeley Andrew Wickens

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/03187/COMIND>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION**

Ward Member(s): Councillor Mollie Lock
Councillor Geoff Mayes

Reason for Committee determination: Call-in by Councillor Mayes

Committee Site Visit: 5 March 2014

Contact Officer Details

Name: Bob Dray
Job Title: Senior Planning Officer
Tel No: (01635) 519111
Email: BDray@westberks.gov.uk

1. PLANNING HISTORY

- 1.1 There is no planning history on record prior to 2012. The following applications on the site all relate to the development hereby proposed.

12/03017/SCREEN EIA screening opinion for solar farm. EIA not required, 07/01/2013.

13/01675/COMIND Construction of Solar PV Farm and associated equipment on existing farm fields. Returned as invalid, 25/09/2013.

This application was made invalid because the red line application site included land under the ownership of the Council (the narrow strips of woodland along the southern and western boundaries). The requisite notice had not been served on the landowner and the ownership certificates completed accordingly.

A committee site visit was undertaken on 16/09/2013 prior to the application being made invalid.

13/02417/COMIND Construction of Solar PV Farm and associated equipment on existing farm fields. Withdrawn, 19/12/2013.

This application was withdrawn because the narrow strips of woodland along the southern and western boundaries were identified as being designated village greens. The creation of the new access, or works to the existing access, could not be undertaken without the appropriate consent.

2. PUBLICITY

- 2.1 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) requires in the case of an application for planning permission for major development, the application shall be publicised by giving requisite notice:

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier; and
- (b) by publication of the notice in a newspaper circulating in the locality.

- 2.2 Two site notices were displayed at the application site on 27/01/2014 (one at the existing access onto Goring Lane, one at the proposed access onto Palmer's Lane to the north) to expire on 17/02/2014. Neighbour notification letters have been sent to ten properties in close proximity to the site. The application was also listed in a public notice in the Reading Chronicle and Newbury Weekly News on 23/01/2014. The authority has therefore discharged and exceeded the duty to publicise applications in accordance with the DMPO.

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

**Wokefield Parish
Council:**

Objection. The Council, although sympathetic to the wishes of the applicant to capitalise on the use of his land, feels that it must reiterate the comments made on previous applications.

1. Wokefield is a rural parish in a designated non settlement area designed to avoid major new development such as the solar farm.
2. If consent were to be granted it would set a major precedent in using farm land rather than a brownfield site. We understand that the only other solar farm in West Berks is on a brownfield site.
3. The Council has concerns over classification of the land at the end of the 25 year life span if consent is granted. If it was not a planning condition to return the land to agriculture, it might be deemed to be brownfield and capable of further unwelcome development.
4. The Council has been informed that although a contract is not in place, the entire output from the solar farm is to be supplied to AWE Burghfield. Thus the parish derives no benefit from the development but stands to lose an attractive part of its rural landscape.
5. The proposed new access is off a narrow lane close to a sharp corner over land that frequently floods.

Access:

No response.

Archaeology:

As per the two previous applications put in for the farm (13/01675/COMIN & 13/02417/COMIND) there is still some concern regarding the potential impact on the historic landscape of the development area. This is classified as being pre-18th century irregular fields, and while this is briefly mentioned in the Landscape and Visual Assessment Report, I feel that more consideration should be given to the potential archaeology of the site. My suggestion would be to carry out a geophysical survey of the area in order to ascertain the potential for archaeological features.

Subsequent memo

The application to construct a Solar PV farm and associated equipment is of some archaeological interest. The proposed area of development has been classified by Historic Landscape Characterisation as being pre-18th century irregular fields, and is also adjacent to the site of several historic farmsteads. As such, the area could potentially contain evidence of historic land-use and agricultural practices that could contribute to our knowledge of how the landscape has been utilised in the past. There have also been Late Prehistoric and Roman remains uncovered in the

vicinity that further highlight the potential of the development area to contain archaeological deposits.

I would suggest that the applicant(s) be asked to commission a programme of archaeological evaluation through geophysical survey in order to assess the potential of archaeological remains in the development area, This should be secured by applying a condition to any approval granted

AWE:

1. The developer has had discussions with AWE about “selling” the power to AWE. There is, however, no contract in place between the developer and AWE for the purchase of the power or in the promotion of this scheme;
2. AWE is not able to construct a solar farm on land within MoD ownership due to the presence of the explosives safe guarding zone; and
3. If planning consent is granted then AWE may have further discussions with the developer and may enter into an agreement but at this stage I can confirm we have made no commitment either way.

Conservation:

It is noted that previous applications have been submitted in respect of a proposed solar PV Farm on this site, including applications 12/03017/SCREEN, 13/01675/COMIND and 13/02417/COMIND, on which no building issues were raised. It is however clear that no designated or undesignated above ground heritage assets are directly affected by the proposals. Designated assets include listed buildings, conservation areas, designated parks and gardens and scheduled monuments.

The main impact of the proposals will be in visual/landscape terms, but as the site and surroundings are relatively flat, and because the site is relatively well screened (which screening could be enhanced), this impact will be fairly limited from public viewpoints (although it is noted that there are public rights of way adjoining and close to the site). More distant views are also thought to be limited.

Unless the Case Officer has particular concerns therefore, and notwithstanding that there may be other Development Control Case Officer considerations to take into account, the proposals are not considered to present any strictly building conservation issues.

Drainage:

No fundamental objections to the revised access location. However, negotiations over details are ongoing and will therefore be reported in full in the Update Report to committee.

Ecology:

No objection.

Emergency Planning:

I have had an opportunity to review this application and would

make the following comments with respect to its proximity to AWE Burghfield. The proposal is within the Detailed Emergency Planning Zone of the AWE Burghfield site. As a result I have reviewed the application having regard to the impact on the AWE Off-Site Emergency Plan. Based on this review I have no adverse comments to make. I would however request that a condition is added should the proposal be approved. I would also advise that AWE is consulted in order to check whether the proposal would affect their site.

Environment Agency: The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size. We note that an FRA has been submitted in support of the proposed development.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response to you. If this advice is used to refuse a planning application, we would be prepared to support you at any subsequent appeal.

In order for the development to be acceptable in flood risk terms we would advise the following:

Surface Water Flooding:

Our flood risk standing advice (http://www.environment-agency.gov.uk/static/documents/Utility/FRSA_LPA_v_3.1.pdf) contains guidance on what FRAs need to include. Key points for developments in Flood Zone 1 (cell F5) are:

- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)
- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). See Table 5 of Technical Guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put

people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

We trust the standing advice in this letter will assist you in reviewing the flood risk matters of the proposed development and in determining the planning application. We recommend that you liaise with your Land Drainage Engineer in consideration of the above.

Environmental Health: No comment.

Highways: There have been extensive pre-application discussions to determine the proposed site access and attributes. The full planning consultation period has also involved discussions and the highways issues have now been resolved sufficiently to recommend approval.

Access visibility

It appeared the position of the access had changed since the pre-app submissions, as the Anesco drawing no.0237_09 rev.E showed the splay distance to the west as approximately 40m (to the nearside kerb edge), whereas according to the Infrastruct drawing no.13-1323-01 Rev P01 the same X distance was 8M shorter. As the proposed Y-distance is relatively short it was critical the previously agreed 40m was achieved.

There are several large trees to the west of the access, south of the 32m splay area. Consequently, an amended visibility splay was submitted showing the correct visibility splay requirements. Refer to drawing number 13-13232-01 Rev P02.

Access surfacing construction

According to drawing no.00237_14 the access track would be constructed of 200mm Type 1. However, whilst this is acceptable within the site itself (i.e. beyond the fence line), a bonded surface (on completion of the works) is required adjacent Palmers Lane. The reason for this requirement is to prevent the migration of loose material onto the lane, in the interests of road safety. Mindful of the temporary HGV traffic and to avoid re-surfacing the access on completion of the works, I suggest a concrete, rather than tarmac, construction.

Hence, an amended drawing description to reflect either a concrete construction prior to construction or a tarmac surface on completion of the works will be required in due course but for the purposes of planning approval this issue can be conditioned.

Parking and turning

It appeared from drawing no.00237_04 rev.G that there may have been insufficient clearance to allow the maintenance van to turn on site, as the gates were not shown to open fully. Although the

van will only visit occasionally, a turning area must be provided to ensure the vehicle does not have to reverse onto Palmers Lane. Consequently, drawing number 00237_14 Rev.B was submitted that shows a satisfactory parking and turning area (on completion of the works).

Construction Statement

A Construction Method Statement (CMS) is necessary. The CMS must include reference to the banksman, wheel washing, haul route from the south via Goring Lane, temporary parking and turning, etc.

Minerals & Waste: No response.

MOD: No safeguarding objections.

Police: No response.

Ramblers: No response.

Rights of Way: No response.

Thames Water: No objections.

Trees: The plan provided (00237_04 rev G) has identified the trees at the site as indicative circles only and provided some information on trees and tree protection, in the form of the planning and design and access statement and the landscape & visual Impact assessment; these were used along with the plan to determine the impact during my site visit.

The trees and hedges at the site are located around the boundary of the 2 fields, therefore the new solar panels will not have a direct impact on trees, the hedges around the outside are very overgrown with a mix of specimen trees and smaller trees like willow and alder, and would warrant some general maintenance and clearance works and improvement of the screen could be in the form of additional landscaping to infill the gaps and introduce some more evergreen species to improve the screening value in the winter months.

The plan has indicated some tree protection for the trees within the middle of the site and the new access, and whilst there is no direct impact on the trees, I would like to see the moment of machinery and equipment around the site limited to areas away from trees, and with the erection of the perimeter fence first, which was previously agreed this would be used as tree protection for the boundary vegetation, so the site would appear to have adequate protection for the trees to be retained, but this should be on a specific plan and cover the entrance trees.

The new access to the site (Plan 00237.14 Rev A) will require the

removal of 13 trees, they form part of a small copse boundary to the fields beyond, and the trees are not considered to be in the best of condition with a number of already fallen over, this location was chosen along the road as it has the fewest trees and space to provide replacement planting once the construction access has been used.

The application has been supported by a landscaping plan, this proposes to replant part of the access lost for the widening of the entrance and provide additional boundary landscaping in the form of hedging plants, with a good mix of native and some evergreen plants to provide winter cover, its is also proposed to sow a wild flower meadow in the fields to increase the biodiversity, and overall the landscaping proposed is acceptable.

I don't have any major objection to the applications as the impact to the trees has been fully assessed, and the loss of trees for the entrance can be mitigated with new landscaping, and the additional landscaping proposed will reduce the visual impact and is considered acceptable, although unlike the previous application 13/02417/COMIND, there are no specific plans to cover the tree protection, as the entrance details on how the trees will be protected have been provided, and the landscaping for the site doesn't cover the access, and needs to be more specific.

WB Spokes: No response.

Wokingham Borough Council: No response.

3.3 Representations

Total: 2 Object: 2 Support: 0

Summary of comments:

- Site not designated for development
- Support green energy, but not in the countryside
- Brownfield sites should be used for green energy
- Render the site viable for future redevelopment
- Question the use and status of land following development
- Loss of green space, rural identity and resources
- Visual impact
- Not in keeping with rural character of the area
- Importance of additional planting
- Flood risk
- Historical flooding at the site and Palmer's Lane
- Rolled surface during construction would increase run-off

4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan comprises:
- The West Berkshire Core Strategy (2006-2026)
 - The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
 - The Replacement Minerals Local Plan for Berkshire (2001)
 - The Waste Local Plan for Berkshire (1998)
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012)
 - The Ministerial Statement Planning for Growth (23 March 2011)
 - Manual for Streets
- 4.3 The West Berkshire Core Strategy was adopted on 16 July 2012 and carries full weight in decision-making as a Development Plan document adopted since the publication of the Framework. The following policies from the Core Strategy are relevant to this application:
- NPPF Policy
 - ADPP1: Spatial Strategy
 - ADPP6: The East Kennet Valley
 - CS5: Infrastructure Requirements and Delivery
 - CS8: Nuclear Installations AWE Aldermaston and Burghfield
 - CS10: Rural Economy
 - CS13: Transport
 - CS14: Design Principles
 - CS15: Sustainable Construction and Energy Efficiency
 - CS16: Flooding
 - CS17: Biodiversity and Geodiversity
 - CS18: Green Infrastructure
 - CS19: Historic Environment and Landscape Character
- 4.4 The saved policies of the West Berkshire District Local Plan carry due weight according to their degree of conformity with the Framework. The following saved policies from the Local Plan are relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
 - OVS.6: Noise Pollution
 - ENV.16: Farm Diversification
 - TRANS.1: Meeting the Transport Needs of New Development

5. DESCRIPTION OF DEVELOPMENT

- 5.1 This application seeks full planning permission for the construction of a solar PV farm and associated equipment on existing farm field north of Goring Lane, Grazeley. The development comprises 6552 panels laid out in rows across two connected fields. The panels measure 2.3 metres in height, are set at a 20° angle, and are to be screwed into the ground. The approximate total installed capacity of the system depends on the precise modules used, but would be around 1.6 Megawatts.

- 5.2 There is an existing vehicular access to the site from Goring Lane through a gap between the existing trees and hedgerow. However, given the village green status of this land, it is also proposed to construct a new site access off Palmer's Lane on then northern boundary of the site.
- 5.3 Ancillary development includes an intake station, switchgear, collector, transformer and meter cabinet. The whole of the development would be enclosed by 2 metre high deer fencing.
- 5.4 The application site measures 4 hectares and has an agricultural use. The site is located in open countryside within the East Kennet Valley, as defined by the Core Strategy. It is within Flood Zone 1 (low probability). The site is not located in any special landscape designation or conservation area.
- 5.5 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a formal screening opinion has been given by the local planning authority prior to the submission of the application (reference 12/03017/SCREEN). A further updated screening opinion was issued on 24/01/2014. Having regard to the nature and scale of the proposal, the screening opinions concluded that EIA is not required.

6. APPRAISAL

The main issues for consideration in the determination of this application are:

- | | |
|--------------------------------------|--|
| ▪ Principle of the development | ▪ Neighbouring amenity |
| ▪ Sustainable pattern of development | ▪ Flood risk and drainage |
| ▪ Use of greenfield land | ▪ Land contamination |
| ▪ Impact on agricultural land | ▪ Ecological impacts and biodiversity enhancements |
| ▪ Farm diversification | ▪ Tree protection |
| ▪ Use class and status of land | ▪ Historic environment |
| ▪ Landscape impact | ▪ Precedent |
| ▪ Transport and highways impacts | |

6.1 Principle of the development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.1.2 The application site is located in open countryside within the East Kennet Valley Spatial Area, as defined by the Spatial Strategy of the Core Strategy. In accordance with Core Strategy Policy ADPP1, only appropriate limited development should be permitted in this location. A generally restrictive approach is taken to development in the countryside, consistent with national and local planning policies of sustainability and countryside protection.

- 6.1.3 West Berkshire Council has not identified suitable areas for renewable and low carbon energy in plans at the current time. According to the Core Strategy, progress on the implementation of decentralised renewable energy will need to be investigated through a future Local Plan Document, which will highlight the potential in West Berkshire for commercial scale renewable energy. The Core Strategy states that in order to reduce local carbon emissions and meet national targets, a policy approach that supports and reflects the significant challenge ahead needs to be adopted, and that any renewable energy schemes should be efficient.
- 6.1.4 Other than these broad principles, there are no Development Plan policies which are considered to specifically relate to, or preclude, the development in principle. Where the Development Plan is absent, silent or relevant policies are out-of-date, the Framework's presumption in favour of sustainable development takes precedent. For decision making, this presumption means planning permission should be granted unless:
- any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted, including sites protected under the Birds and Habitats Directive, Sites of Special Scientific Interest, Local Green Space, AONB, designated heritage assets, and locations at risk of flooding.
- 6.1.5 The National Planning Policy Framework and Core Strategy are both generally supportive of low carbon energy in order to mitigate the effects of climate change. One of its core planning principles is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)".
- 6.1.6 With respect to energy development, Paragraph 98 of the Framework advises local planning authorities to approve applications for renewable and low carbon energy (unless material considerations indicate otherwise) if the impacts are, or can be made, acceptable. Paragraph 98 of the Framework also states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 6.1.7 The acceptability of the proposal must therefore be considered in accordance with the presumption in favour of sustainable development. The development is considered acceptable unless there are significant adverse impacts or specific policies which indicate permission should be refused.

6.2 Sustainable pattern of development

- 6.2.1 One of the core planning principles of the Framework is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus sustainable development in locations which are or can be made sustainable. Core Strategy Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern and comply with its spatial

strategy. Accordingly, West Berkshire's main urban areas (Newbury, Thatcham, Eastern Urban Area of Reading) will be the focus for most development.

- 6.2.2 In terms of sustainability, the relatively remote location of the application site is not considered to be of significant detriment to the proposal. This is because the equipment requires very little long-term maintenance, and is not required to be manned on a daily basis. Occasionally maintenance would be required, but this would not involve significant vehicle movements (either in terms of total number or character of traffic). As such, there is unlikely to be many vehicle movements to and from the site. Given the scale of renewable energy production, the net effect on the environment is very likely to be positive in the long-term.

6.3 Use of greenfield land

- 6.3.1 One of the core planning principles of the Framework is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), providing it is not of high environmental value. Core Strategy Policy ADPP1 states that the majority of development will take place on previously developed land.
- 6.3.2 However, it must be noted that the development of greenfield land is not specifically precluded in principle, and there is no sequential test required by planning policy for such renewable development. The policy of commercial renewable energy is set out in Paragraphs 6.1.3, 6.1.5 and 6.1.6. For these reasons, the use of greenfield land cannot be the sole reason for refusing planning permission without identifying clear and demonstrable harm in accordance with the presumption in favour of sustainable development. However, it may detract from the strength of the weight afforded to the positive planning policy approach to the development in principle.
- 6.3.3 It has been suggested by third parties that such renewable energy development that is intended to serve the adjacent AWE Burghfield site should be provided on brownfield land within that site before the use of greenfield land is considered. Such an approach would be consistent with planning policy; however, it has been confirmed by AWE that such development cannot take place within the site due to the presence of an explosives safeguarding zone. It is also important to stress that this development would be undertaken by an applicant independent to AWE, and that it is understood that no formal legal agreement currently exists between the two parties. In these circumstances, the proposal must be regarded as an independent commercial development.
- 6.3.4 The use and future status of the land is discussed in Section 6.6.

6.4 Impacts on agricultural land

- 6.4.1 The application site is presently a field with an agricultural use. The proposed development would prevent any viable agricultural use taking place, albeit that the development is reversible. Paragraph 112 of the Framework states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. According to the Council's records, it appears that the majority of the site comprises Grade 4 agricultural land, except for the south-eastern corner which is classified as Grade 3.

- 6.4.2 In terms of whether the “significant development of agricultural land is demonstrated to be necessary”, Paragraph 98 of the Framework states *“when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.”* It is therefore considered that such renewable energy proposals must be regarded as necessary.
- 6.4.3 According to the Framework, the best and most versatile agricultural land is in grades 1, 2 and 3a of the Agricultural Land Classification. It is considered that there would therefore be no policy objection to the development of the majority of the site. The loss of the higher grade corner weighs against the proposal. However, given its relatively small area it is considered that only limited weight should be given to this loss.
- 6.4.4 The proposal would result in a material new use of the land in addition to agriculture. However, it is considered that it would also retain the existing agricultural use for the duration of the development. This is addressed in detail in Section 6.6. Overall, it is considered that the impact on the existing agricultural land is acceptable, having regard to the Framework.

6.5 Farm diversification

- 6.5.1 Core Strategy Policy CS10 states that proposals for appropriate farm diversification will be supported where it can be demonstrated that the proposal will make a long-term contribution to sustaining the agricultural enterprise as a whole.
- 6.5.2 The applicant has advised that the Wickens Family has been farming the land for over 60 years, now into the third generation. They currently have an estate of 178 acres (72 hectares), of which most is used for grazing cattle for the dairy business. They have some 400 cattle producing around 1.3m litres per year. It is asserted that the proposed development takes only a small amount of the land they own, and it is intended to use the fixed income from the development to ensure that despite the fluctuating milk prices they can continue to operate as a dairy farm. It is further submitted that the proposed land cannot be used for grazing the herd due to the busy roads between the farm and the land, but that the family will continue to take silage from the field and use it to feed the cows in the winter months.
- 6.5.3 Local Plan Policy ENV.16 states development which forms part of a farm diversification scheme will be permitted provided:
- (a) it benefits the economy of the rural area of which it is a part; and
 - (b) the buildings are appropriate in scale, form, impact, character and siting to their rural location. Wherever possible new or replacement buildings should be located within or adjoining an existing group of buildings; and
 - (c) the proposed scheme maintains or enhances the landscape character of the site and its rural surroundings; and
 - (d) it does not generate traffic of a type or amount inappropriate for the rural roads affected by the proposal or require improvements to these roads which could be detrimental to their character; and
 - (e) it would not cause unacceptable levels of disturbance, nuisance or environmental harm to nearby properties or other adjacent land uses by noise, smell, dust, pollution or operations at unreasonable hours; and

(f) it would not cause demonstrable harm to existing nature conservation sites and or important habitat areas.

- 6.5.4 It is considered that a steady income stream to the farm enterprise constitutes a benefit to the economy of the rural area. Whilst the energy generated may possibly be used by AWE Burghfield (unconfirmed), the Local Planning Authority should not questions the need for such development in accordance with the Framework. The proposal is considered to comply with Criterion (a).
- 6.5.5 In terms of Criteria (b) and (c), photovoltaic modules may be considered to have a jarring visual impact with the rural character of the countryside. For the reasons detailed in Section 6.7, it is considered that the landscape and visual impact is acceptable in this instance. Policy ENV.16 was created at a time before such commercial scale photovoltaic development, and therefore greater weight should be given to the up-to-date Framework policies in this respect.
- 6.5.6 Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans [adopted prior to the publication of the Framework] according to their degree of conformity with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.5.7 The policy of the Framework is clear, as set out above, and it generally enables the development of renewable energy in open countryside provided there are no clear and demonstrable impacts. As such, solely in relation to solar energy development, the Local Plan Policy may be considered out-of-date, particularly in relation to criterion (b) because it is considered that government policy is such that solar panels may not necessarily be regarded as out of character to rural landscapes in principle.
- 6.5.8 No significant issues have been identified in terms of (d), (e) or (f), that cannot be overcome through the proper management of the development by way of conditions.
- 6.5.9 For the above reasons, it is considered that the proposal constitutes an appropriate farm diversification scheme that would comply with Core Strategy Policy CS10 and Local Plan Policy ENV.16, particularly when balanced against up-to-date planning policy. Whilst any positive contribution to farm diversification may way in favour of the proposal, it should be noted that the principle of renewable energy development in this location does not rely of being a form of farm diversification.

6.6 Use class and status of land

- 6.6.1 The use and status of the land as a result of the proposed development are considered critical to the acceptability of the proposal in terms of the longer-term impact of the development on land within open countryside. It is considered essential that the development of a solar farm should not enable the land to be used for other purposes in the future that are inappropriate for the remote location and rural character. The Parish Council is also understandably concerned about this matter. Legal advice has therefore been obtained on this issue.

- 6.6.2 The first issue is what the development means in land use terms. The application site is currently agricultural. It can therefore be used for a variety of commercial agricultural purposes, and benefits from extensive permitted development rights (Part 6 of the Town and Country Planning (General Permitted Development) Order 1995) for buildings and other development that are “reasonably necessary” for the purposes of agriculture. The existing agricultural land is also classified as greenfield land, and thereby subject to greater protection from most forms of development.
- 6.6.3 In addition to the operational development involved in constructing a solar farm, the proposed development also constitutes a material change of use of the land from agriculture to a mixed use comprising agriculture and the use for the installation and operation of 6552 photovoltaic modules. The latter use is considered *Sui Generis* (legal term meaning “of its own kind/unique in its characteristics”) as it does not comfortably fall within any of the Classes or the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 6.6.4 Critically, it is considered that the existing agricultural use would be retained (hence the mixed-use). The range of agricultural purposes the land could be put to would clearly be substantially curtailed with the installation of the solar farm, but there would remain a limited number of commercial agricultural activities that could take place, including the grazing of certain livestock (e.g. sheep), or for certain arable purposes. The applicant has advised their intention is that the grass will be cut and used for silage to feed the dairy cattle associated with Pierces Farm
- 6.6.5 According to the definitions in Section 336 (Interpretation) of the Town and Country Planning Act 1990, “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;
- 6.6.6 The second issue is the greenfield/brownfield status of the land as a result of the development. It is considered that the development is only acceptable if the land would continue to be classified as greenfield.
- 6.6.7 The Framework defines previously developed (brownfield) land as (emphasis added): *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*
- 6.6.8 The definition does not refer directly to the status of land upon which a solar farm has been constructed; a reasonable interpretation is therefore required. In this

instance, the critical determinative factors is that previously developed land has been occupied by a permanent structure. Whilst the proposed development would be on the land for a long-term period of time (25 years), it still remains *temporary*. It has been confirmed that all operational development (in, on, over or under the land) will be completely removed from the land as part of the end-restoration process. This can be controlled by condition, and would thereby ensure no structures hereby permitted would become permanent.

- 6.6.9 It is also notable that “*land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures*” is not classified as previously developed. Whilst solar farms are not referred to, a direct comparison can be made to this development. It is proposed to apply a condition that requires the decommissioning of the development and the restoration of the land to agriculture in accordance with a pre-approved restoration plan, after the lifetime of the development, or within six months of the development failing to generate electricity for 12 consecutive months.
- 6.6.10 The application description has also been amended at the request of planning officers to include the change of use, temporary nature of the proposal, and the final restoration back to agriculture. This further underlines the fact that the restoration is a fundamental part of the proposal.
- 6.6.11 It is considered that, with the change of description and the proposed conditions, the development could not be construed as rendering the land previously developed in the future based on the current definitions.

6.7 Landscape impact

- 6.7.1 Recognising the intrinsic character and beauty of the countryside is one of the core planning principles of the Framework. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area.
- 6.7.2 In accordance with Core Strategy Policy CS19, particular regard should also be given to:
- (a) The sensitivity of the area to change.
 - (b) Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.7.3 The application has been accompanied by a Landscape and Visual Impact Assessment, prepared by Swan Paul Partnership Ltd. The assessment covered publicly accessible viewpoints within a 5km radius. It concluded that “broken and glimpsed views are only available from locations immediately adjacent to the site and that there are no locations that give a more distance view of it, even from higher ground to the south.”
- 6.7.4 It is considered that the character of the application site will be fundamentally changed for the duration of the development by its substantial coverage by the solar array. This will have a high-order landscape impact within the site itself. It is considered that the character and appearance of solar array equipment can

potentially have an adverse landscape impact within a rural area where it may have a jarring visual effect against the natural setting. It is therefore important that a site is capable of accommodating this visual impact without significant effects.

- 6.7.5 However, it is considered that the magnitude of the impact will be significantly less from the areas surrounding the site and the public viewpoints. The site is bordered on all sides by a line of trees and other vegetation. These trees generally provide a good level of natural screening between the application site and the surrounding public highway.
- 6.7.6 The southern boundary with Goring Lane is the boundary with the weakest level of existing natural screening, in that views into the application site are possible across its length. However, the screening provided by the trees and vegetation is sufficient to limit views to glimpses which are well broken up by the intervening vegetation. There is a clear, albeit narrow, open view direct into the site at the existing access, but this will be untouched by the development and is only a narrow opening.
- 6.7.7 There is a private driveway that joins Goring Lane opposite the existing access, but otherwise public views into the site from Goring Lane are likely to be from passers-by. Goring Lane is not frequented by pedestrians and there is no separate footway by the carriageway. As such, views into the site will predominantly be passing glimpses by drivers. When approaching the site along Goring Lane from both the east and the west, there is a very good level of dense natural screening on each respective corner which completely hides views into the site until passing alongside.
- 6.7.8 There is a public right of way that runs along the eastern boundary of the site from Goring Lane, through the adjacent agricultural field north to Palmer's Lane. There is a very good level of natural screening provided by the dense line of trees and hedgerow along the majority of this boundary. There is one point along this boundary where the vegetation thins enough to see the application site, but this is for a narrow stretch and the view is still very well broken up by the trees and hedgerow.
- 6.7.9 The western boundary and the majority of the northern boundary adjoin Palmer's Lane. Throughout its length, the level of natural screening is again very good with the site generally completely hidden by the vegetation. There are only a few small areas where there are open views into the site. These are still heavily obscured through the vegetation, especially in summer months. In winter months there is notably reduced coverage, albeit still substantial. The remainder of the northern boundary (to the east beyond Palmer's Lane) comprises dense woodland with no views into the site.
- 6.7.10 The conclusions of the submitted assessment, that broken and glimpsed views are only available from locations immediately adjacent to the site, are therefore accepted. The natural screening of the site itself, combined with the generally enclosed and intimate character of the surrounding area, is considered to limit the landscape impact of the proposal.
- 6.7.11 The proposed access onto Palmer's Lane would necessitate the loss of the existing vegetation, but it is considered that replacement planting could be positioned in a way to satisfactorily obscure views into the site and therefore mitigate this potential

impact. This could be secured by a condition requiring the pre-approval of a landscaping scheme before the new access is constructed.

- 6.7.12 The application includes proposals for supplementary planting within the western, southern and eastern boundaries, comprising holly, hawthorn, goat willow and guelder rose. It is considered that this additional planting would provide additional low-level screening which would further mitigate the visual impact of the development, particularly where natural screening has been identified as being reduced. It is considered that additional landscaping information is required to ensure that appropriate coverage of planting is achieved, including along the northern boundary. However, officers are satisfied that this could be adequately dealt with by condition.
- 6.7.13 Overall, it is considered that the level of natural screening reduces the sensitivity of the site to the change in character it would experience as a result of the development. In comparison to many other possible sites within the district, it is considered that the well-enclosed nature of this particular site is such that it can accommodate the development without having a significant wider impact on the local landscape character.
- 6.7.14 In this respect, it is also considered that the location, scale and design of the development are appropriate in the context of the settlement form, pattern and character. It is therefore considered that the proposal complies with Policy CS19.

6.8 Transport and highway impacts

- 6.8.1 Road safety in West Berkshire is a key consideration for all development. In accordance with Core Strategy Policy CS13, all development is required to show how it promotes safer and healthy travel. There have been extensive pre-application discussions to determine the proposed site access and attributes. The full planning consultation period has also involved discussions and the highways issues have now been resolved sufficiently to recommend approval. The highways officer's full response is provided in Section 3.1.
- 6.8.2 The main highways impact would be during the construction phase when the solar panels are transported to the site. Following the issues with the previously proposed accesses on the southern and western boundaries, it is now proposed to use a new vehicular access off Palmer's Lane, on the northern boundary of the site. This is the only option for creating an access without affecting the designated village green that comprises the southern and western boundaries.
- 6.8.3 It is recognised that the location of the proposed access is between two sharp turns on Palmer's Lane. As such, the detail of the proposed access has been subject to comprehensive pre-application discussions between the applicant, highways officers and the tree officer. Highway officers are satisfied with the latest plans for the access in terms of highway safety. Conditions are recommended to ensure that the new access is completed before any other development takes place, including the provision of acceptable visibility splays. Mitigation landscaping along the northern boundary will be controlled by a landscaping condition.
- 6.8.4 The highway works to form the access, and to construct the underground trench for the connection cable to AWE, will require a Section 278 agreement. This enables

the Council to undertake the work of behalf of the applicant and receive the necessary funding, or permits the applicant to undertake the works themselves. This agreement can be completed following the grant of planning permission. For the purposes of the planning permission it would only be necessary to impose a condition that the new access be completed before any further development takes place. This is to ensure that vehicles accessing the site do not compromise highway safety.

- 6.8.5 It has been indicated that wheel washing facilities would be provided during construction. It has also been stated that a road sweeping company would be employed as required. This is considered necessary because the vehicles will be crossing the agricultural field and mud and loose material on the public highway would have an unacceptable impact on highway safety.
- 6.8.6 It is considered that all of these matters, as well as appropriate on-site parking for contractors, could be satisfactorily agreed and secured by a condition requiring the pre-approval of a construction method statement. It has been stated that only small vans would use the new access onto Palmer's Lane for maintenance purposes. Drawings of visibility splays have been submitted for both accesses (before and after construction phase).
- 6.8.7 Overall, it is considered that the impact on the local roads and highway safety would be acceptable subject to conditions.

6.9 Neighbouring amenity

- 6.9.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. The nature of the proposal is such that it does not raise any concerns with neighbouring light, privacy or any overbearing impact. However, potential noise and disturbance from the equipment is a material consideration.
- 6.9.2 The noise impact from the equipment is small, and significantly below a level which is considered likely to result in harm to neighbouring amenity, or the amenity of other countryside users. Accordingly, Environmental Health has made no adverse comments.

6.10 Flood risk and drainage

- 6.10.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 (Flooding) strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of flood risk. However, given the size of the site, the application has been accompanied by a Flood Risk Assessment.
- 6.10.2 The Environment Agency has provided a high level response to the application and provided standing advice on surface water drainage. The proposal is being considered by the Council's Land Drainage Engineers. No fundamental objection has been raised to the latest location of the access. However, the proposed access

location forms part of the existing drainage network into which any discharge from the site will outfall to. The existing ditches require maintenance, but this is not in the current Council programme of work. As such, the developer would need to undertake this work to enable the proposed drainage to function adequately. This would need to be a condition of any planning permission.

- 6.10.3 Negotiations over the final drainage proposals are still ongoing, although there are no fundamental objections. A full update on surface water drainage will be provided in the update report to committee.

6.11 Land contamination

- 6.11.1 Environmental Health has made no adverse comments on the proposal, and there is no evidence before the local planning authority to otherwise suggest that the land is contaminated. No previous uses, other than agriculture, are evident on historical maps.

6.12 Ecological impacts and biodiversity enhancements

- 6.12.1 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. In order to conserve and enhance the environmental capacity of the district, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.12.2 Following discussions with the Council's ecologist, it is proposed to establish wild flower grassland around the site. The cultivation of this species may be regarded as an agricultural process, and therefore not conflict with the agricultural use of the land. It would provide a biodiversity enhancement to the site for the lifetime of the development, and potentially beyond (although it is not considered appropriate to dictate future agricultural processes).
- 6.12.3 Additional planting information is provided as part of the application, together with a landscape mitigation plan revised to include the additional planting in line with the ecologist's comments. Overall, it is considered that the impact on local ecology would be acceptable, and that the proposal would secure appropriate biodiversity enhancements in accordance with Policy CS17.

6.13 Tree protection

- 6.13.1 The Council's tree officer has assessed the application, undertaken a site visit, and is satisfied that the existing trees can be adequately protected by an orthodox tree protection scheme. This can be secured by condition requiring the pre-approval of details before development takes place.

6.14 Historic environment

- 6.14.1 The historic landscape character of the parcel is pre-18th Century irregular fields. On this basis, the land use itself is of interest, but there is also likely to be some below ground potential for archaeological interest. Remains from the prehistoric and medieval periods have been found within the adjacent AWE site.

- 6.14.2 The Council's archaeologist has therefore requested more information about the impact of any development within this area. A geophysical survey is recommended in the first instance. The archaeologist has confirmed that the potential archaeological significance of the land would not preclude the development in principle, rather the exercise is recorded to ensure that an appropriate record is made of any findings. As such, the required survey work can be secured by condition, and is not required for consideration before the determination of the application.
- 6.14.3 The closest listed building is Old Hall, which is located off a private drive from Goring Lane, behind housing fronting onto Goodboy's Lane, some 200 metres south-east of the boundary of the application site. Given the separation distance and intervening vegetation and houses, there is not considered to be an impact on the setting of this listed building.

6.15 Precedent

- 6.15.1 The Parish Council has raised the concern that the approval of this application would set a precedent for the development of further agricultural land in this manner across the District.
- 6.15.2 Whilst precedent may be a material consideration in the determination of future planning applications, each application must be determined on its own merits, and a direct comparison between a proposed scheme and a previous approval must be made to demonstrate precedent. On matters where numerous issues are carefully balanced, this becomes increasingly difficult.
- 6.15.3 The principle of solar farm development relies on current planning policy as outlined in this report, and this would need to be applied in the same manner to any similar future developments of land within the district. As outlined, the principle of solar farm development in open countryside currently relies on the presumption in favour of sustainable development. As such, it is considered that the approval of this application does not set a precedent for future solar farm applications where there is clear and demonstrable harm in any respect.

7. CONCLUSION

- 7.1 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development, whereas the policies of the Framework constitute the Government view of what sustainable development means in practice. The Framework confirms that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 7.2 Paragraph 6 of the Framework states that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government view of what sustainable development in England means in practice for the planning system. These policies have been assessed above insofar as they are relevant to the proposal. The proposals

compliance with the policies of the Framework as a whole are considered to indicate that the proposal is in accordance with the presumption in favour of sustainable development.

- 7.3 At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the Development Plan without delay. Where the Development Plan is silent on a particular issue the Framework says planning permission should be granted unless:
- any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted, including sites protected under the Birds and Habitats Directive, Sites of Special Scientific Interest, Local Green Space, AONB, designated heritage assets, and locations at risk of flooding.
- 7.4 As set out in Section 6.1, the Development Plan does not currently contain any relevant policies for commercial scale renewable energy. The principle of development should therefore be assessed against the tests of the Framework, as set out in Section 6.1, which is to approve the application if the impacts are (or can be made) acceptable. In this instance there are not considered to be any significant adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits.
- 7.5 For the reasons detailed above, the presumption in favour of sustainable development indicates that planning permission should be granted for the proposed development. As such, the application is recommended for conditional approval as set out in the full recommendation (Section 8).

8. FULL RECOMMENDATION

DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

8.1 Schedule of conditions

1. Time limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents:

[To be confirmed]

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

3. **Decommissioning**

No electricity shall be generated by the development hereby permitted until 14 days notice has been submitted to the Local Planning Authority in writing. The development hereby permitted shall be removed in its entirety and the land restored to its former condition within 25 years and six months of the date that electricity was first generated by the development, or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. The land shall be restored to its former condition to enable it to revert to agricultural use in accordance with a scheme of decommissioning work and land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. **Removal of all equipment**

As part of the decommissioning process of Condition 3, all operational development in, on, over or under the land enclosed by the red line on Drawing 00237_04G (Site Plan and Sections) associated with the development hereby permitted (including, but not necessarily limited to: photovoltaic modules; supports; distribution switchgear plant and enclosure; intake substation plant and enclosure; meter cabinet; transformer; main collector panel cabinet; access from Palmer's Land, including sub-base; security fence; all cables and cable trenches) shall be completely removed from the application site within 25 years and six months of the date that electricity was first generated by the development, or within six months of development failing to generate electricity for 12 consecutive months, whichever occurs first.

Reason: To ensure that the land cannot be classified as previously developed land by virtue of the retention of any structures on a permanent basis. This condition is imposed in the interests of ensuring a sustainable pattern of development and to protect the open countryside from inappropriate future development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. **Access construction before development (approved drawings)**

No development shall take place until details of the new vehicular access to the site from Palmer's Lane have been submitted to and approved in writing by the Local Planning Authority. The new vehicular access to the site from Palmer's Lane shall be the first development operation undertaken. No other development shall take place until the new vehicular access has been completed in accordance with the approved details.

Reason: 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).

6. **Height limit**

No solar PV equipment shall exceed a height of 2.3 metres from the adjacent ground level.

Reason: To protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7. **Ground levels**

There shall be no alteration of existing ground levels.

Reason: To ensure that ground levels are not altered in order to protect the character and amenity of the area, and to prevent any potential pathways being created to contaminated land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8. **Connection details**

Notwithstanding what is shown on the approved plans, no development shall take place until details of the routing of cables to transmit the generated electricity to the National Grid or an alternative end-user have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and profile of any excavations necessary to make the connection. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the connection to the National Grid is not intrusive within the countryside location and to ensure that it would not create any inappropriate engineering operations. Only basic information has been provided as part of the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9. **Cable runs**

Notwithstanding what is shown on the approved plans, no development shall take place until details of all cable runs and associated equipment has been submitted to and approved in writing by the Local Planning Authority. The proposed details shall be informed by the programme of archaeological work and designed in a way to avoid/mitigate any impact on archaeological significance within the application site.

Reason: To protect the archaeological significance of the site from inappropriate groundworks. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

10. **Materials as specified**

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

Reason: To ensure that the external materials are appropriate and do not detract

from the character and appearance of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

11. **Restrict fencing**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure (except those expressly authorised by this permission) shall be erected within the site without planning permission first being granted by the Local Planning Authority on an application made for that purpose.

Reason: To protect the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

12. **Hours of work (construction)**

No construction or installation works shall take place, or deliveries be taken or dispatched from the site, outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

13. **Tree protection**

No development or other operations (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been 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, to be 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

14. **Landscaping**

No development shall take place 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 landscaping scheme within the first planting season following completion of development/first occupation of the dwelling(s)/first use of the development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

15. **Construction method statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- (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;
- (e) Wheel washing facilities.

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

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), and Policies ADPP1, ADPP6, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

16. **AWE emergency response plan**

No development shall take place until an emergency response plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the response to an incident at AWE Burghfield during the construction phase. The approved plan shall thereafter be implemented in full.

Reason: The proposal is within the DEPZ of AWE Burghfield. As a result there is a risk should there be an incident at the site of radiation contamination. This may impact on the site and any staff on the site should an incident arise during the installation or indeed should staff be on site when an incident arises, or if essential maintenance is required when an incident has taken place. It is therefore necessary that a response plan is put in place with any resources necessary to ensure the protection of the staff during any event at AWE which may affect the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS8 of the West Berkshire Core Strategy (2006-2026).

17. Visibility splays

No development, other than the construction of the new access onto Palmer's Lane, shall take place until the visibility splays at the new access have been provided in accordance with Drawing 13-13232-01 Rev.P02. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility between 0.6 metres and 2 metres height above the carriageway level.

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

18. Parking and turning

The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and 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).

19. Archaeological works

No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Informatives:

1. Decision to grant permission

The decision to grant planning permission has been taken because the

development is in accordance with the National Planning Policy Framework and there are no Development Plan policies, or other material considerations, which indicate that planning permission should be refused. 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.

2. **Proactive action by the local planning authority**

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

3. **Consent to enter adjoining land**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

4. **Access construction**

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 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 applicant's behalf.

5. **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

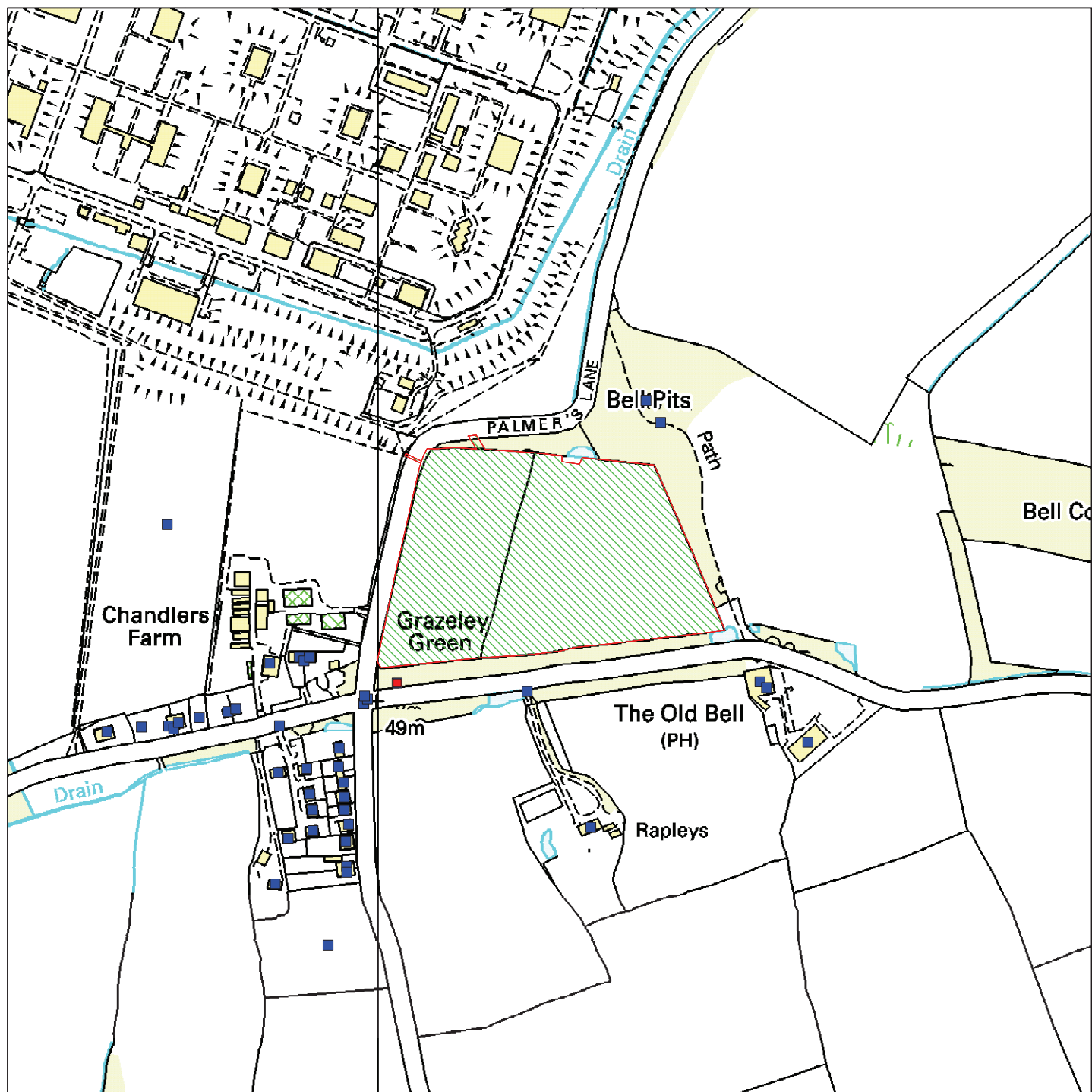
6. **Damage to the carriageway**

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

7. **Incidental works affecting the highway**

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.

Land North Of Goring Lane Grazeley



Map Centre Coordinates : 468150.02 , 167298.79

Scale : 1:5000

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Organisation	West Berkshire Council
Department	Environment
Comments	468016 167184
Date	28 February 2014
SLA Number	100015913

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Agenda Item 5.

APPEAL DECISIONS EASTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
STRATFIELD MORTIMER 13/00485 Pins Ref 2197498	Land at Loves Wood, Mortimer Common T A Fisher and Sons Ltd	Erection of 2 No. detached dwellings.	Delegated Refusal	Dismissed 6.2.14
THATCHAM 13/01598 Pins Ref 2207745	26 Meadowsweet Close, Thatcham Mr M Toms	Relaxation of drainage condition	n/a	Allowed 11.2.14
TILEHURST 12/02906 Pins Ref 2202965	74 – 104 Starlings Drive, Tilehurst Compton Developments Ltd	Provision of additional floor to accommodate 2 flat units to each of 4 no. existing detached blocks.	Delegated Refusal	Dismissed 24.2.14

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Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
THATCHAM 13/01598 Pins Ref 2207745	26 Meadowsweet Close, Thatcham Mr M Toms	Relaxation of drainage condition	N/A	Allowed 11.2.14

The appeal is made against a grant of planning permission subject to conditions. The condition in dispute is No.4 which relates to the provision of sustainable drainage measures to manage surface water within the site and required details of such to be submitted before the commencement of development.

The main issue is whether the disputed condition is reasonable or necessary in the interests of preventing the increased risk of flooding. The Inspector considered the criteria of the National Planning Policy Framework and Policy CS16 of the West Berkshire Core Strategy (2006-2026) and noted that the site is within a Critical Drainage Area.

The Inspector concluded that a condition to deal with the disposal of rainwater run off is necessary and reasonable in the interests of preventing an increased risk of flooding. In this instance the disputed condition was deleted and substituted with a simplified condition to reflect the nature of the development.

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TILEHURST 13/01065 Pins Ref 2204298	The Walled Garden, New Lane Hill, Tilehurst Mr B Barton	Retrospective: Construction of garden studio/ office	Approval	Allowed 18.11.3
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The application sought permission for a retrospective garden studio/office. The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the area and on the living conditions of neighbours with particular reference to daylight and outlook for the occupiers of the adjacent property Lime Tree Cottage.

With regard to character and appearance the Inspector considered that the impact on the street scene is minimal and that as the development is not highly visible from the nearby Conservation Area and due to its relatively low height in comparison with adjacent buildings the development is not harmful to the landscape character of the area.

With regard to living conditions the Inspector noted that the existing boundary treatment is approximately the same height as the garden studio/office and considered that the studio/office causes no more serious loss of light to the kitchen and conservatory at Lime Tree Cottage. Due to the height of the existing boundary treatment the proposal also has no additional overbearing visual impact on Lime Tree Cottage.

The Inspector concluded that the development does not cause unacceptable harm to the character and appearance of the area and the living conditions of neighbours and consequently the appeal was allowed.

An application for an award of costs was allowed in the terms set out below:

The Inspector found the scheme to be acceptable in relation to the character and appearance of the area and on the living conditions of neighbours, the basis of the Council's two reasons for refusal.

The application for costs made by the appellant refers to the Committee of the Council failing to accept the recommendations of its Officers to grant permission.

The Inspector considered that the Committee minutes failed to substantiate why the proposal was considered unacceptable in terms of the harm caused to the character and appearance of the street scene and that it appears that undue weight was given to the fact that the application was retrospective. Although the Inspector reached a different conclusion than the Council in respect of the affect on living conditions she considered that the Council did provide specific evidence about the effect on neighbours and therefore adequately substantiated the second refusal reason.

A partial award of costs was therefore awarded in respect of the first reason for refusal.

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