

Notice of Meeting

Eastern Area Planning Committee

Wednesday, 2 April, 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, 25 March 2014

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans relating to the Planning Application 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 Charlene Myers on (01635) 519695 Email: cmyers@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 2 April 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

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1. **Apologies**
To receive apologies for inability to attend the meeting.
2. **Minutes** 1 - 16
To approve as a correct record the Minutes of the meeting of this Committee held on 12 March 2014.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
- (1) **Application No. & Parish: 14/00233/FUL - Little Paddocks, Woolhampton Hill, Woolhampton** 17 - 28
Proposal: Section 73 – Application to remove Class E from Condition 4 of approved application 13/02394/HOUSE.
Location: Little Paddocks, Woolhampton Hill, Woolhampton
Applicant: Mr and Mrs Robinson
Recommendation: To delegate to the Head of Planning and Countryside to refuse planning permission.

Items for Information

5. **Appeal Decisions relating to Eastern Area Planning** 29 - 34
Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.



West Berkshire
C O U N C I L

Agenda - Eastern Area Planning Committee to be held on Wednesday, 2 April 2014
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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.

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EASTERN AREA PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD ON
WEDNESDAY, 12 MARCH 2014**

Councillors Present: 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)

Also Present: Stephen Chard (Policy Officer), Gareth Dowding (Senior Engineer), Bob Dray (Senior Planning Officer), Liz Patient (Solicitor) and David Pearson (Development Control Team Leader)

PART I

61. Minutes

The Minutes of the meeting held on 29 January 2014 were approved as a true and correct record and signed by the Chairman.

Councillor Tim Metcalfe expressed disappointment that, following a lengthy discussion at the last meeting, Sovereign Housing's application for land to the rear of 9-15 High View, Calcot was found to be invalid for technical reasons. Liz Patient explained that this was in relation to the fact that the site in question was not entirely owned by Sovereign and this was not apparent at the time of the meeting. Councillor Metcalfe felt that his concerns in relation to the time taken and costs incurred by the Council should be highlighted with Sovereign.

62. Declarations of Interest

There were no declarations of interest received.

63. Schedule of Planning Applications

63(1) Application No. & Parish: 13/03073/NONMAT - 23 Woodlands Avenue, Burghfield Common

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/03073/NONMAT in respect of non-material amendments to Planning Permission 12/00623/FULD (erection of a new dwelling house). Amendments: omission of decorative brickwork; amended window appearance; and amended bargeboard appearance.

Following the Planning Officer, Bob Dray's, introduction to the report, Councillor Sheila Ellison questioned the requirement for decorative brickwork as this was not apparent in the neighbouring property. Bob Dray explained that this formed part of the planning application and there was a standard condition for development to be carried out in accordance with approved drawings etc. However, planning legislation did allow for some variations from approved planning applications and the consideration for Members was whether or not the variations for this application constituted a material amendment.

Councillor Alan Macro queried the process that would be undertaken should Members determine that the amendments were a material change. David Pearson explained that if the application was refused as being a material amendment, then the applicant could submit a S73 Application which would seek approval to make a material change from an

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approved application. It would be considered as a new application and could potentially come before Committee for determination.

In response to a query from Councillor Tim Metcalfe, Bob Dray confirmed that there was no protruding brickwork on the dwelling.

Councillor Carol Jackson-Doerge, speaking as Ward Member, raised the following points:

- She was speaking on behalf of local residents and Burghfield Parish Council. It was felt that the amendments made amounted to a material change when compared to the approved application.
- The approved design was in keeping with Burghfield's Village Design Statement which had been adopted by West Berkshire Council. However, the built dwelling was not in keeping with the Village Design Statement or the street scene due to the omission of decorative brickwork and amended window appearance. It was also a large property so was therefore very prominent.

Councillor Alan Law queried whether there was a specific reference to the appearance of windows in this part of Burghfield within the Village Design Statement. In response, Councillor Jackson-Doerge read from the Village Design Statement which stated that 'The design of windows and doors should be in character with the building and in harmony with the architectural style of the surrounding development.' This point was in relation to Burghfield as a whole.

Councillor Royce Longton, speaking as Ward Member, raised the following points:

- He agreed with the view that the amendments constituted a material change and therefore the application should be refused.
- The erected dwelling was dull in appearance and detracted from the street scene, this would not have been the case with the approved application. In addition, the petitioners who objected to this application had no issue with the approved application.

Councillor Graham Pask expressed sympathy with the concerns that had been raised and found it difficult to understand why the approved plans had not been followed. Design was an important aspect when considering a planning application and it was for Members to decide whether the amendments made with this application, when compared to the approved plans, were sufficient to warrant refusal. However, he did point out the fact that windows could be replaced with a different style in most houses without planning permission.

Councillor Richard Crumly gave his support to the points made. Planning permission had been granted for an attractive dwelling which would have been an addition to the area. However, the finished article was a disappointment. He felt it was unacceptable that the house had not been built in accordance with approved plans and was a material breach. Councillor Crumly could not therefore give his support to Officers' recommendation to approve this application as a non-material amendment.

Councillor Ellison accepted that the approved dwelling would have enhanced the street scene, but she was of the view that the erected dwelling closely matched the neighbouring property and this could be the view of a Planning Inspector.

Councillor Pamela Bale queried whether the dropped kerb and its positioning was part of the application as it did not align with the garage. Bob Dray confirmed that this was approved as part of the planning application and it was not felt necessary for highway access to the garage to be enabled when sufficient parking was separately available.

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Councillor Macro was of the view that the combination of different changes amounted to a material change, although he could not say that the erected dwelling was materially different to neighbouring properties.

Councillor Law commented that in his view the window appearance, brickwork and bargeboard appearance were similar to neighbouring properties. The Village Design Statement required new dwellings to be consistent with the street scene and on this basis he felt that the erected dwelling conformed with the street scene and therefore the Village Design Statement. However, it remained the case that the erected dwelling did not conform to the approved application. Councillor Law felt that on balance, the amendments were non-material.

David Pearson reminded Members of the view of the current and previous Governments that greater flexibility should be allowed for implementing planning permissions. Government legislation allowed for this type of change and they were not expected to reach a planning committee for consideration. He also explained that the view of successive Governments' was that enforcement should be used as a last resort. Members needed to determine this application based on its planning merits.

Councillor Bale queried whether any inspection was undertaken during the development of this and other applications as this would be the ideal time to raise concerns. It would also be the opportune time for local residents and the Parish Council to come forward with concerns. David Pearson explained that there was not the resource to conduct this type of inspection and it was not therefore conducted routinely.

Councillor Metcalfe was of the view that the amended bargeboard appearance was more in keeping than the original application, the absence of decorate brickwork 'quoins' could be resolved by painting them on and while the windows were of a lesser quality they were in keeping with other dwellings in the area. He therefore proposed Officers' recommendation to approve the non-material amendments.

Councillor Pask expressed concern at the message approval of this application could send out and stated that particular details of planning applications were considered when making decisions for the benefit of the street scene. David Pearson responded by returning to the view of successive Governments' that there needed to be greater flexibility for implementing planning permissions. However, if Members felt that the changes did constitute material amendments and there were sound reasons for this view then refusal would be acceptable.

Councillor Brian Bedwell was concerned at the absence of planting to the front of the property as this would soften the appearance of the property. He noted that this, along with other conditions, was required before occupation of the property but queried how this could be enforced. Bob Dray agreed that many conditions were required to be implemented prior to occupation of the dwelling. If these were not adhered to then enforcement was still an option to be considered on the basis of breaching conditions and the applicant could potentially face a fine if failing to comply with a possible breach of condition notice. However, efforts were made to resolve issues before enforcement became an option.

Councillor Geoff Mayes commented that the approved permission would have been more costly and time consuming to build, i.e. it was the intention for the brickwork 'quoins' to be protruding, and the amended erection of the dwelling was a cost saving measure.

Councillor Law seconded Councillor Metcalfe's proposal to approve the non-material amendment.

RESOLVED that the Head of Planning and Countryside be authorised to approve the non-material amendments to Planning Permission 12/00623/FULD as shown on drawing numbers 013264/13C, 013264/19F, 013264/10B and 013264/11B.

63(2) Application No. & Parish: 13/03187/COMIND - land north of Goring Lane, Grazeley

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 13/03187/COMIND in respect of a 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.

Following the Planning Officer, Bob Dray's, introduction to the report, Councillor Geoff Mayes queried who would be responsible for removing the solar equipment once the proposed 25 year period had elapsed, should permission be granted. In response, Bob Dray referred Members to conditions 3 (decommissioning) and 4 (removal of all equipment). If approved, these stated that the development would be removed in its entirety and the land restored to its former condition within 25 years and 6 months of the date that electricity was first generated by the development or within 6 months of the development failing to generate electricity for 12 consecutive months, whichever occurred first. He also clarified that the planning permission would continue to rest with the landowner and they would therefore hold responsibility for decommissioning and removal of equipment from the site. Enforcement powers could be utilised if requirements were not adhered to.

Councillor Alan Macro queried what would happen in the event that planning permission was granted, but the applicant was unable to reach an agreement with AWE to sell them the energy. Bob Dray explained that the application detailed an underground connection to AWE, but stated that, to the Council's knowledge, no formal contract was in place between the applicant and AWE. If the application was approved and no agreement was reached with AWE, then it would be for the applicant to identify an alternative solution for connecting to the National Grid and potentially a further planning application if further development was involved.

Councillor Macro then referred to the agricultural use proposed to produce silage for feeding cattle in the winter months. If this did not proceed, would it be lawful for the use of the land to be entirely as a solar farm. Bob Dray explained that the agricultural use of the land would be lawfully retained and, if permission was approved, this would remain throughout the 25 year temporary period. Post the 25 year period it was proposed for the land to be restored to solely agricultural use. Bob Dray further clarified that legal advice had been sought on this point and he was confident that sufficient measures were in place to ensure agricultural use remained.

Councillor Royce Longton pointed out that there was potential in future for a planning application to be submitted to extend this arrangement beyond the 25 year period. Bob Dray acknowledged that there was potential to do so, and that any such application would be considered on its merits at that time. He also advised that solar equipment generally had a lifespan of some 25 years.

In accordance with the Council's Constitution, Mr Richard Thorne, Parish Council representative, and Mr Neil Hutchings, agent, addressed the Committee on this application.

Mr Thorne in addressing the Committee raised the following points:

- Wokefield was a rural parish in a designated non settlement area designed to avoid major new development.
- If consent was to be granted it would set a major precedent in using farm land rather than a brownfield site for solar equipment and would have implications across West Berkshire. The only existing solar farm which the Parish were aware

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of in West Berkshire was on a brownfield site and this was a much preferred option.

- In July 2013 a public exhibition was held which outlined the potential use of a much larger local site and this was met with much objection. This did not proceed, but there was concern that this scheme could be reintroduced if this application was granted.
- If the application was approved it would result in the loss of an attractive landscape and it was likely that any benefit would go to AWE and not local parishioners.

Councillor Tim Metcalfe noted that vehicular access was proposed from the north rather than utilising the extant access from the south which was on higher ground and questioned if the southern access was objected to by the Parish. Mr Thorne explained that there was no objection to the use of the extant southern entrance to the site from the Parish and the only objection in terms of access was that previously proposed on a different area of the southern boundary and the western boundary.

Councillor Sheila Ellison queried if the Parish objected to the use of solar panels in general. Mr Thorne confirmed that this was not the case, they did however feel that more suitable brownfield sites were available. He repeated that Wokefield was a rural parish and approval of this application would have a negative impact. This was the view of parishioners.

Mr Hutchings in addressing the Committee raised the following points:

- He was speaking as a representative of Anesco, which was a local energy efficiency company based in Aldermaston. They had worked closely with the applicant in forming this environmentally sustainable application.
- The Officers' recommendation to grant planning permission was welcomed. He clarified that the size of the site would not be equivalent to twelve football pitches as had been incorrectly reported in the media, and was closer to two-three football pitches.
- The introduction of solar farms such as that proposed would play a key role in reducing carbon emissions. It was a Government requirement by 2020 for 15% of the UK's energy to be provided from a renewable source.
- The application site had been carefully selected to minimise the impact on the landscape as well as being closely located to AWE Burghfield. Additional planting was planned to further screen the application site.
- The proposal was for a temporary period of 25 years and it was the intention to retain an element of agricultural use during this period and for the land to be restored entirely to agricultural use once the site was decommissioned.
- As already stated the land would continue to produce silage to feed the cattle on the dairy farm. In addition, the land was not currently suitable for grazing cattle.
- A range of environmental studies had been undertaken all of which were acceptable to West Berkshire Council's Officers. These demonstrated that the impact of the proposed development on local wildlife would be minimal.
- Post construction, the level of maintenance work on site would be minimal and infrequent.
- Flood risk and draining information provided in the update report explained how surface water run-off would be managed and there would be no impact on flood risk as a consequence of the application being approved.

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- Mr Hutchings acknowledged that there was no formal agreement with AWE, but subject to consent being granted there were plans to enter into formal negotiations which would hopefully result in the energy being utilised by AWE.
- There was full acceptance to the conditions of approval which would be adhered to throughout the life of the scheme.

Councillor Metcalfe returned to the issue of access to the site. The existing entrance from the south was higher than the proposed northern access, it was also less environmentally sensitive, already capable of admitting large vehicles and had better visibility. He therefore queried why an alternative access was being proposed. Mr Hutchings confirmed that the applicant's preference was for the southern access, but following discussions with Highways around the need for adequate visibility splays it was identified that the southern access was not suitable, hence the proposal for access from the north.

Councillor Metcalfe then queried whether, subject to approval, it would be possible and safe for sheep to graze beneath the solar panels. Mr Hutchings stated that this was not proposed and made the point that it would be possible for farm vehicles to be able to access the land in between the rows of solar panels.

Councillor Longton questioned the reduction in agricultural output should permission be granted. Mr Hutchings estimated a loss of 50% due to the coverage proposed of the solar panels.

Gareth Dowding then commented on the points made in relation to access. The previous application for this site proposed that access should continue from the south from Goring Lane, however the associated drawing highlighted that the visibility splay would be across designated village green land. To ensure the visibility splay, the Highways Authority would need control of the land in question and this would not be the case for land designated as a village green area.

Councillor Geoff Mayes, speaking as Ward Member, raised the following points:

- From an agricultural viewpoint, Councillor Mayes fully understood the needs of the dairy farm to make the best use of their land and the installation of solar panels provided an opportunity to gain additional income which went in favour of the application.
- However, he was concerned at the impact approval of the application could have on the movement of local wildlife on the site.

Councillor Richard Crumly was supportive of utilising green energy and granting approval to a solar farm would have no impact in terms of noise. He was therefore supportive of this application which was a step in the right direction in terms of achieving greater levels of green energy.

Councillor Longton accepted that there were downsides from solar farms in terms of visual impact and the impact on wildlife, but there was an increasing need for renewable energy and was an issue needed to be taken seriously.

Councillor Pamela Bale sought further clarity on the village green designation and the resultant need for the access to the site to be changed. David Pearson explained that village green designation did constitute a barrier to development and this was a reason why the Government was seeking to prevent the designation of village green status in future. However, it was in existence when considering this application and had to be taken into account. The concern of Highways was around the need to ensure the maintenance of clear sight lines and this could not be ensured with the land in question to the south of the site due to the village green designation. Therefore the northern access had been proposed. This view had been informed by legal advice. Gareth Dowding

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acknowledged that while sight lines to the south were currently satisfactory, it was difficult to guarantee that this would remain the case for designated village green land.

Councillor Macro expressed his preference for development of this type to be on previously developed land. However, the application site was well screened and he was in favour of Officers' recommendation to grant planning permission. He did however point out that Condition 6 needed to be amended to ensure that the height of the solar equipment was in line with that outlined within the plan drawings (2.33m).

Councillor Alan Law stated that he was opposed to the installation of solar panels as they spoiled the outlook of the traditional countryside. He also added his view that this application contravened two existing policies. Firstly, the National Planning Policy Framework (NPPF) contained three dimensions to sustainable development: economic, social and environmental, and Councillor Law did not feel that this application would achieve gains in all these areas.

Secondly, the report made reference to Local Plan Policy ENV.16 which stated that development which formed part of a farm diversification scheme would be permitted if it adhered to certain requirements and these were listed in the report. However, Councillor Law felt that the application failed to comply with three out of six of these requirements, as follows:

- It would not benefit the economy of the rural area of which it was part.
- The buildings were not 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.
- The proposed scheme would not maintain or enhance the landscape character of the site and its rural surroundings.

Councillor Law therefore proposed refusal of the application, contrary to Officers' recommendation, on the basis that it contravened the two planning policies as described.

Councillor Metcalfe returned to the potential for the agricultural aspect of the development to be better utilised if made available for sheep grazing, if the land was appropriately fenced, as sheep could move beneath the solar panels and he was aware that this had been possible with other solar farms. He felt it would be appropriate for the Planning Committee to make a stance in requesting the land be used for sheep grazing, particularly if further similar applications were submitted. If approval was granted, Councillor Metcalfe would like this included as a condition of approval.

Councillor Graham Pask agreed with the principle of supplying green energy and, as already stated, the land in question was not suitable for grazing cattle. However, he was concerned at the difference in height of the solar panels, due to the layout of the land, which would create difficulties in utilising some of the land for grazing sheep or for cutting grass for silage. Councillor Pask felt that a policy discussion was needed with a view to making such applications suitable for grazing sheep. However, a judgement needed to be made on the application before Committee and, on balance, he felt the site was suitable for the proposed purpose, notwithstanding issues with ongoing management of the land and the valid points made by Councillor Law in relation to farm diversification.

In addition, Councillor Pask accepted that AWE might not wish to enter into a contract with the applicant, but this was not a planning consideration.

The debate then returned to Councillor Law's proposal to refuse planning permission, but his proposal was not seconded.

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Councillor Crumly then proposed acceptance of Officers' recommendation to grant planning permission subject to conditions in the report, update sheet and the amendment to Condition Six. This proposal was seconded by Councillor Longton.

David Pearson clarified that no condition could be added which required an adjustment to the scheme, i.e. for sheep grazing. If the proposal before Members was not supported then an alternative proposal would need to be sought. This could be a proposal which encompassed sheep grazing, but this alteration could result in the appearance of the site being materially different to that being proposed. Councillor Quentin Webb also pointed out that the applicant was a dairy farmer and did not believe them to also keep sheep. Councillor Bale queried whether a recommendation could be made for sheep grazing and Councillor Webb felt this would be possible as an informative.

David Pearson then advised Members that a condition could be added which would require the applicant to inform the Council of how they intended to utilise and manage the grassed areas of the site from an agricultural perspective.

Councillor Bale queried whether other solar farms were already in existence in West Berkshire. David Pearson was aware of two other solar farms in the east of the district which, despite being smaller in scale than this proposal, used similar equipment and no issues had to date been raised. Bob Dray added his awareness of a site in Crookham Common which was similar in scale to this application.

Councillor Brian Bedwell agreed with the points made by David Pearson. He would not feel comfortable with supporting a proposal which sought an adjustment to a scheme which was not a guaranteed outcome. Councillor Longton agreed this was not possible with this application and felt that an additional condition for information to be provided on the use and management of the agricultural land was sensible. However, Councillor Longton felt there was a need for a policy for solar panels and the potential for them to enable sheep grazing. Councillor Pask requested that the policy discussion on solar panels and the potential for sheep grazing be scheduled for fuller debate at the Planning Policy Task Group.

Councillor Crumly then stated that he was content for a condition to be added to his proposal to grant planning permission, which placed a requirement on the applicant to inform the Council of how they intended to utilise and manage the land from an agricultural perspective. Councillor Longton repeated his acceptance of this addition as seconder to the proposal.

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

*(Councillor Law requested that his vote against the proposal be recorded).
(Councillor Metcalfe abstained from voting on this item).*

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

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. Such details shall ensure that bonded material is used across the entire width of the access for a distance of three metres measured back from the carriageway edge. 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.

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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 2.33 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

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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 arrangements for heavy goods vehicles accessing the site from the new vehicular access off Palmer's Lane.
- (b) The parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) The erection and maintenance of security hoarding;
- (f) Wheel washing facilities.
- (g) Scarifying of the ground after construction to restore the permeability of the ground.

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

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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).

20. Sustainable drainage measures

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;

The above sustainable drainage measures shall be implemented in accordance with the approved details before any electricity is generated by the development hereby permitted, or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter until the development is decommissioned. Details of the final state of the sustainable drainage measures shall be included as part of the restoration scheme required under Condition 3.

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

21. Maintenance of ditches

No development shall take place until details of a scheme for the maintenance of the ditches surrounding the application site has been submitted to and approved in writing the Local Planning Authority. The scheme shall be designed to improve the capacity of the receiving watercourse for surface water run-off from within the application site, and shall include a timetable for implementation. The maintenance scheme shall thereafter be implemented in full, in accordance with the approved details.

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

22. Land Management Plan

No development shall take place until a management plan for the grassed areas of the site has been submitted to and approved in writing by the Local Planning Authority. The land shall be managed in accordance with the approved management plan thereafter.

Reason: The application is accompanied by insufficient information on this matter, to ensure that the grassed areas shall be adequately maintained for the duration of the development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP6, CS10, 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.

64. Appeal Decisions relating to Eastern Area Planning

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

Councillor Richard Crumly referred to the Planning Inspector's decision to allow planning permission for 13/01065, The Walled Garden, New Lane Hill, Tilehurst. This had been refused by the Planning Committee, but the Planning 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 Committee's two reasons for refusal. In addition, costs were partially awarded to the applicant as a result of the Inspector's view 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. Although specific evidence was felt to be given in relation to the effect on neighbours. Councillor Crumly raised the need for lessons to be learnt from this case.

Councillor Graham Pask recalled this particular item and was of the view that the Committee made a valid judgement on this retrospective application.

David Pearson added the view that this appeal decision demonstrated the need for Members to be clear in detailing their reasons for making a decision, including reference to specific planning policies, to help inform the minutes and avoid the risk of incurring costs.

65. Site Visits

A date of 25 March 2014 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 2 April 2014.

(The meeting commenced at 6.30pm and closed at 8.05pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	14/00233/FUL Woolhampton	24 th March 2014	Section 73 – Application to remove Class E from condition 4 of approved application 13/02394/HOUSE Little Paddocks, Woolhampton Hill, Woolhampton Mr and Mrs Robinson

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/00233/FUL>

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

Ward Member(s): Councillor Irene Neill

Reason for Committee determination: Member call in regardless of recommendation as Committee Members recommended the removal of permitted development rights in deciding to approve application 13/02394/HOUSE.

Committee Site Visit: Not applicable.

Contact Officer Details

Name: Cheryl Willett
Job Title: Senior Planning Officer
Tel No: (01635) 519111
Email: cwillett@westberks.gov.uk

1. PLANNING HISTORY

13/61	Dwellinghouse at Woolhampton Hill. GRANTED 17 th January 1961.
12/70	Additions. GRANTED 20 th January 1970.
109367	Alterations and addition to first floor to provide 3 bedrooms. GRANTED 25 th October 1978.
121893	Lounge extension. GRANTED 11 th July 1984.
122235	Two storey extension. WITHDRAWN 9 th August 1984.
138240	Timber garage to replace iron shed. Cannot determine.
141560	Two storey extension to dwelling. Cloaks/hall/dining/bathroom/bedroom/en-suite. GRANTED 25 th September 1992.
06/01074/HOUSE	Pitched roofs over the two existing flat roofed sections and with bedroom accommodation in one of the roofs. Two dormer windows within the new bedroom and the conversion of the existing garage into the kitchen and utility room. Alterations to porch. WITHDRAWN.
11/00575/HOUSE	Flat roofed single storey extensions removed, 2 storey extensions, single storey garden room and new pitched roof garage added. REFUSED 5 th July 2011 and dismissed at appeal.
12/01144/HOUSE	Flat roofed single storey extensions removed, 2 storey extensions, single storey garden room and new pitched roof garage added. REFUSED 7 th September 2012 and dismissed at appeal.
13/00782/HOUSE	Remove existing single storey garage, southern single storey extension, western boiler house and eastern section of two storey house. Erect new 2 storey extension to east and single storey glazed extension to south. WITHDRAWN.
13/01845/PASSHE	Single storey extension – depth from rear wall 8 metres, maximum height 4 metres, eaves height 3.5 metres. Application not required (permitted development). 11 th September 2013.
13/02394/HOUSE	Flat roofed single storey extensions removed, two storey extension and single storey extensions. GRANTED 28.11.13.

2. PUBLICITY

Site Notice Expired:	4 th March 2014.
Neighbour Notification Expired:	28 th February 2014.

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

Parish Council: No response received at time of writing. Comments will be reported to Planning Committee.

Highways: No objection.

Public Rights of Way No response.

3.2 Representations

Total: 0 Object: 0 Support: 0

4. PLANNING POLICY

4.1 The statutory development plan comprises the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP), and the West Berkshire Core Strategy 2006-2026.

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF)
- National Planning Guidance (March 2014)
- The Town and Country Planning (General Permitted Development) Order 1995 as amended

4.3 Paragraph 215 of the NPPF advises that, for the 12 months from the day of its publication, due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The following saved policies from the Local Plan are relevant to this application:

- ENV.1: The Wider Countryside
- ENV.24: Extensions to Dwellings in the Countryside
- HSG.1: The Identification of Settlements for Planning Purposes
- TRANS.1: Meeting the Transport Needs of New Development

4.4 In addition, the following locally adopted policy documents are relevant to this application:

- SPG 4/02: House Extensions (July 2004)
- SPG 4/03: Replacement Dwellings and Extensions to Dwellings in the Countryside (July 2004)
- Supplementary Planning Document Quality Design (June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development

4.5 The West Berkshire Core Strategy (2006-2016) July 2012 now forms part of the development plan and therefore its policies attract full weight. The following policies are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy

- Area Delivery Plan Policy 6: The East Kennet Valley
- CS 4: Housing Type and Mix
- CS 13: Transport
- CS 14: Design Principles
- CS 19: Historic Environment and Landscape Character

5. DESCRIPTION OF DEVELOPMENT

- 5.1 The application seeks consent to vary condition 4 of planning permission 13/02394/HOUSE to remove reference to Class E of the General Permitted Development Order. Application 13/02394/HOUSE was recommended for refusal at the 27th November 2013 Eastern Area Planning Committee, and was approved by Members. Officers had recommended refusal as Little Paddocks is located in the countryside where there is a tighter level of management of development, and the increase in bulk by the two storey extension in particular, in this visually prominent site, meant that the proposed extensions would be materially greater than the original dwelling. Members considered the design appropriate and an improvement on the style of the existing property. However, it was also noted that the applicants had already taken advantage of the extended permitted development rights under application 13/01845/PASSHE, and there were concerns that further development could be undertaken 'without consideration toward the appearance of the overall property' (as taken from the minutes of the meeting). Members therefore resolved to approve subject to the removal of permitted development rights.
- 5.2 Class E allows buildings, enclosures, swimming or other pools, or maintenance, improvement or other alteration of such a building or enclosure within the curtilage of a dwellinghouse, or a container used for domestic heating purposes. Such buildings cannot take up more than half the area of land around the original house (and existing extensions and outbuildings are included in the 50% limit). Buildings cannot be more than one storey, with a maximum eaves height of 2.5 metres and maximum overall height of 4 metres with a dual pitched roof or 3 metres for any other roof. If, however, the building is within 2 metres of the boundary the maximum height cannot exceed 2.4 metres. Furthermore, no verandas, balconies or raised platforms can be added. No building operation can occur on land forward of a wall forming the principle elevation.

6. APPRAISAL

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

- The appropriateness of the restriction of Class E of the General Permitted Development Order.

6.1 The appropriateness of the restriction of Schedule 2, Part 1, Class E of the General Permitted Development Order

- 6.1.1 Permitted development rights were removed under condition 4 of permission 13/02394/HOUSE for extensions, alterations, buildings and other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of the General Permitted Development Order. The reason for this condition was that 'The site is located within the countryside and measures are in place to prevent the overdevelopment of sites and a material increase in visual intrusion in the landscape. As Little Paddocks has already been greatly extended it is appropriate

for the Local Planning Authority to examine further proposals for extensions, alterations and outbuildings to assess whether these would be appropriate to the character of the dwelling, the site and to the local area.'

- 6.1.2 As presented to Members as part of the assessment of application 13/02394/HOUSE whilst there was no increase in floor area above the existing house it represented a 188% increase on the original, and 190% increase in volume on the original. The design was such that single storey elements were to be demolished and a two storey extension and single storey extensions were added in its place. Without repeating the reasons why officers felt that the extensions approved under 13/02394/HOUSE should have been refused officers do now wish to highlight that there has already been a great deal of extension and other works to the property. Permitted development rights were extended by Government in 2013 and so there was further opportunity for more development (as already considered under 13/01845/PASSHE). The site, whilst large, is visible from the adjacent public right of way, and to some extent from Woolhampton Hill to the north across the valley to the south. The size of the site does not imply that any development should be permitted, and it is a matter of judgement as to whether a proposal is appropriate to the site and surrounding area. Indeed, the size defines the very character of the site. In dismissing the appeal for extensions under 11/00575/HOUSE the Inspector commented that 'a distinctive characteristic is the spaciousness of the plot and its contribution to the open character of the area and the landscape'.
- 6.1.3 The Inspector commented that views of the house are obtained from the footpath through gaps in the hedges and trees which form the site boundary. Since the appeal the applicants have strengthened the boundary hedging though there are still views into the grounds. The extensions have already altered the character of the original building, and the Inspector noted that the extensions proposed under 11/00575/HOUSE would 'substantially add to the amount of built development on the site, reducing its open character and appearance'. The Inspector did comment that this would have a detrimental impact on the AONB, though the site is not within the AONB. The Inspector when corrected did not alter the decision to dismiss. Thus, in applying this assessment to the proposal to remove the restriction of Class E projects the spaciousness of the plot contributes positively to the open character of the area, and given the extensions permitted under 13/02394/HOUSE and also the rear extension classed as permitted development under 13/01845/PASSHE, there is a threat that outbuildings and other projects under Class E could affect this spaciousness and subsequent character. Therefore, the Council are sound in their reasoning for wishing to retain control over certain projects which would otherwise not require planning permission.
- 6.1.4 The cumulative impacts of incremental extensions and outbuildings can have an urbanising impact upon the character of the site and surrounding countryside. In removing permitted development rights the Council have sought to retain control over further extensions, alterations and outbuildings which would otherwise not need permission, to assess whether cumulatively the proposals are appropriate in their context. As outlined in the description of development (paragraph 5.2) Class E allows all sizes of building up to the size limits highlighted in the description. Given the size of the curtilage there is potential for quite large buildings to be erected, and given the past extensions, this could lead to a cumulative increase in the amount of built form which could then have a detrimental impact on the countryside, and as noted above could affect the spaciousness character of the site.

- 6.1.5 The applicant states that the imposition of the condition means that they would need permission to erect or replace a garden building, 'perhaps to accommodate children's toys, bicycles, swimming pool plant or a dog run'. This places extra expense and delay for the applicant, and an extra burden on Local Authority's resources. As considered above, it is the cumulative impact of such developments, together with the potential for quite large structures, which means that such developments are to be considered under a planning application. The protection of the countryside is considered to be more important than the additional work involved for the Local Planning Authority.
- 6.1.6 Given the comments made by the applicants in their submission officers considered an option to amend the condition to allow outbuildings and pool structures up to a certain size, to permit smaller developments but still retain control over larger proposals. This was despite some reservation that there could be a cumulative impact of smaller developments. However, the applicant considers that given the size of the site even with such extensions approved it will not be overdeveloped, that the imposition of the condition is disproportionate relative to any other property in the area or the country, and that there is no flexibility in imposing such a condition where permitted development rights exist for this type of reason. The applicant does not consider the restriction of Class E meets the six tests outlined in the National Planning Guidance (having now replaced Circular 11/95), and therefore did not agree with the suggestion to amend the restrictions to Class E.
- 6.1.7 As outlined in paragraph 005 of the National Planning Guidance (NPG) any proposed condition that fails to meet the six tests should not be used. This applies even if it is suggested by members of a planning committee. The merits of each case are to be examined when determining conditions, and it is not felt that this has an effect on all other properties sitting in large plots. The six tests are that planning conditions should only imposed where they are:
- Necessary;
 - Relevant to planning and;
 - To the development to be permitted;
 - Enforceable;
 - Precise and;
 - Reasonable in all other respects.
- 6.1.8 In assessing whether the condition is necessary the key question is whether it would be appropriate to refuse planning permission without the requirements imposed by the condition. There must be a planning reason for it and should not be wider in scope than necessary. Given the amount of extensions built over and above the original dwelling the management of future proposals to the building and site was considered appropriate by the committee. The extensions permitted under 13/02394/HOUSE would increase the built form over and above the existing house, and particularly over the original house. As explained in the assessment above the cumulative impact of developments over time can change the character and urbanise a site, and in this case affect the spaciousness of the site. The Council's Supplementary Planning Guidance on 'Replacement Dwellings and Extensions to Dwellings in the Countryside' states at paragraph 3.4.3 that the withdrawal of permitted development rights may be considered where a replacement dwelling is larger than the original dwelling. This would prevent further increases which would

be disproportionate to the original and could impact on the surrounding area. Whilst this refers to replacement dwellings, paragraph 4.2 of the SPG states that all guidelines on size increase are equally applicable for extensions in the countryside. Thus, the management of future development is considered necessary.

- 6.1.9 In assessing whether the condition is relevant to planning the key question is whether the condition relate to planning objectives and it is within the scope of the permission to which it is to be attached. The condition relates to planning objectives of protecting the countryside.
- 6.1.10 In assessing whether the condition is relevant to the development to be permitted the key question is whether this fairly and reasonably relates to the proposal. This is an area which the applicant feels strongly about, as without the permission the resident can keep the house as it looks at present but build a large shed. The permission allows extensions to the house but does prevent any further outbuildings without planning permission being sought. The extensions permitted did not add to the floor area of the existing house, as sections were to be demolished, though the proposal did introduce a two storey element in place of more inconspicuous single storey elements and therefore was materially greater than the existing dwelling, and quite an increase on the original house. The nature of the development permitted means that the house would be greatly extended over the original, and the character of the house and the site would be altered by such extensions. The increase in overall size and scale to be created by the extensions are such that control is maintained over further extensions, additions and other buildings within the curtilage of the dwelling. Officers do recognise the imposition the restrictions have and this is why the suggestion for a tailored condition to allow certain sized outbuildings, pool structures and enclosures was suggested to the applicant as a compromise.
- 6.1.11 In assessing whether the condition is enforceable, the erection of outbuildings, enclosures and pools may be noticed by members of the public or other users of the public rights of way. It would also be possible to remedy a breach of condition.
- 6.1.12 In assessing whether the condition is precise there is no doubt of what a developer needs to do in order to comply.
- 6.1.13 In assessing whether the condition is reasonable in all other respects the NPG outlines that conditions which place unjustifiable and disproportionate burdens on an applicant will fail this test. Furthermore, conditions cannot be used to make development that is unacceptable acceptable. It is not considered that removing permitted development rights under Class E places unjustifiable and disproportionate burdens on an applicant. A developer will need to submit a planning application for projects under Class E for which no application fee is required, though this is not disproportionate. As outlined above the condition is considered justified. The Council are mindful of the countryside location and an increase in visual intrusion, and therefore consider it reasonable to assess such proposals under development plan policies.
- 6.1.14 The Government is clear that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. It is considered that the condition to restrict permitted development rights, including those under Class E, was reasonable and appropriate when considering the

particular merits of the application. When considering the case to remove reference to Class E officers were concerned that given the extent of extensions already built and permitted and the visual prominence of the site large outbuildings, enclosures and pools could cumulatively erode the qualities of the appearance of the site. This is why a suggestion was made to allow small scale development. Given that this option was rejected by the applicant officers do not consider that the request to remove reference to Class E in condition 4 can be supported.

6.2 Presumption in favour of sustainable development

- 6.2.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. It is difficult to apply the dimensions of sustainable development when considering the variation of condition, as they are strategic. Recognising the intrinsic character and beauty of the countryside is a core planning principle of the NPPF, and allowing the alteration to the permitted development rights may impact on the natural and built environment. It is not considered that there is a presumption in favour of sustainable development. The Council has also been proactive in suggesting alternatives to the complete removal of the reference to Class E, though as there is no resolution officers cannot support the proposal.

7. CONCLUSION

- 7.1 Having taken into account all the relevant policy considerations and the other material considerations the proposed amendment to condition 4 of approved application 13/02394/FUL is not considered to contribute to the aims of delivering sustainable development. When considering the extensions permitted under 13/02394/HOUSE the additional built form would increase the amount of development on site over and above the original dwelling. Members in supporting the extensions thought it reasonable to restrict permitted development rights to limit any further smaller scale developments. The condition to restrict outbuildings and other projects under Class E is considered appropriate to seek to retain the qualities of the site and prevent adverse impacts from cumulative developments. The application is therefore contrary to the guidance on the design contained in the NPPF, Policy CS14 of the West Berkshire Local Planning Core Strategy 2006-2026 July 2012 and West Berkshire Council Supplementary Planning Guidance 'House Extensions' July 2004 and Policy ENV24 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 and the accompanying Supplementary Planning Guidance 'Replacement Dwellings and Extensions to Dwellings in the Countryside', July 2004.

8. FULL RECOMMENDATION

DELEGATE to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the reason set out in Section 8.1.

8.1 Recommended refusal reason

1. Condition 4 of permission 13/02394/HOUSE restricted permitted development rights for projects otherwise permitted by Schedule 2, Part 1, Classes A, B, C and E. The reason was that 'The site is located within the countryside and measures

are in place to prevent the overdevelopment of sites and a material increase in visual intrusion in the landscape. As Little Paddocks has already been greatly extended it is appropriate for the Local Planning Authority to examine further proposals for extensions, alterations and outbuildings to assess whether these would be appropriate to the character of the dwelling, the site and to the local area.'

Little Paddocks is located outside of any defined settlement boundary, in the countryside in planning policy terms. Guidance in the National Planning Policy Framework, Policies CS14 and CS19 of the Core Strategy 2006-2026 requires that applications achieve high quality design appropriate to their setting. Policy ENV24 of the West Berkshire Local Plan 1991-2006 Saved Policies 2007 seeks to prevent the over development of sites in the countryside and a material increase in visual intrusion into the countryside. In determining the application for extensions under 13/02394/HOUSE it was considered appropriate to restrict certain permitted development rights, including those under Schedule 2, Part 1, Class E. Advice in the National Planning Guidance (March 2014) outlines that conditions must meet the six tests for appropriateness.

In considering the removal of Class E from condition 4 the Council have sought to retain control over further extensions, alterations and outbuildings which would otherwise not need permission, to assess whether cumulatively the proposals are appropriate in their context. The cumulative impacts of incremental extensions and outbuildings can have an urbanising impact upon the character of the site and surrounding countryside. Little Paddocks, whilst sitting on a large site, has been greatly extended since it was first built, and further uncontrolled development could result in a change to the spacious character of the site, which is set in an attractive part of the countryside and visible from an adjacent public right of way and open views from the south. This is supported by the appeal decision APP/W0340/D/11/2160600 which noted that a distinctive characteristic of the site is the spaciousness of the plot and its contribution to the open character of the area and landscape. Policy ENV24 of West Berkshire Local Plan 1991-2006 Saved Policies 2007 seeks to prevent the overdevelopment of sites in the countryside and a material increase in visual intrusion into the countryside. Given this aim and the extent of projects which could otherwise be undertaken by virtue of Class E the restriction of permitted development rights is considered wholly reasonable and necessary, and meets the six tests of appropriateness as outlined in the National Planning Guidance (March 2014).

The proposal therefore fails to comply with guidance contained within the National Planning Policy Framework (March 2012), National Planning Guidance (March 2014), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV24 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), West Berkshire Council's Supplementary Planning Document Quality Design (Part 2) (June 2006), West Berkshire Council's Supplementary Planning Guidance notes 'House Extensions' and 'Replacement Dwellings and Extensions to Dwellings in the Countryside' (July 2004).

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Little Paddocks, Woolhampton Hill, Woolhampton

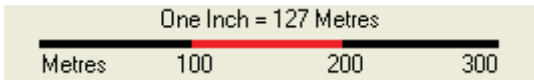


Map Centre Coordinates : 457584.99 , 167104.80

Scale : 1:5000

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	25 March 2014
SLA Number	100015913

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Agenda Item 5.

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
BEENHAM 13/01936/HOUSE Pins Ref 2209846	2 Church View, Beenham Mr and Mrs Wilkinson	Roof space conversion and associated internal alterations. Including a dormer window, rooflight and sun pipe	Approval	Dismissed 27.1.14

The Inspector considered that the main issues were as follows:-

- 1) The effect of the proposed development on the living conditions of the occupiers of No.3 Church View with particular regard to light and outlook.
- 2) The effect of the proposed development on the character and appearance of the host property and surrounding North Wessex Downs Area of Outstanding Natural Beauty.

The Inspector considered that the existing roof slope presents a degree of visual dominance and prevents some afternoon sunlight from reaching the rear garden and habitable rooms windows within this neighbouring property, and that the proposal would not significantly increase the massing of roof development or alter the existing levels of light or outlook to any significant degree.

The Inspector considered that as the proposed dormer windows would be obscure glazed there would be no overlooking of No.3, and that although some additional overlooking would emanate from the rear window of the proposed rear bedroom across No. 4 this would be oblique and only across a small portion of the rear garden, therefore the privacy of these occupiers would not be significantly compromised.

The Inspector noted a significant number of dormer windows in the locality, some of which were similar in size and appearance to the proposal. He considered that the limited size, and sympathetic siting of the proposal represented a subordinate extension that respected the existing roof and reflected an element of the established character of the surrounding area. As the host property is within the built-up part of the village and not in a particularly prominent position the proposal would have no impact on the appearance or openness of the surrounding AONB.

The Inspector considered that the proposal would not lead to harmful developments in the area.

The Inspector considered that an amended drawing changing the description of the rooms would have no impact on his decision.

In conclusion, the Inspector considered that the proposed development would not result in unreasonable harm to the living conditions of the occupiers of No.3 Church View, and would also have an acceptable impact on the character and appearance of the host property and surrounding AONB, therefore complying with Paragraph 7 of the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), the Beenham Village Statement 2003 and the Quality Design – West Berkshire Supplementary Planning Document (Part 1) 2006. The Inspector concluded that the appeal should be allowed.

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BEENHAM 13/00343 Pins Ref 2199680	A4 Breakers, Sevenacre Copse, Grange Lane, Beenham A4 Metal Recycling Ltd	Continued use of site for metal recycling and car breaking, erection of facilities building and resurfacing of bridleway	Delegated Refusal	Dismissed 29.11.13
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The main issues were:

- (i) The fallback position that could lawfully exist should the appeal fail

And in light of that, the effects of the proposed development on:

- (ii) The living conditions of nearby residents, particularly in terms of noise and disturbance;
- (iii) Users of the adjacent bridleway;
- (iv) The attributes of the North Wessex Downs Area of Outstanding Natural Beauty, within which the site lies; and
- (v) Local infrastructure, facilities and amenities.

The conclusion reached by the Inspector was that as the site benefited from an existing lawful use as a car breakers site, and as a site identified as a preferred area for waste management and an allocated employment site in the development plan the proposal was broadly consistent with the NPPF and development plan policies.

The inspector considered that although the appeal site benefited from a certificate of lawfulness for car breaking, the introduction of metal recycling operations, and the change in the character of the site and locality that this introduced, resulted in there having been a material change of use at the site to a mixed use of breaking of vehicles and general metal recycling.

The inspector concluded that the level of noise and disturbance generated by the proposal would generate an unacceptable level of harm to the local environment was contrary to planning policies. He also determined that the proposed use was harmful to users of the public right of way in terms of their legitimate enjoyment of the route and in terms of public safety. The inspector found that there would be no significant harm over and above the effects of the lawful use to the landscape and beauty of the AONB, but that there would be harm to the environment in terms of the reduction in the sense of remoteness and tranquillity of the general area and the quiet enjoyment of the AONB.

Overall, and despite the in principle policy position, the inspector concluded that the proposed use was not acceptable in policy terms.

Subsequent to receiving the appeal decision the appellant has submitted a claim to the high court under S288 of the planning acts challenging the decision by the planning inspectorate. This claim is set to be heard on the 27th March.

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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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The outline application for the erection of an additional floor on each of the four identified blocks of flats in Starlings Drive, Tilehurst was refused on 6th February 2013. Concern was had with the impact of a further storey on the character of the area, the impact on protected trees, the means of parking when considering the tree protection, and the lack of a S106 agreement. During the course of the appeal the appellant provided information in relation to the impact on protected trees, which overcame the reason for refusal on trees. A unilateral undertaking was also completed which overcame the reason for refusal on the lack of a S106. The parking could be dealt with by condition.

In dismissing the appeal the Inspector considered the character of the area. There are several groups of blocks of flats in the area, with a variety of rooflines owing in part to the position in the valley. The flats are mostly in blocks three stories tall. The area is quite spacious, despite being in a steeply sided valley. The appeal site lies opposite to two storey houses front and back, and next to three storey houses and flats to the sides. There are open views from Magpie Way, and from this vantage point it is clear that the flats on the appeal site have been cut into the hillside. There are a number of mature trees which add character to the surroundings.

Despite the difference in heights and larger mass of the blocks of flats the area has a pleasing conformity of design which has taken advantage of the sloping terrain to create a surprisingly consistent feel as flats sit comfortably with adjacent houses. Views across the roofs of the flats are significant as they make an important contribution to the sense of space and openness.

The addition of a fourth floor to four blocks of flats would have a small effect on each of the characteristics of the area which cumulatively would add up to serious harm. The fourth floor would upset the balance and look out of place. They would particularly dominate the smaller houses across the road. They would present a much greater mass to the houses in Magpie Way become more dominant in views across the valley. They would also stand out in longer views down the valley from further north along Starlings Drive. Overall, the proposal would compromise the harmony of design in the estate.

It is accepted that 8 new flats would be a valuable addition to the housing stock and the proposal makes good use of land, though the NPPF identifies three strands to sustainability, one of which is a social role of 'creating a high quality environment'. As it is not considered that the proposal would create a high quality environment but causes significant harm which is not outweighed by the benefits it follows that the proposal is not sustainable.

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