

Notice of Meeting

Western Area Planning Committee

Wednesday, 23rd July, 2014 at 6.30 pm

**in Council Chamber Council Offices
Market Street Newbury**

Members Interests

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

Date of despatch of Agenda: Tuesday, 15 July 2014

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

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

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

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

Email: planapps@westberks.gov.uk

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 Jenny Legge on (01635) 519441 / 503043 / 5031 Email: ewalker@westberks.gov.uk / jlegge@westberks.gov.uk / jcollett@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 23 July 2014
(continued)

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

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 1 - 6
To approve as a correct record the Minutes of the meeting of this Committee held on 2 July 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).
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|-----|--|--------|
| (1) | Application No. and Parish: 14/01280/COMIND - Land North of Oaken Copse, Yattendon | 7 - 22 |
| | Proposal: Construction of an earth banked slurry lagoon | |
| | Location: Land North of Oaken Copse, Yattendon, Berkshire | |
| | Applicant: Yattendon Estates Ltd | |
| | Recommendation: The Head of Planning and Countryside be authorised to GRANT planning permission. | |

Agenda - Western Area Planning Committee to be held on Wednesday, 23 July 2014
(continued)

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| (2) | <p>Application No. and Parish: 14/01145/COMIND - Cobbs Farm Shop, Bath Road, Hungerford</p> <p>Proposal: Alterations and extensions to provide soft play space and additional ancillary kitchen, food preparation and storage space.</p> <p>Location: Cobbs Farm Shop, Bath Road, Hungerford</p> <p>Applicant: Mr T. Newey Country Food And Dining Ltd</p> <p>Recommendation: The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to conditions</p> | 23 - 36 |
| (3) | <p>Application No. and Parish: 14/01391/COMIND - Land at Chieveley village hall, Chieveley</p> <p>Proposal: Extension to south of Village Hall for additional pre school facility.</p> <p>Location: Land at Chieveley village hall</p> <p>Applicant: Chieveley Village Hall Trustees</p> <p>Recommendation: The Head of Planning and Countryside be authorised to GRANT conditional planning permission.</p> | 37 - 42 |
| (4) | <p>Application No. and Parish: 14/00400/HOUSE - Church Cottage, 1 Burys Bank Road, Greenham</p> <p>Proposal: Extensions and alterations</p> <p>Location: Church Cottage, 1 Burys Bank Road, Greenham</p> <p>Applicant: Mr B Edmondson</p> <p>Recommendation: The Head of Planning and Countryside be authorised to GRANT planning permission.</p> | 43 - 50 |
| (5) | <p>Application No. and Parish: 14/01003/HOUSE - 2 Battery End, Newbury</p> <p>Proposal: Two storey and single storey rear extension</p> <p>Location: 2 Battery End, Newbury</p> <p>Applicant: Mr and Mrs Adis Karahodza</p> <p>Recommendation: To DELEGATE to the Head of Planning and Countryside to APPROVE PLANNING PERMISSION</p> | 51 - 58 |

Items for Information

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|----|--|---------|
| 5. | <p>Appeal Decisions relating to Western Area Planning Committee</p> <p><i>Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.</i></p> | 59 - 68 |
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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.



West Berkshire
C O U N C I L

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 2 JULY 2014

Councillors Present: David Allen, George Chandler, Hilary Cole, Paul Hower, Roger Hunneman, Andrew Rowles (Substitute) (In place of Garth Simpson), Anthony Stansfeld, Ieuan Tuck, Tony Vickers (Substitute) (In place of Julian Swift-Hook) and Virginia von Celsing (Vice-Chairman)

Also Present: Derek Carnegie (Team Leader - Development Control), Sarah Clarke (Team Leader - Environment Solicitor), Paul Goddard (Team Leader - Highways) and Jenny Legge (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Jeff Beck, Councillor Paul Bryant, Councillor Garth Simpson and Councillor Julian Swift-Hook

PART I

(Councillor Virginia von Celsing in the Chair)

10. Minutes

The Minutes of the meeting held on 11 June 2014 were approved as a true and correct record and signed by the Chairman.

11. Declarations of Interest

There were no declarations of interest received.

12. Schedule of Planning Applications

12(1) Application No. and Parish: 14/00588/FUL - Greenham

(There were no declarations of interest received.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 14/00588/FUL in respect of 5 Burys Bank Road, Greenham, for a change of use from dwelling-house to residential care home (Use Class C2) for up to six young persons.

In accordance with the Council's Constitution, Mr Hatter, objector, and Julian Bolitho, agent, addressed the Committee on this application.

Derek Carnegie brought to the Committee's attention that there would be no representative on behalf of Greenham Parish Council (GPC). Due to a combination of sickness and the recent resignation of the Chairman, there were no Councillors available to attend. GPC apologised and wanted to stress that this in no way lessened GPC's objections to the application or implied any disregard for the WAPC.

Derek Carnegie introduced Agenda Item 4 (1) which had been deferred from meeting on 11 June 2014. He noted that there had been a lengthy debate at the previous meeting which had resulted in the amended Condition, shown on page 22, third paragraph of the Agenda, being put before the Committee. Members had asked for Officers to be more

WESTERN AREA PLANNING COMMITTEE - 2 JULY 2014 - MINUTES

precise as to the range of uses allowed on the site. He considered that the changes addressed all the points raised by Members, however concluded that if the decision were to be challenged he had reservations as to whether it could be defended at appeal. His recommendation was for approval subject to the amended Condition.

Mr Keith Hatter in addressing the Committee raised the following points:

- He was speaking on behalf of the residents of Peckmoor Drive, who were resolutely opposed to this application.
- He noted that the Committee had not been advised by an independent Autism expert and that current residents felt that they would suffer from an increase in anti-social behaviour (ASB), violence and disturbance to their amenities if this application were allowed.
- Mr Hatter described the scales used to calibrate the Autistic spectrum and asserted that as these had not been referred to and as there had been no meaningful input from an Autism expert, the amended Condition was not restrictive enough to be useful.
- He believed the site assessment had been inadequate and the danger to cyclists underestimated.
- There would be inadequate parking for family members visiting the proposed site.
- He queried the assertion that the hedge was cut three times a year and assured the Committee that there was a 'No Waiting' sign near to the proposed site.
- He suggested that there had been an abuse of the planning process and a general bias of the Committee in favour of the Priory Group; the applicant had been consulted regarding the amended Condition, however the objectors had not. He had taken exception to the Chairman's comment made at the close of the previous meeting.
- He was concerned that Members had not declared their interests in Advent & The Priory Group and would benefit from these businesses. He pointed out that Councillor Anthony Stansfeld's wife worked for a company that had dealings with the Priory Group and that he should have declared this and removed himself from the debate.

Councillor Anthony Stansfeld stated that he was unaware of any connection between the applicants and his wife's employers, but that he would abstain from the vote.

Councillor Tony Vickers asked for Officers to clarify how a Member could declare an interest if they were unaware of it. Sarah Clarke explained that Members had to declare any personal or pecuniary interests, but that if they were unaware of the interests then these would be remote and therefore there would be no suggestion that Members had acted improperly.

Councillor Andrew Rowles asked Mr Hatter if the property was large enough to house six people. Mr Hatter answered that he had not seen inside the property and so was unable to comment. Councillor Rowles further inquired if Mr Hatter would be content if the house was used by a large family. Mr Hatter explained that the number of visitors he estimated would visit the proposed site would be many more than would be generated by a large family. Councillor Rowles asked if six people would create a lot of noise. Mr Hatter observed that a large family would not need planning permission and that adults aged up to 19 years who could be on the furthest end of the spectrum would be able to live at the residence.

Councillor Hilary Cole enquired how many families with children lived in Peckmoor Drive. Mr Hatter confirmed there were five. Councillor Cole further asked how many houses

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there were in Peckmoor Drive. Mr Hatter noted there were five. He noted that he was objecting on behalf of nearby roads in addition to the residents of Peckmoor Drive.

Councillor Cole sought clarification from Officers as to bias within the Committee. Sarah Clarke was content that there was nothing to suggest that Members were biased and unable to vote and that therefore she believed that Members were entitled and obliged to vote on this matter. Councillor Cole concurred that she did not believe there had been an abuse of the process.

Mr Hatter asserted that he had received legal advice that the process had not been followed. Sarah Clarke explained that his legal advisor was entitled to their own opinion.

Mr Julian Bolitho in addressing the Committee raised the following points:

- At the resolution of the last meeting there had been some discussion regarding the definition of Use Classes two and three. On that occasion he had not had the government guidance to hand but had since researched the detailed definitions and could confirm that this proposal was a Class 2 application. Guidance stated that Conditions had to be related to planning issues and precise and he believed that this applied to the amended Condition.
- He explained that the reasoning for stating that the young people had to be under 19 rather than 18 was that they would be in education and likely to have turned 18 during their last year and it would be unreasonable to remove them from the property at that stage of their studies.

Councillor Cole noted that Mr Hatter had queried the level of autism that the young people would have. Priors Court was within her own ward, however the children did not go through the education system. Councillor Cole queried that, as the young people who were to live in the proposed site were able to attend school, did this mean that they were at the lower end of the spectrum. Mr Bolitho could not guarantee that all six students would be at the lowest end of the spectrum.

Councillor Roger Hunneman noted an error in the minutes from the previous meeting that had been overlooked. Sarah Clarke reminded the Committee that the minutes had been agreed and signed. Councillor Hunneman wished to expand on the comments ascribed to him on page 12 of the agenda in the penultimate paragraph. He remembered his comment to have been that there was a 'no waiting at any time' sign which was obscured by a hedge, but no yellow lines on the road. He asked Officers if there would be yellow lines. Paul Goddard explained that the sign was put there during the times of demonstrations against Greenham Common airbase to restrict parking in surrounding roads. The restriction had not been active for about 20 years and the sign should have been removed. He had referred the matter to a colleague. He believed there was sufficient parking on site and the 'no waiting' restriction would not be reinstated.

Derek Carnegie noted that Public Protection Officers had no concerns about the impact of noise from the site.

Councillor Cole remarked that she had asked for the deferment of this item so that clarity could be sought on the uses of Class 2 sites. She now felt that satisfied that the Condition included the element of protection required. Mr Hatter had suggested that the Committee was biased and prejudiced, but she opined that it was the objectors that were biased and prejudiced about this application.

Councillor Cole proposed to accept Officer recommendation to grant permission. This was seconded by Councillor Paul Hewer.

Councillor Tony Vickers was concerned about what he considered a lack of firmness in the amended Condition and the potential for it to be overturned at appeal. He asked if

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Officers had considered using a Business Class to restrict the use. Derek Carnegie explained that it would still be open to challenge and the Planning Inspector to come to their own conclusion. He felt that Officers had gone as far as they could in terms of Conditions and reminded the Committee that the Planning Inspector could also approve the application without the amended Condition. The Government has a commitment to 'Care in the Community'.

The Chairman invited the Committee to vote on the proposal to accept Officer recommendation to grant permission and it was carried. Councillor Stansfeld asked that his abstention be minuted.

RESOLVED to DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to conditions, subject to the following conditions:

Conditions

1. The change of use 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. The development hereby permitted shall be carried out in accordance with the approved drawing number 1195 003 received on 6th March 2014.

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

3. The application site shall be used solely as a residential care home for up to six young persons aged under 19 years with autistic spectrum disorders or learning difficulties and for no other purpose including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification)."

Reason: Any other use or intensification of use may not be acceptable on the site. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS1 and CS14 of the West Berkshire Core Strategy 2006-2026 and Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

Informatives:

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development which improves the economic, social and environmental conditions of the area.

13. Application No. and Parish: 14/00943/FUL - Greenham

Derek Carnegie informed the Committee that (Agenda Item 4(2)) concerning Planning Application 14/00943/FUL in respect of land rear of 163 Greenham Business Park, for the retention of administration buildings and storage tanks, [administration buildings permitted by permission number 152079] had been withdrawn by the applicant and would therefore not be considered at this meeting. Councillor Roger Hunneman commented that Members would not like to lose sight of this application. Derek Carnegie confirmed that if a further application were required, it would be brought back to the Committee.

Following the conclusion of the meeting Councillor Hilary Cole informed the Committee that there was a proposal to limit the presentations of Ward Members to five minutes in total, to echo that of other speakers at Planning meetings. Members would present from the same table as objectors / applicants signifying the change in role from Committee

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Member to Ward Member. It was felt this would add a sense of fairness to the proceedings. Members would then return to their places in the Committee to take part in the debate. Sarah Clarke confirmed that if there were more than one Ward Member wishing to speak they would need to share the five minutes, as other speakers were currently required to do. Members concurred that this was an excellent suggestion.

(The meeting commenced at 6.30 pm and closed at 7.15 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application and Parish	No. 8/13 Week Date	Proposal, Location and Applicant
(2)	14/01280/COMIND Yattendon Parish	13 August 2014	Construction of an earth banked slurry lagoon, at Land North of Oaken Copse, Yattendon, Berkshire. Yattendon Estates Ltd.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/01280/COMIND>

Recommendation Summary:

The Head of Planning and Countryside be authorised to GRANT planning permission.

Ward Member(s):

Cllr Virginia von Celsing

Reason for Committee determination:

Called in by Cllr von Celsing to ensure that local concerns are aired and agent is given opportunity to explain rationale to create greater local acceptance.

Committee Site Visit:

17 July 2014

Contact Officer Details

Name:

Mark Campbell

Job Title:

Senior Minerals & Waste Planning Officer

Tel No:

(01635) 519 111

E-mail Address:

mcampbell@westberks.gov.uk

1. Site History

- 1.1 There is no relevant planning history for this site.

2. Publicity of Application

- 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 A site notice was displayed at the sites entrance on 16 June 2014 to expire on 7 July 2014. Neighbour notification letters have been sent to numbers 1 and 2 Broadfield Cottage, Yattendon. The application was listed in a public notice in The Newbury Weekly News on 12 June 2014. The authority has therefore discharged their duty to publicise applications in accordance with the DMPO.

3. Environmental Impact Assessment

- 3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with Regulation 7 of the Regulations, the local planning authority (LPA) is required to adopt a screening opinion as to whether the proposal constitutes EIA development, and therefore whether Environmental Impact Assessment (EIA) is required as part of the application.

- 3.2 A screening opinion has been adopted because the proposed development is considered to fall within Section 11(d) of Schedule 2 of the EIA Regulations, and the site is located within a sensitive area. The LPA does not consider the proposed development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such, the LPA concludes that the proposal is not EIA development, and therefore EIA is not required.

4. Consultations and Representations

Yattendon Parish Council: Raise no objections.

Ashampstead Parish Council: Object as they believe that being so close to a footpath, the proposed slurry lagoon may prove to be a danger to both dogs and children. The Councillors are also concerned as to the impact of odours arising from the site.

Public Protection:	<p>The proposed lagoon is to be 600m to the north of Yattendon village and is designed to store up to six months of slurry in order to comply with the Nitrate Pollution Prevention regulations.</p> <p>There is concern that the odour of slurry will be discernible in the village of Yattendon and surrounding area, however current guidance from other authorities such as the Pembrokeshire Good Practice Guidance: Slurry Stores January 2013, identifies that an odour management plan would be required if residential properties were 200 metres or less from the slurry lagoon. The proposed lagoon will be 600 metres away from the nearest residential. It is therefore considered unlikely that odour from the slurry will be noticeable at the nearest residential property.</p> <p>Environmental Health raise no objections to this application.</p>
Environment Agency:	Raise no objection and refer to standing advice.
North Wessex Downs AONB Management Board:	The North Wessex Downs AONB Unit raise no comments subject to suitable planning conditions ensuring the retention of any existing suitable boundary landscaping and the provision of the new landscaping as proposed. The need for this slurry lagoon is noted and it is also noted that this is the type of facility that is best not located closer to the village.
Highways:	Following receipt of further information on vehicle movements no objections are raised.
Public Rights of Way:	No objections raised and suggest standard informatives.
Archaeology:	<p>The application to construct a slurry lagoon is of some archaeological interest. The proposed development area is within an area of archaeological potential; the site of a Roman building at Calvesley's Farm lies 400m to the south east and Roman finds (a 4th century brooch) have been uncovered in this same area. Slightly further to the east, a Roman ritual hoard and further evidence of structures has been found, and the Scheduled Monument of Eling Roman Villa is located 2 kilometres to the West. All of this evidence suggests that this area of the Pang Valley was exploited during the Roman period, and perhaps earlier. Considering this evidence, and the relatively large scale and depth of the proposed lagoon, it is possible that the proposal would have a significant impact on any potential surviving archaeological deposits.</p> <p>I would suggest that the applicant(s) be asked to commission a programme of archaeological supervision (watching brief) during the excavation of the area and any related groundwork's for the lagoon.</p>

Representations: 7 letters of representation received objecting to the proposal, primarily on the grounds of odour impact, as well as concerns with traffic movements. 2 further letters of representation were received withdrawing earlier objections following discussions with Yattendon Estates and the issues of odour. Therefore, 5 letters of objection remain.

5. Policy Considerations

- 5.1 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 South East Plan (May 2009), only insofar as Policy NRM6 applies
 - The Replacement Minerals Local Plan for Berkshire (2001)
 - The Waste Local Plan for Berkshire (1998)
- 5.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012)
 - The National Planning Practice Guidance Suite (March 2014)
 - Planning Policy Statement 10: Planning for Sustainable Waste Management
 - Manual for Streets (DCLG/DfT)
- 5.3 The South East Plan was adopted on 6 May 2009 and carries due weight according to its degree of conformity with the Framework. Although this plan has been revoked, Policy NRM6 (Thames Basin Heaths Special Protection Area) remains in force. As such, the South East Plan is only relevant insofar as this policy applies. For the avoidance of doubt, for the purposes of this application the policy is not relevant as the site is not within nor does it influence the Thames Basin Heath SPA.
- 5.4 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
 - ADPP5: North Wessex Downs Area of Outstanding Natural Beauty
 - CS10: Rural Economy
 - CS13: Transport
 - CS14: Design Principles
 - CS19: Historic Environment and Landscape Character
- 5.5 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
 - TRANS.1: Meeting the Transport Needs of New Development
- 5.6 The Waste Local Plan for Berkshire (Waste Local Plan) is a key planning policy document relevant to this proposal. It is accepted that the Waste Local Plan is now dated, but it remains the adopted plan relating to waste proposals in Berkshire and provides a key local planning policy context. In accordance with the Planning and Compulsory Purchase Act (2004) the Waste Local Plan was reviewed in 2007 and a number of policies were saved following this review process.

- 5.7 Despite the fact that the Waste Local Plan was adopted in 1998 it is clear from the NPPF that policies in existing adopted plans shall still be afforded due weight and more weight given to policies that are consistent with the NPPF. The NPPF does not contain any specific policies on Waste, referring to PPS10 but confirms that decision makers should have regard to policies in the NPPF and therefore it is considered that, where the policies in the Waste Local Plan are in conformity with the policies in the NPPF and PPS10 then they should still be afforded due weight in the consideration of planning applications. The relevant saved policies for the determination of this application are:
- WLP1: Sustainable Development
 - WLP19: Farm and stable waste
 - WLP27: Is development needed
 - WLP29: Non identified sites for waste management development outside preferred areas
 - WLP30: Assessing the impact of development proposals
 - WLP31: Information to be provided with application
 - WLP33: Environmental improvements and wider benefits
- 5.8 The Replacement Minerals Local Plan for Berkshire (Minerals Local Plan) sets out the policy framework for the consideration of minerals management developments across Berkshire. The Minerals Local Plan was adopted by the County Council in 1995, with alterations adopted in 1997. A review of the Minerals Local Plan was undertaken and alterations were adopted in May 2001. In accordance with the Planning and Compulsory Purchase Act (2004) the Minerals Local Plan was reviewed in 2007 and a number of policies were saved following this review process. It is clear from the NPPF that policies in existing adopted plans shall be still afforded due weight and more weight given to policies that are consistent with the NPPF. In this instance none of the policies within the Minerals Local Plan are considered relevant.
- 5.9 In addition, the following locally and regionally adopted policy documents are material considerations relevant to this application:
- The North Wessex Downs AONB Management Plan (2009-2014)

6. Description of Development

- 6.1 The application site is located on land 0.9km north of the village of Yattendon. The site forms part of the wider Yattendon Estate, a substantial land holding (1,790 hectares), within West Berkshire. The site is effectively surrounded by agricultural land with Oaken Copse approximately 160 metres to the south. The nearest residential properties are 1 and 2 Broadfield Cottage, which are located approximately 600 metres south west of the proposed lagoon. With regard to the wider area the site forms part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- 6.2 Access to the site is achieved via an existing track (only partly made), which leads from Yattendon Road adjacent to 1 and 2 Broadfield Cottage. A public right of way, Footpath 1/1, crosses this track (and adjacent fields) as it runs north from Yattendon Road. There is an existing hedgerow along the southwest boundary together with a single tree.
- 6.3 Planning permission is sought for the construction of an earth banked slurry lagoon and associated works. The lagoon would measure 65 metres by 40 metres and have a maximum overall depth of 4.75 metres, which includes 0.75 metres freeboard required by The Water Resource (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). The lagoon will provide for a useable volume of 6,349m³. It will be lined with a black HDPE liner which has a permeability of less than 10⁻⁹m / second. Excess spoil from the excavation of the lagoon would be used for its banks and to fill an existing depression

within the field. Therefore, the development does not require the import or export of any materials.

- 6.4 Further works will include the creation of a gently sloping ramp and flat area to the west of the proposed lagoon, to provide a pumping area for filling and emptying, as well as to allow for east turning for tractors and tankers. This area would be located in line with the existing track and would not be surfaced. In addition to this a security / safety fence would be erected around the perimeter of the lagoon, with access gates provided adjacent to the filling / emptying area as well as at mixing points. The details of the security fence, at this stage, are indicative.
- 6.5 The application details, within the submitted supporting statement, that the siting of the lagoon has been driven by the applicants desire to reduce traffic movements related to slurry spreading. It also confirms that the lagoon will, from time to time, be filled from an existing slurry tower via an overland umbilical pipeline and underground road crossings. There are also proposal for further landscaping to include a hedgerow and tree and shrub planting.

7. Consideration of the Proposal

- 7.1 The main issues to consider with the determination of this application are; the principle of the development; impact on living conditions and the environment; impact on the AONB; highway and PROW considerations; archaeological impact; and the need for sustainable development.

Principle of Development

- 7.2 With regard to the principle of the development, it is considered that the spatial policies of the Core Strategy, namely ADPP1 and ADPP5 are relevant, together with policy WLP19 of the Waste Local Plan and the NPPF. ADPP1 sets out the spatial strategy for development in West Berkshire. It is clear that development in West Berkshire will follow the existing settlement pattern (and comply with the spatial strategy set out in the Area Delivery Plan policies based on the four spatial areas) with most being within or adjacent to the settlements included on the settlement hierarchy. Within the open countryside only appropriate limited development will be allowed.
- 7.3 Policy ADPP5 covers the spatial area of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The policy is quite lengthy and is separated into sub-headings for Housing; Environment; Economy; Accessibility; and Community Infrastructure and Services. It is considered that the environment policy points are the most relevant. However, there is no specific policy points that would directly relate to the development proposed, with the exception of the need for development to conserve and enhance the local distinctiveness of the AONB.
- 7.4 Within the Waste Local Plan policy WLP19 provides the context for farm and stable waste. This policy supports the principle of proposals for the treatment of farm and stable wastes, outside of preferred areas (for waste management), subject to the proposals being located within or adjacent to existing groupings of farm buildings; being appropriate in scale, form, character and siting to its location; and overcoming or accommodating all constraints deriving from the considerations set out in policies WLP27 and WLP29 to WLP33, plus all other relevant policies.
- 7.5 It should be noted that WLP19, although relevant, is not considered to be a “comfortable fit” for this proposal. The primary reason for this is the policy is aimed at proposals that take farm waste for treatment to recover resources (heat and power for example), and not necessarily storage of slurry. The supporting text of the policy also makes it clear that much of the waste produced by farms is disposed of safely in controlled quantities on

agricultural land as fertiliser. Therefore, the policy would seem to more relevant to proposals that fall outside of that remit, namely treatment for another purpose than fertiliser. With this being the case, the principle of the proposal, having regard for WLP19, is considered acceptable.

- 7.6 The NPPF sets out the presumption in favour of sustainable development, which is the overarching principle issue for all new development. There are no specific principle issues raised by the NPPF aside from the need for sustainable development. However, it should be noted that the NPPF does support the rural economy through the development (and diversification) of agricultural and other land based rural business, and this is acknowledged at paragraph 28. Policy relating to the AONB is dealt with under separate sections of this report.
- 7.7 Given the above principle policy context, and the lack of any specific policies relating to slurry storage facilities, it is considered that in general terms the principle of the development is acceptable. The site is outside of the settlement boundary and within the AONB where normally development would be restricted. However, as an engineering operation that will still have a degree of a natural appearance (despite obviously being man made) by virtue the land grading and minimal operational structures (only fencing), it is considered that in this instance the principle is acceptable. Furthermore, clearly the slurry storage facility must be constructed within an area where it would be most effective, therefore it will not always be possible to provide such infrastructure within settlements or urban areas.

Impact on living conditions and the environment

- 7.8 Policy CS14 of the Core Strategy requires new development to make a positive contribution to the quality of life of residents of West Berkshire. Conversely then, those developments that cause a negative impact to quality of life are not acceptable. Further policy provision comes in the form of WLP30 which, inter alia, seeks the assessment of the need to safeguard living conditions including amenity levels. Policies OVS.5 and OVS.6 of the Local Plan relate to environmental nuisance and pollution control, and noise pollution respectively. They essentially require developments to not cause unacceptable levels of harm to the environment or the amenity of residents in terms of pollution and noise.
- 7.9 For the purposes of this application, it is considered that the primary impacts relating to living conditions and the environment are potential odour; visual impact; and the effect on surface and ground water sources.
- 7.10 As described earlier within this report the nearest residential properties to the proposed lagoon are approximately 600 metres away to the south. Considerable concern has been raised within the representation letters with regard to odour generated by the slurry. The decomposition of the slurry will create various emissions and gases that in turn have an odour impact. However, it should be noted that that these gases are heavier than air and thus do not have a large dispersal rate. Furthermore, the applicant has confirmed, within their supporting statement, that during the Nitrate Vulnerable Zone (NVZ) closed period (a period of no spreading) the slurry will form a crust. This crust has a significant effect on the level of odour arising as it suppresses emissions.
- 7.11 Furthermore, there has been no objection raised by the Councils Public Protection Department. In their consultation response Public Protection officers referred to guidance on slurry stores provided by other authorities, such as the Pembrokeshire Good Practice Guidance: Slurry Stores January 2013, which identifies that an odour management plan would be required if residential properties were 200 metres or less from the slurry lagoon. As the nearest properties are approximately 600 metres away it is considered unlikely that odour will be noticeable, therefore no objection has been raised.

- 7.12 It should also be noted that, subject to various criteria, slurry storage can be permitted development. One of these criteria is that structures, buildings or excavations used for the storage of slurry cannot be within 400 metres of a protected building (dwellings included). Therefore, it is possible that a slurry lagoon, that meets all of the requirements of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), could be closer to residential properties than the one proposed within this application.
- 7.13 It is therefore considered that the proposal will not lead to odour levels that will cause demonstrable harm to living conditions.
- 7.14 With regard to visual impact, it is unlikely that the lagoon will be visible from any residential property. It will potentially be visible from the nearby footpath, but the existing hedgerow should provide sufficient screening. There are no obvious long distances viewpoints and in any event the nature of the land and the nearby woodland provide a degree of visual protection. The proposed landscaping will help to assimilate the development into the landscape further. Thus, the proposal is not considered to cause any visual harm.
- 7.15 As part of the application process the Local Planning Authority have consulted the Environment Agency. As detailed earlier within this report their consultation response has raised no objections. The site is located on a principal aquifer within a Source Protection Zone (SPZ) 3 and a NVZ. As such groundwater beneath the site must be protected. The provision of the HTPE liner should provide a sufficient barrier to prevent leaching contaminants into ground water. Furthermore, the lagoon must legally comply with the requirements of the SSAFO in order to reduce the risk of water pollution. With this being the case there is no reason to refuse planning permission on surface and ground water source issues.

Impact on the AONB

- 7.16 As already described the site and its immediate surroundings, form part of the North Wessex Downs Area of Outstanding Natural Beauty. With regard to the relevant policies, ADDP5 provides the spatial strategy for developments within the AONB; whilst policy CS19 gives consideration to landscape character issues. The NPPF also provides context to development within the AONB within paragraphs 115 and 116.
- 7.17 Policy ADDP5, which has been previously detailed within this report, has no specific elements that would cause the proposed development to be considered unacceptable.
- 7.18 Policy CS19 provides context to developments impact on the historic environment and landscape character of the district. It adopts a holistic approach that seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced, the natural, cultural, and functional components of its character are considered as a whole.
- 7.19 It is considered that the proposal will not harm the diversity and/or the local distinctiveness of the landscape character of the district. Although the lagoon and its associated infrastructure will clearly appear as man made features within the landscape, the landscaping proposed will help the proposal assimilate into its surroundings. Furthermore, despite the sites designation as part of the AONB, there is no clear harm to the landscape and any impact is contained to the immediate vicinity.
- 7.20 The NPPF makes clear, at paragraph 115, that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. It goes on to state at paragraph 116 that planning permission should be refused for major developments in these designated areas except in exceptional

circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 7.21 The first issues to address, with regard to the NPPF, is whether the proposal constitutes a major development. Clearly, in the teams of the DMPO the application is deemed to be a major development, but this provision merely relates to the procedures of how the application is dealt with and its advertisement. Put simply, there are circumstances when an application that falls to be considered as a major development by the definition of the DMPO, is not major in terms of its scale and impacts and thus is unlikely to be considered major development with regard to the NPPF. The NPPF does not provide a definition of what constitutes a major development. Furthermore, the NPPG states; whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.
- 7.22 It is considered that, although the proposal is a large engineering operation, given its associated impacts and the local context to which these impacts will be contained, the proposed development is not a major development to which policy in paragraph 116 of the NPPF applies. Further weight is given to this position by the fact that the North Wessex Downs AONB Board have raised no objection to the application and acknowledged its need.
- 7.23 In any event, having regard to paragraph 116, it is considered that there is a clear need for the development which aligns with national considerations for the storage of slurry. As previously described the development needs to be in this location to be the most effective in terms of both functionality and impact on living conditions. The scheme will still have a degree of a natural appearance. Thus, the proposal is not considered to cause harm to the landscape and scenic beauty of the AONB and as such accords with policies ADDP5, CS19 and the provisions of the NPPF.

Highways and PROW issues

- 7.24 With regard to traffic and highway implications policy CS13 of the Core Strategy and TRANS.1 of the Local Plan are considered relevant. Policy CS13 requires development to satisfy a list of bullet points, although it acknowledges that proposals will not need to fulfil each point. For the purposes of this application it is considered that the most relevant bullet point is to mitigate the impact on the local transport network and the strategic road network. Policy TRANS.1 relates more to the provision of facilities to encourage various transport modes, as well as the need for a suitable level of on site parking in line with the Councils maximum standards.
- 7.25 In terms of impact on the highway, the primary burden will be during the construction of the lagoon. The construction period is expected to last for one and a half months with several days of both HGVs and LGVs visiting the site. Construction contractors are expected to provide for 6 car movements per day. All turning will take place within the site. Once constructed, the proposal will not generate a significant level of traffic and should reduce movements through the village.

- 7.26 The Council's Highway Officer has raised no objection to the proposal and has not suggested the imposition of any conditions. Given that the main highway impact will be limited to the construction phase of the development and that the ongoing operation of the site following this will have a very limited impact, it is considered that the proposal is acceptable in highway terms and accords with policies CS13 of the Core Strategy and TRANS.1 of the Local Plan.
- 7.27 With regard to the PROW, namely Footpath Yattendon 1/1, the existing track crosses this footpath. The Council's PROW officer has provided a consultation response in which no objection is raised and standard informatives are suggested. With this being the case the proposal is not considered to harm the PROW.

Archaeological Impact

- 7.28 Policy regarding the historic environment is primarily contained within the NPPF and policy CS19 of the Core Strategy. The application site is located within an area of archaeological potential. Various Roman artefacts have been discovered within the vicinity of the site (see the Archaeology Officer's consultation) and thus it is considered that, the size and depth of the lagoon could have a significant impact on any remaining archaeological remains. As such a watching brief condition has been recommended to be imposed. It is considered that the imposition of such a condition would mitigate any impact the proposal would have on the historic environment and thus this approach is consistent with the provisions of the NPPF and policy CS19 of the Core Strategy.

Need for Sustainable Development

- 7.29 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, whereas the policies of the NPPF constitute the Government view of what sustainable development means in practice. The NPPF 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.
- 7.30 The economic impact of the proposal is considered limited. The social impacts on the proposal relate to the impacts on living conditions. As these have been found to be acceptable the development is not considered to have a negative effect on social considerations. The environmental impacts relate to the impact on the AONB and on surface and ground water sources. These have been deemed acceptable and thus there is no environmental harm. As such the proposed development is considered to constitute sustainable development.

8. Conclusion

- 8.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, having regard to the clear reasons to support the proposal the development proposed is acceptable and a conditional approval is justifiable for the following reasons.
- 8.2 The proposed slurry lagoon is not considered to give rise to any impacts that would result in demonstrable harm. Although within the AONB, it is considered that the development is necessary and has been sensitively located in order to reduce its visual harm, and potential impacts (particularly through odour emissions) on the living conditions of nearby residential properties. The development does not give rise to any adverse highway impacts and is considered to constitute sustainable development.

9. Full Recommendation

That the Head of Planning and Countryside be authorised to **APPROVE** planning permission subject to the following conditions:-

Standard Time Limit

1. The development hereby permitted shall be commenced 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).

Standard list of approved plans

2. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) Location Plan reference RAC/5960/1 received on 13 May 2014;
- (ii) Existing and Proposed Site Plan and Cross-Sections reference RAC/5960/2 received on 13 May 2014;
- (iii) Landscaping Plan reference RAC/5960/3 received on 13 May 2014;
- (iv) Supporting Statement/Policy Appraisal received on 13 May 2014;
- (v) Flood Risk Assessment received on 13 May 2014.

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

Archaeological Watching Brief

3. No development shall take place within the application area 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 Policy CS19 of the West Berkshire Core Strategy (2006-2026).

Construction method statement

4. 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 and turning 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) Wheel washing/cleaning facilities;
- (e) Measures to control the emission of dust and dirt during construction;

Thereafter the 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 Policy CS14 of the West Berkshire Core Strategy (2006-2026).

Boundary treatment

5. Notwithstanding the details already submitted, no development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected around the completed lagoon has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the slurry lagoon hereby permitted is first brought into use. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. 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).

No importation or exportation of material (soils)

6. No excavation material shall be removed from the application site. All excavation material shall be used within the site either for the creation of bunds or as an infill material. Furthermore, no soil making material or other waste material shall be imported to the site for the construction of the lagoon or for any other purpose.

Reason: To ensure that the development is carried out in accordance with the details submitted and in the interests of amenity. 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).

Construction of the Lagoon (soils)

7. No development shall take place until a method statement detailing the works / operations to be carried out to complete the construction of the slurry lagoon hereby approved has been submitted to and approved in writing by the Local Planning Authority. This method statement scheme shall detail:

- (a) The methodology to be used in the excavation and placement of the on-site materials to be used in the construction of the slurry lagoon hereby permitted
- (b) The location of any temporary top soil / sub soil / overburden storage areas
- (c) The methodology to be employed in the replacement of soil / sub soil / overburden over the completed bunds that will form the outer walls of the slurry lagoon
- (d) Details of the plant/machinery to be used in the construction operations

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

Reason: To ensure that the development is visually acceptable within the landscape. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Landscaping (scheme submitted)

8. All landscape works shall be carried out in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing number RAC/5960/3 received on 13 May 2014 and the Supporting Statement/ Policy Appraisal

received on 13 May 2014. The approved landscape works shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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 Policy CS14 of the West Berkshire Core Strategy (2006-2026).

Tree Protection (scheme submitted)

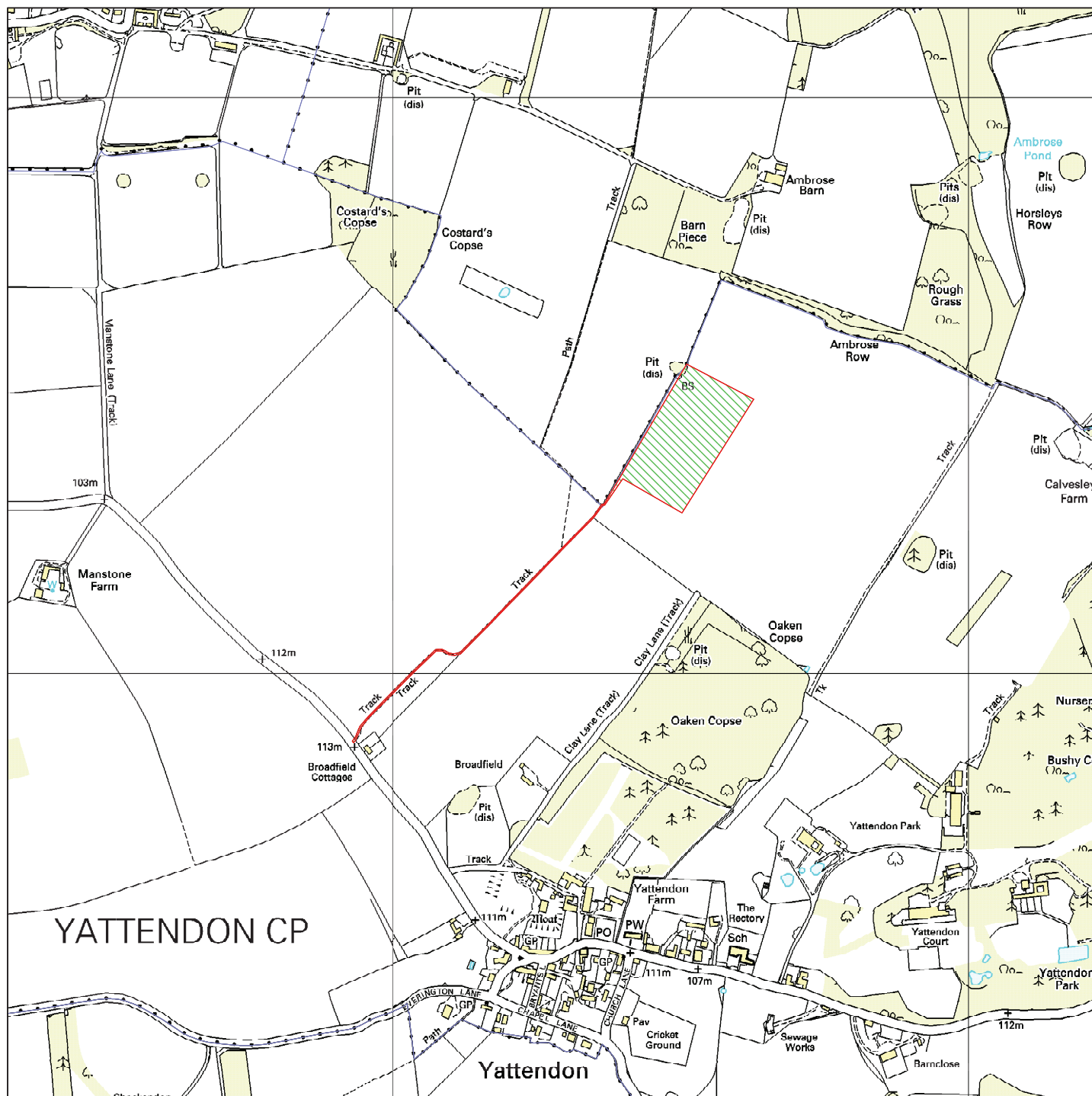
9. Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing number RAC/5960/3 received on 13 May 2014 and the Supporting Statement/ Policy Appraisal received on 13 May 2014. Within the fenced areas, there shall be no excavations, no storage/mixing of lime based products or fuels, no storage of materials, or machinery, no parking of vehicles, no fires.

Reason: To ensure the protection of trees identified for retention at the site. 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).

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Land north of Oaken Copse

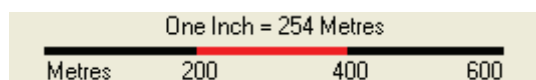


Map Centre Coordinates : 455278.70 , 175208.23

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	14 July 2014
SLA Number	100015913

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Agenda Item 4.(2)

Item No.	Application No. and Parish	Proposal, Location and Applicant
(3)	14/01145/COMIND Hungerford Town Council.	Alterations and extensions to provide soft play space and additional ancillary kitchen, food preparation and storage space. Cobbs Farm Shop, Bath Road, Hungerford Mr T. Newey Country Food And Dining Ltd

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

<http://planning.westberks.gov.uk/rpp/index.14/01145/COMIND>

Recommendation Summary:	The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to conditions
Ward Member(s):	Cllr P. Hewer and Cllr J. Podger
Reason for Committee Determination:	At the request of Cllr Hewer due to local interest
Committee Site Visit:	17 th July 2014.

Contact Officer Details

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

1. Site History

201/3/128 Agricultural notification. New farm shop 17.03.98

154151 Change of Use from farm building to restricted A1 unit. Refreshment area and parking. (retrospective) CP and S106 19.06.01

01/00651/OUT Agricultural dwelling R.23.3.01 Allowed on appeal (now expired)

01/00686/FUL Creation of external storage compound to include the siting of mobile freezer unit. CP19.06.2001 (now expired)

01/01058/OUT Erection of general purpose agricultural storage building. CP 30.10.01 (expired)

04/02350/RELAX relaxation of item (i) of legal agreement for application 154151 relating to coffee shop floorspace, opening hours and origin of food.

Recommended: S106 29.12.04 Agreement not completed. Refused 27.10.05

06/02446/FULD Construction of single storey dwelling for agricultural worker and family. Demolition of existing structures on site. Refused 05.04.07

06/02448/FUL Extension to shop building and internal rearrangement to provide general purpose agricultural storage and ancillary storage, lavatories, etc. to farm shop. Approved (Committee resolution) 06.03.08

08/01176/FUL Single storey extension/infill to existing farm shop building providing new entrance and exit (Below existing canopy roof). Approved 29.08.08

08/01182/FUL Barked play area and associated gravel path with grassed and paved picnic area. Additional car parking and adjoining hazel fencing. Approved 28.08.08

08/02368/FUL Retrospective - Lean to extension for Wet Fish Retail. Approved 05.03.09

10/02417/FUL New single storey building to house children's soft play area and café. Refused 01.04.11

11/02366/COMIND New single storey building to house children's soft play area and cafe. Refused 01.03.12. Dismissed on appeal 17.09.12

13/02861/COMIND Alterations and extensions to provide soft play space and additional ancillary kitchen, food preparation and storage space. Refused 18.11.13

2. Publicity of Application

Site Notice Expired: 27.06.14

3. Consultations and Representations

Hungerford Town Council: No objections. Must be called in.

Highways:

This planning application follows recently refused and appealed planning application 11/02366/COMIND and refused application 13/02861/COMIND.

Highways and Transport did not recommend refusal of the two above applications and the same stance is being taken for this current application.

The Inspector when dismissing the 2011 appeal cited sustainability grounds.

Since the above 2011 application, a Transport Consultant has been commissioned and prepared a Transport Statement (TS) that accompanies this new application. Items included within the TS include:

- survey data taken from market research undertaken within Hungerford,
- TRICS (Trip Rate Information Computer System) interrogation to determine likely trip rates from comparable sites,

It is proposed that some informal parking will be surfaced and marked out to provide a net increase of 17 spaces to accommodate the additional use. Some bicycle stands are proposed. They are most likely to be used by staff. There are bus stops outside the site.

The survey results identify that for this type of use (soft play area), travel is generally by car. Other sites within and beyond the District are cited by respondents and the distances travelled have been broadly quantified. It has been suggested that this facility in this location could reduce the length of journey times/distances travelled through this local facility. This point is accepted. The main issue is the number of vehicle movements and how this links with sustainability objectives.

According to the information submitted, the capacity of the proposed soft play area would be 30 children at any one time (point 4.1.6 of the TS) with an average of 150 children per week. The opening hours would be the same as for the farm shop. Table 2 at point 4.2.6 summarises data from a comparably sized site. Point 4.2.8 states that, based upon information obtained by an experienced soft play operator, it is anticipated that an average of 21 vehicle movements per day could be generated. However this would be greater if there was a special event e.g. a party taking place. Some of these movements would be linked to the other facilities at this site and this is supported by the survey results. This amount is below the assumptions made on the 2011 application where between 40-60 movements per day were anticipated.

As stated above, the 2011 application was dismissed at appeal on the grounds of sustainability. Highway officers did not recommend refusal of that application given the direct access onto the A4 - one of the main distributor roads through the District - and its ability to accommodate the level of traffic that would be generated.

Summary

The existing access is acceptable for this increase in movements and it is not considered that there will be a detrimental impact on highway safety as a result of this application. Additional car parking provision is to be made plus some cycle stands.

Although this site is not centrally located within Hungerford Town Centre, no highway objection is raised.

Thames Water

No objections.

Fisher German

The GPSS may be affected by the proposal. The applicant is advised to seek guidance from OPA Central Services direct.

Tree Officer

A goat willow will have to be removed on the Western elevation and possibly a maturing birch on the Eastern (subject to requirements of ground works, excavation and parking bays).

I have no objection to the trees removal, but if the birch is retained than an Arb. Method Statement and Tree Protective Fencing will be required, if not it should be replaced in a Landscaping Scheme. Landscaping condition recommended.

Fire and Rescue

Currently no available public mains in this area to provide a suitable water supply in order to effectively fight a fire. Request any planning consent include the requirement for the applicant to provide suitable private fire hydrant(s) or other suitable emergency water supplies to meet Royal Berkshire F&RS requirements. Any gates should provide a minimum 3.1m clear opening.

Public Protection.

No objections

Archaeology Officer

I have reviewed the application using the approach set down in the National Planning Policy Framework and have checked the proposed development against the information we currently hold regarding the heritage assets and historic land uses in this area. This evidence suggests that there will be no major impact on any features of archaeological significance. Therefore, no archaeological assessment or programme of investigation and recording considered necessary in relation to the current proposal.

NWDAONB Management Board

Following our response to the previous application the North Wessex Downs AONB Unit raise no comments in respect of this proposal subject to suitable planning conditions to control external materials and colours, approval of hard and soft landscaping, and external lighting. (Any additional signage should be carefully controlled through the advertisement consent process and there should be an audit of existing roadside signage within that process).

Planning Policy

To be included in update

Transport Policy

To be included in update

Correspondence:

Letters of support and petition of support received.

4. Policy Considerations

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

- NPPF Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: NWDAONB
- CS 5: Infrastructure Requirements and Delivery
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

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

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

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

- The National Planning Policy Framework (March 2012) (NPPF).
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Document “Quality Design” (adopted June 2006).
- National Planning Practice Guidance (Draft)

5. Description of Development

5.1 Permission is sought for ground floor extensions, a smaller first floor extension and internal re-organisation of the building at Cobbs Farm Shop, Hungerford. The works are proposed to provide enlarged kitchen facilities, provide more storage and office space, new toilets and staircase and a new soft play area with its own additional café area.

5.1.1 The proposal site lies outside any defined settlement boundary and falls within the North Wessex Downs AONB. It is 1km from the edge of Hungerford and 1.9km walking distance from the town centre. The site accommodates a pick your own facility, vineyard, Christmas tree plantation and retail farm shop stocking a large variety of locally produced goods. The building occupying the farm shop also includes a café with kitchen, preparation and food storage areas, and ancillary storage and office space.

5.1.2 Permission was previously sought for a separate building for similar uses as described above at Cobbs Farm (10/02417 and 11/02366) and an attached building and extensions (13/02861/COMIND). These were refused under delegated authority for reasons including the impact on the NWDAONB and principle of development in the open countryside.

6. Consideration of the Proposal

The main issues to consider are:-

- 6.1 The principle of the development
- 6.2 The impact on the North Wessex Downs Area of Outstanding Natural Beauty
- 6.3 Highway Matters
- 6.4 Other Matters

6.1 Principle of Development

- 6.1.1 There is considerable planning history on this site and the business has clearly grown and flourished over the previous few years. The original consents contained conditions limiting the amount of café area and the percentage of food sold which was produced locally. To date, these restrictions have not been lifted and it is considered that the original reasoning behind the imposition of the conditions which were to maintain a modest, rural enterprise within the NWDAONB are still applicable.
- 6.1.2 It is considered that the site has reached a critical point in terms of the amount of built form on the site. The floor area of the previous scheme (10/02417/FUL) was proposed for 244 sq metres. The next scheme (11/02366) stated a total floor area of 265.2 square metres. The last proposal (13/02861/COMIND) was approximately 213 square metres. The current application seeks to utilise existing excavated areas around the buildings with new ground floor development calculated at 196 m2 and new first floor space with a total of 48 square metres. The main part of the first floor is not classed as new space as it is currently utilised.
- 6.1.3 The applicants have calculated the new ground floor space at 160 square metres. There is a proposed area of undercover loading/unloading bays proposed on the south west new kitchen area which has not been included. This undercover floor space has been included by the case officer as part of the assessment of this scheme.
- 6.1.4 Previously the scale of the scheme, including the introduction of a new, separate use: the soft play facilities, and the expansion of the original kitchen into a commercial kitchen, meat store and storage areas was considered to go beyond the original intentions for a rural business on this site.
- 6.1.5 The scheme has been reduced in scale and the soft play facilities incorporated into the first floor of the building, including the new first floor element.
- 6.1.6 There remains a concern that the nature of the soft play business in a rural location does not necessarily require a rural location and that the overall impact of the use could have a negative impact on the vitality and viability of Hungerford as a Market Town and other centres within the District. However, the proposed new use of the area has been significantly reduced and could be considered a smaller, ancillary use against the main local farm shop.
- 6.1.7 The expansion of the commercial kitchen may also indicate that the facilities are no longer in compliance with the original legal agreements relating to the limitations of food production on the site. This would be a separate matter, to be investigated outside the current planning application.

6.2 The Impact on the North Wessex Downs Area of Outstanding Natural Beauty

- 6.2.1 The previous application was accompanied by a landscape and visual assessment and is referred to in the current planning statement as Hankinson Duckett drwing 555.1/04A. The

applicants planning statement considers that the assessment is still relevant and could form the basis for an appropriate landscaping condition.

- 6.2.2 The AONB Management board raises no comment on the current scheme but suggests a number of conditions. The Tree officer has also provided comments to be taken into account regarding proposed conditions.
- 6.2.3 The level of new development has been reduced from the previous schemes and the visible alterations are not considered to be of a sufficient cumulative impact to justify a separate reason for refusal. However, the introduction of the new balcony area and any area requiring extensive excavation around the car park are of concern.
- 6.2.4 The proposed new solar panels on the southern elevation facing the A4 are also of concern with the potential to be highly prominent in the landscape. However, it is understood that there are a wide range of designs of panels that could be considered on the roof and details of the specific design of the panels could be accommodated through an appropriate condition.
- 6.2.5 Overall, the bulk and scale of the new developments on this building remain a concern and are considered would further alter the rural character of the complex. However, on balance, the works are not considered sufficient to recommend refusal on this basis alone.

6.3 Highway Matters

- 6.3.1 Highways have considered the application in comparison to the previous schemes. Their assessment arises from the parking facilities on site, the visibility splays at the entrance, the potential increase in visitors and the suitability of the A4 to accommodate extra traffic. On this basis, no objections are raised subject to recommended conditions.
- 6.3.2 Transport Policy comments should be available by the update sheet. The previous comments were concerned over the location of the new part of the business in sustainability terms outside the settlement of Hungerford.

6.4 Other Matters

Gas Pipeline

- 6.4.1 There is a Government Gas Pipeline running through the site. Consultation with the appropriate body has been undertaken and permission would be sought under separate legislation. A formal objection has not been raised within this planning application.

National Planning Policy Framework

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

7. Conclusion

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, on balance, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.
- 7.2 The business on site shows evidence of a continuing and developing enterprise, contributing to the local and rural economy. The minimal further development within the site is now considered to be ancillary to the main uses on site and would not result in an unacceptable level of impact within the NWDAONB and has a more integrated relationship with the main building, within the site and its setting.
- 7.3 As such the application is considered to accord with National and Local Planning Policies and with regard to the Supplementary Planning Document "Quality Design", the aims of the NWDAONB Management Board and the Hungerford 2010+ Town Plan.

8. Full Recommendation

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

8.2 Schedule of conditions

Time limit

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

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

Approved plans

2. The development hereby approved shall be carried out in accordance with drawing title numbers P/B01A, L/001B, P/S02A, P/004G, P/001H, P/002K, P/003K, P/S01G dated 27/05/14.

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

Samples of materials

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

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

Schedule of solar voltaic panels

4. No solar panels shall be erected on site until samples/schedule of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of panels, fittings and specifications. Thereafter the materials used in the development shall be in accordance with the approved samples.

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

Hard surfaces

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

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

Parking/turning in accord with plans

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

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

External Lighting

7. No new development shall be occupied until details of a scheme of any additional external lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of safety and visual . This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13, ADPP5 and CS19 of the West Berkshire Core Strategy (2006-2026).

Cycle storage

8. No development shall take place until full details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. 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).

Landscaping

9. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;
 - a) Completion of the approved landscape scheme within the first planting season following completion of development.
 - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Tree protection scheme

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

Arboricultural Method Statement

11. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

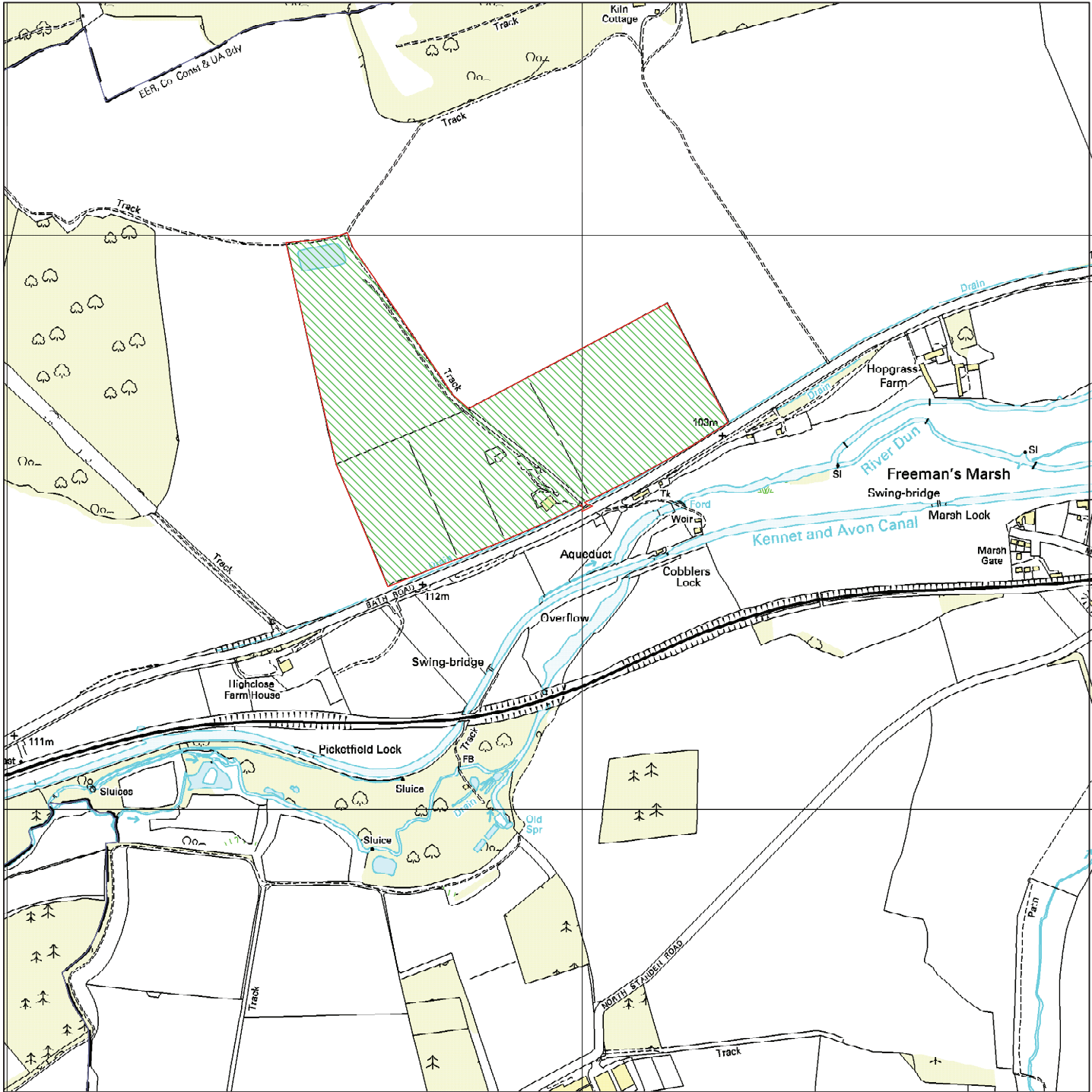
Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

8.3 **Informatives**

1. The attention of the applicant is drawn to the request of the Royal Berkshire Fire and Rescue Service to provide private fire hydrant(s) or other suitable emergency water supplies at this site. Please note, any works which would involve access onto the Highway will require notifying the Highways Manager.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree any construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. Any temporary signing required as part of this development is to be agreed in writing with the Highway Authority, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD.
5. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of nearby dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
6. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
7. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

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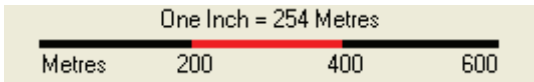


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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	10 July 2014
SLA Number	100015913

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Agenda Item 4.(3)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(4)	14/01391/COMIND Chieveley	4 th September 2104.	Extension to south of Village Hall for additional pre school facility. Land at Chieveley village hall. Chieveley Village Hall Trustees.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/01391/COMIND>

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

Ward Member(s): Councillor Cole.

Reason for Committee determination: Called in by Councillor Cole on grounds that there will be a detrimental impact on the local street scene, and loss of car parking on site.

Committee Site Visit: 17th July 2014.

Contact Officer Details

Name: Michael Butler
Job Title: Principal Planning Officer
Tel No: (01635) 519111
E-mail Address: mbutler@westberks.gov.uk

1. Site History

04/00424/ful - Internal alterations, and provision of new access. Approved April 2004.
10/00719/certp - Refurbishment of tennis courts to provide MUGA. Approved June 2010.

2. Publicity of Application

Site notice displayed 16th June 2014. Expiry 7th July 2014.
Neighbour notification expiry 3rd July 2014.

3. Consultations and Representations

Parish Council:	Objection to the scheme. Concerned that the new extension will create an overlong building, it will negatively impact upon the local street scene, as it lies in a prominent elevated position, the proposed fencing is out of keeping, loss of three windows will mean loss of light to the main hall, loss of car parking spaces, but the Council remains supportive of the overall aspirations and aims of the applicants.
Highways:	Conditional planning permission is recommended. Loss of car parking will be replaced on site.
Archaeologist	No objections raised.
Correspondence:	One letter of support received. Notes that the scheme will enhance local pre-school facilities which will assist local parents and the funding of the village hall.

4. Policy Considerations

National Planning Policy Framework 2012.
West Berkshire Core Strategy 2006 to 2026. Policies ADPP1, ADPP5 and CS14.
Chieveley Village Design Statement.
West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

5. Description of Development

- 5.1 The applicants are proposing to erect a single storey extension to the south elevation of the existing village hall in Chieveley This is to be 12m in width, 12m in length, and 5m to ridge height. There is also to be a new storage area on the west elevation facing the highway, and an enclosed external play area for the children. The 12 car parking spaces lost on site by the proposed extension will be replaced by an area of grasscrete to the south on an existing grassed area, itself to the south of the present car park. Vehicle access will be as existing, onto the High Street. The new extension will house additional facilities for the local pre-school group, which has a current capacity of 26 children. It is not envisaged that this will increase. The facilities will include new toilets, a play area, a staff room kitchen/learning room and a small sleeping room. The external facing materials will, so far as possible, match the existing.

6. Consideration of the Proposal

- 6.1 Principle and policy - The application site lies within the built up area of Chieveley, and in the North Wessex Downs AONB. It is important therefore, having regard to the advice in paragraph 115 in the NPPF and the advice in policy ADPP5 in the Core Strategy, that any new development however small, should respect the quality and character of that landscape, whether in settlement or not. In addition, the Council should have regard to the design advice contained in policy CS14 in the Strategy noted, plus that in the Village

Design Statement. In the latter, it is noted [inter alia] that “The siting, design and layout of new developments should continue to conserve and enhance the integration of the village within its Downland setting in the AONB. In addition, policy in the NPPF notes in paragraph 7 that in terms of the social role of the planning system, it is important to support strong and healthy local communities. Clearly, the improvement of a pre-school facility will achieve this.

- 6.2 The application has been called in by the Ward Member given concerns about the impact on the local street scene, and parking issues. In terms of the first issue, it is accepted there may be some small impact on the local highway scene but the slight “closure” of the visual gap between the hall and the housing to the south is considered to be minimal. In addition whilst the outlook of the 2 dwellings to the west of the application site may be impinged upon, there will be little if any harm, in the officer’s view. In addition any loss of a private view is not a planning matter.
- 6.3 In terms of the parking issue, the highways officer has noted that the 12 parking spaces to be lost will be replaced on site to the south. The case officer had some initial concerns regarding the potential visual impact of this increased parking area, but given the grass crete surface proposed, and the fact that there is no expansion onto the playing field “proper”, the site will be visually self contained and will not cause harm to the wider AONB. The highways officer raises no objections in this regard, accordingly.
- 6.4 Finally, turning to the scale and design of the scheme itself, this is well designed and visually subservient to the main hall. Whilst it is accepted that the hall will be some 56m long, assuming this application is approved and built out, the site sits on a large curtilage which can accept such a large building, in the officer view. Balanced against this is the clear encouragement in the NPPF and indeed in policy ADPP1 for the improvement of local facilities, in service villages such as Chieveley, so the scheme is considered to be entirely acceptable. There is one proviso however: the case officer is not content with the close board fencing around the new play area, so a condition will be applied to control this boundary feature before development commences to an alternative fence.

7. Conclusion

- 7.1 The National Planning Policy Framework seeks to ensure that Councils determine all applications in accordance with the three dimensions as set out in paragraph 7. In terms of an economic role, there is little benefit apart from the short term one, of the building phase. In terms of the social role there is a clear advantage, given the improvement of the play school, and the freeing up of the main hall for other uses. For the environmental role, the scheme will not harm the wider AONB, nor the local street scene, and parking / access issues have been resolved.
- 7.2 In conclusion, having regard to the clear reasons for approving the application, conditional approval is duly recommended. No s106 planning obligation is required.

8. Full Recommendation

The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the following conditions.

CONDITIONS

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

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2010, should it not be started within a reasonable time.

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

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

3. No development shall commence until a scheme indicating the boundary treatment for the new play area has been submitted to and approved in writing by the Council. The scheme shall then be built out in accord with that approved scheme.

Reason: To ensure the street scene is protected, in accord with policy ADPP5 of the West Berkshire Core Strategy 2006 to 2026.

4. The development shall not be brought into use until the vehicle parking and/or turning space have been provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

5. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

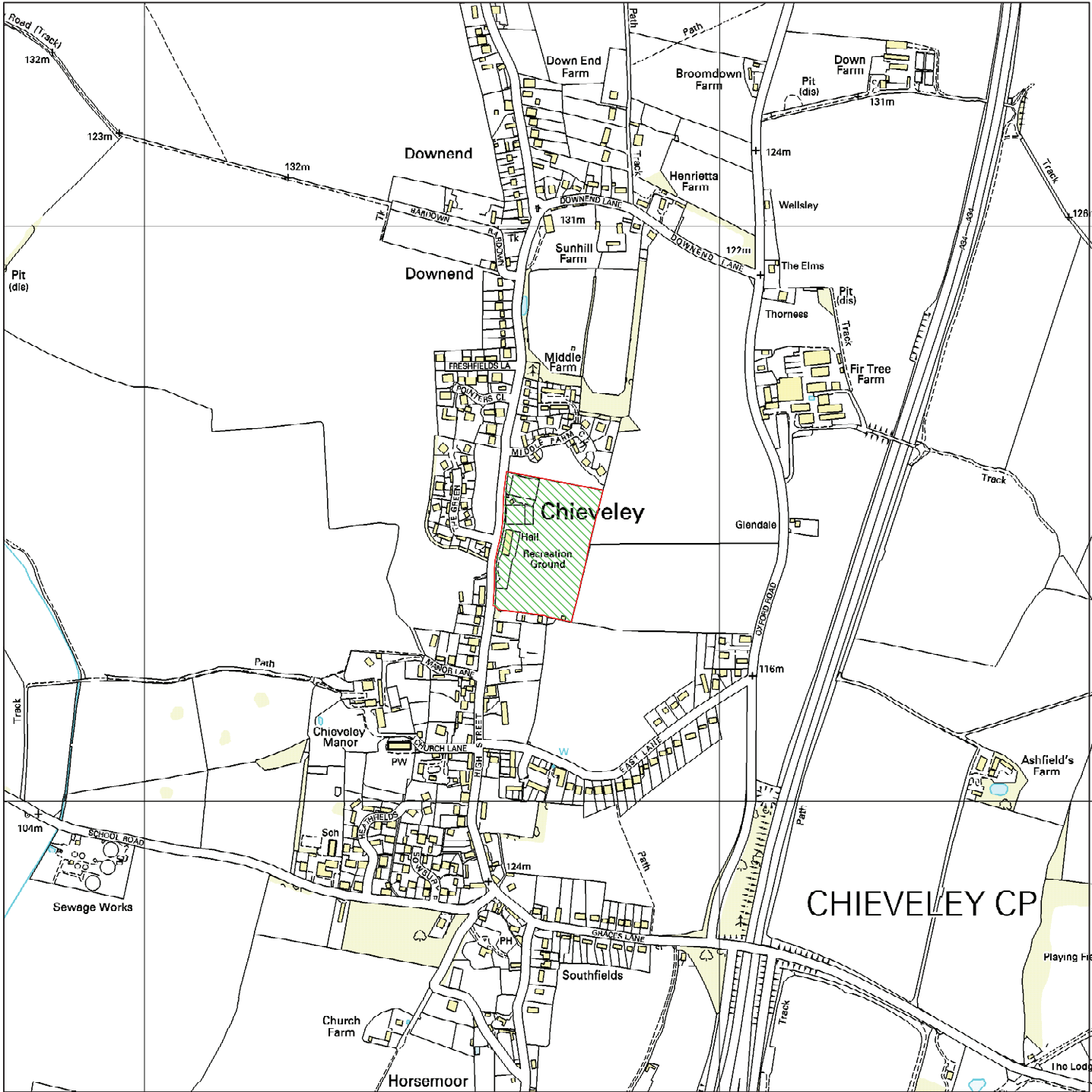
Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

INFORMATIVE:

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

DC

Chieveley Recreational Hall, High Street, Chieveley

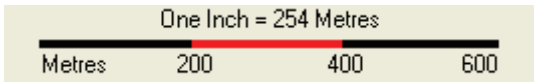


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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	10 July 2014
SLA Number	100015913

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Agenda Item 4.(4)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(5)	14/00400/HOUSE Greenham	29 th April 2014	Extensions and alterations, Church Cottage, 1 Burys Bank Road, Greenham Mr B Edmondson

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/00400/HOUSE>

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

Ward Member(s): Councillor W Drummond
Councillor J M Swift-Hook

Reason for Committee determination: Called in by Cllr. Drummond.

Committee Site Visit: 17th July 2014

Contact Officer Details

Name: Liz Moffat
Job Title: Assistant Planning Officer
Tel No: (01635) 519336
E-mail Address: emoffat@westberks.gov.uk

1. Site History

107199 – convert teachers cottage and old school house to 3 detached dwellings with garages APPROVED 23.11.77

133281 – two storey extension APPROVED 21.11.88

136992 – move driveway access to Burys Bank Road away from junction with Greenham Road APPROVED 15.05.90

142060 – replacement dwelling APPROVED 21.12.92

2. Publicity of Application

Site Notice Expired: 3 April 2014

Neighbour Notification Expired: 30 June 2014 (amended plans)

3. Consultations and Representations

Parish Council: No objections, subject to there being no Highways objection to the proximity of the extension to the road.
We have had a representation sent to us via a Ward Member. The concerns voiced are loss of light and amenity at a neighbouring property. No details have been supplied of the windows in the neighbouring property and the boundary treatments in place today. We therefore ask the planning officer to robustly check the impact on the neighbour from what is a rather large set of extensions.
Amended Plans: No comments received as yet, but expected.

Tree Officer: There is a cherry situated in the front garden adjacent to where the proposed South East extension is to be built. The cherry has an RPA approximately 3.6m radius and will require Tree Protective Fencing. If this is not achievable due to working room being required or room for access, then Ground Protection will be required to protect the area of RPA not fenced off. This needs to be detailed in an Arb. Method Statement and should consist of ply sheets or scaffold boards laid over 7.5cm compressible material such as woodchip or sharp sand.
Amended Plans: No objection.

Public Protection: No comments

Correspondence: One letter of objection concerning loss of light to living room and bedroom above.
Amended Plans: Object to side extensions due to loss in light to living room and bedroom. Also concern re impact on foundations.

4. Policy Considerations

National Planning Policy Framework 2012

West Berkshire Core Strategy 2006 - 2026 - Policies CS14 Design Principles, CS19

Historic Environment and Landscape Character

Supplementary Planning Guidance: House Extensions 2004

5. Description of Development

- 5.1. The site lies within the settlement boundary of Greenham. Church Cottage is one of two detached houses built within the grounds of an old school. The two properties are set in similar sized plots with Burys Bank Road bordering to the south and Greenham Road to the west. Pedestrian/vehicular access to Church Cottage is from the south-eastern side of the house. The property is a 4 bedroom dwelling with gable roof features to all sides and attractive tile hanging. Permission was originally sought to add a two storey extension to both sides of the property and a single storey to the front. However, following concerns raised, an amended scheme has been submitted and the neighbours and Parish Council have been re-consulted.
- 5.2. The two storey extension to the north-eastern side remains the same. The extension to the opposite side has been reduced to a single storey extension to the kitchen, with a reduction in the footprint. Rather than a single storey study/porch to the front, a two storey extension providing an enlarged guest bedroom/dressing room is proposed.

6. Consideration of the Proposal

As the proposed development is within a defined settlement boundary, the principle of the development is generally in favour of additions to dwellings. The main issues raised by this development are:

- 6.1. The impact on the living conditions of the neighbouring property
- 6.2. The impact on the character of the area

6.1. The impact on the amenities of the neighbouring property

- 6.1.1. Church Cottage and Old School House to the west are set close together, but slightly staggered back from the road. There are no other neighbours affected by the proposals. The proposed single storey kitchen extension will extend from the south-west elevation. The shared boundary in this location is a 1.8m high close boarded fence. A small tree is growing next to the fence, within the application site and in front of a living room window on the south-eastern elevation of School House. A two storey extension in this location was considered unacceptable in terms of the overbearing impact on the amenity of Old School House, as well as loss of light. This revised lean-to style extension with a cat style roof is considered, on balance acceptable as it will be set away from the boundary. The living room within Old School House has more windows to the north-eastern end of the house, so the affected window is not the sole source of light.
- 6.1.2. The two storey extension to the front elevation introduces a second gable roof to match the existing, but will extend further forward from the principal elevation. There is adequate space within the front garden. The neighbouring property is not considered to be affected, however the Council's Tree Officer has requested tree protection measures in the form of conditions.
- 6.1.3. The proposed two storey extension to the north-eastern side extends approximately 2.5m from the existing gable and will not be any closer to the shared boundary between properties. Given that the house itself is not particularly high, and there are mature trees to the east of the properties, it is not considered that this would result in any harmful loss of light to the rear of Old School House. As it will be away from the boundary, the proposal is not considered to have an overbearing impact on the amenities currently enjoyed by the neighbour.

6.2. The impact on the character of the area

- 6.2.1 The property is on the edge of the settlement with Greenham Common to the south. The proposals are considered to respect the character of the area and do not contribute to any harm to the streetscene. Neither will the proposals result in overdevelopment of the site, although it is considered that the maximum amount of development appropriate for the plot has been reached. The scheme therefore accords with Policy CS19 of the West Berkshire Core Strategy which requires that diversity and local distinctiveness of the landscape character of the District is conserved and enhanced.

7. **Conclusion**

- 7.1. Having taken account of all relevant policy considerations and the material considerations referred to above, and given the clear reasons to support the proposal, the development proposed is acceptable and conditional approval is justifiable for the following reasons: It is not considered that this proposal would demonstrably harm the amenity of adjoining residential properties and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and 19 of West Berkshire Core Strategy 2006-2026 which requires that all development demonstrates high quality and sustainable design that respects the character and appearance of the area and safeguards the amenities of adjoining occupiers.

8. **Full Recommendation**

- 8.1 The Head of Planning and Countryside be authorised to **GRANT** permission subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in accordance with drawings 8050 01A, 13C, 14D and 15B received on 4 June 2014.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policy CC6 of the South East of Plan 2009 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

3. The materials to be used in this development shall be as specified on the plans or the application forms.

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

4. Irrespective of the provisions of the current Town and Country Planning (General Development) Order 2008, no additional openings shall be inserted in the north-west elevation.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026

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

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

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

6. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006-2026.

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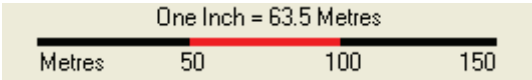


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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	10 July 2014
SLA Number	100015913

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Agenda Item 4.(5)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(6)	14/01003/HOUSE Newbury	1 st July 2014	Two storey and single storey rear extension. 2 Battery End, Newbury Mr and Mrs Adis Karahodza

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/01003/HOUSE>

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

Ward Member(s): Councillor Bairstow
Councillor Edwards.

Reason for Committee determination: Councillor Bairstow called the application in due to concerns regarding overdevelopment, overlooking adjacent housing, out of keeping with the local housing.

Committee Site Visit: 17th July 2014

Contact Officer Details

Name: Lorna Powell-Juarez
Job Title: Planning Officer
Tel No: (01635) 519111
Email: lpowelljuarez@westberks.gov.uk

1. PLANNING HISTORY

No previous planning history

2. PUBLICITY

Site Notice Expired: 5th June 2014
Neighbour Notification Expired: 4th June 2014

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

Town Council: No objection

**Ministry of
Defence** No response received

3.2 Representations

Total: 7 Object: 7 Support: 0

Summary of comments:

- Scale of the proposed development
- Loss of light
- Loss of privacy
- Out of keeping
- Could set a precedent

No other planning related comments were received.

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)
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012)
- 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
 - ADPP2: Newbury
 - CS14: Design Principles

- 4.4 In addition, the following locally and regionally adopted policy documents are material considerations relevant to this application:
- SPG 4/02: House Extensions (July 2004)
 - Supplementary Planning Document: Quality Design (SPDQD)
 - Newbury Town Design Statement

5. DESCRIPTION OF DEVELOPMENT

Permission is sought for a two storey and single storey rear extension. The extension would be 11.8 wide with the single storey 8m deep and the two storey element 6m deep.

6. APPRAISAL

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

- Principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring amenity
- The presumption in favour of sustainable development

6.1 Principle of the development

- 6.1.1 The site is within the settlement boundary of Newbury so the principle of development is acceptable provided the proposal complies with the relevant policies and guidance.

6.2 Character and appearance

- 6.2.1 The National Planning Policy Framework states that planning should always seek to secure high quality design. It is important that all new development is not inappropriate in terms of scale and size which could affect the neighbouring properties' amenities. Good design is an important aspect for new development, it relates not only to the appearance of a development but the way in which it functions. Policy CS14 of the WBCS states that new development should demonstrate high quality design that respects and enhances the character and appearance of the area. As well as ensuring good design, the policy also seeks to ensure that the impact of the proposed development when taken with the existing buildings would not be materially greater or more harmful than the existing buildings on the character of the area.

- 6.2.2 The property is within an existing residential area within the settlement boundary which consists of a mixture of mainly older style detached and semi detached properties. The design and materials proposed for the extensions are considered to be in keeping with both the style and appearance of the application property, and will have no detrimental impact on the character and appearance of the area.

- 6.2.3 The proposed extension does create a larger dwelling, but due to position and design of the extension it does not cause any adverse impact on neighbours or street scene. The size of the plot can also accept the expansion of the house. The proposed extension is in keeping with the original design of the dwelling, and therefore in keeping with the existing building and accordingly is in line with Policy CS14 of the WBCS.

6.3 Impact on neighbouring amenities

- 6.3.1 It is important that all new development should not have an adverse impact on neighbouring amenity in line with Policy CS14 of the WBCS. Extensions that overshadow a neighbour's property, depriving areas of sun light should be avoided. As a guideline a two storey extension should not project beyond a line drawn at 45 degrees from the middle of

the nearest ground floor window of a habitable room of adjacent property. For a single storey a line should be drawn at 60 degrees. Following this guideline the proposed extensions do not affect the amenities of No. 4 Battery End therefore the proposed single and two storey extension to the rear elevation of the property adhere to the guidelines contained in Paragraph 5 The Effect on Neighbours of Supplementary Planning Guidance 04/2 House Extensions (July 2004) with regards to impact on light to the windows of 'habitable rooms' at the neighbouring property.

- 6.3.2** The design of the roof being hipped away also reduces the impact it could have on No. 4. The proposed two storey extension will have no impact on the privacy between the two properties, and a condition restricting windows at first floor level in the east and west elevations has been recommended in order to preserve this.
- 6.3.3** The extension has been designed to limit any privacy lost to the neighbouring properties. There are no windows on the east or west elevations on the first floor to prevent overlooking. The extension
- 6.3.4** Objection has been raised from neighbours along Andover Road. The distance between these houses and the application site has a distance of more than 21m, which exceeds the requirement as set out in the SPD Quality Design. Although the extension will be seen from the properties on Andover Road, it is deemed that the visual impact on these properties would be insufficient to warrant a recommendation for refusal.
- 6.3.5** Properties along Andover Road are concerned regarding the loss of light. Due to the extension being set away from the boundary, and being more than 21m from the nearest habitable room, the loss of light is minimal and would be insufficient to warrant a recommendation for refusal.
- 6.3.6** People wishing to make an application are advised to inform their neighbours of their intentions but there is no policy which says that they are obliged to. The fact that the applicants did not notify their neighbours of their proposals in advance of submitting a planning application is not a planning consideration.

6.4 The Assessment of Sustainable Development

- 6.4.1** The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. It is considered the proposal makes no significant contribution to the wider social and economic dimensions of sustainable development. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been assessed as part of this application. It is considered that the proposal protects and enhances the prevailing pattern of development in the area. For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.

7. CONCLUSION

Having regard to the relevant development plan policies and other material considerations as detailed above, it is considered that planning permission is justified for the proposed development.

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

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. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawing number 14/08/02 proposed alterations and 14/08/03 proposed elevations received 6th May 2014.

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

3. Materials to match

The materials to be used in the external finishes of the development hereby permitted shall match those on the existing development in colour, size and texture, and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Supplementary Planning Guidance 04/2 House Extensions (July 2004)

4. Windows PD removal

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Class A, of that Order shall be constructed at first floor level on the east and west elevations of the house hereby permitted, without planning permission being granted by the Local Planning Authority in respect of a planning application.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

Informatives:

1. **Decision to grant permission**

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

DC

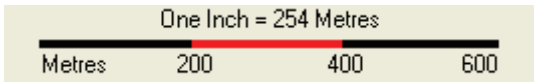


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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	10 July 2014
SLA Number	100015913

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Agenda Item 5.

Compton Pins Ref 2215794	20 Manor Cres. Compton, RG20 6NR	Part demolition of the existing dwelling (single storey element) and construction of new dwelling.	Dele. Refusal	Dismissed 24.06.2014
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Procedural Matter

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

Main Issues

The main issues are:

- the effect of the proposed development on the character and appearance of the area, and
- whether the proposal makes adequate provision for any additional need for infrastructure, services and facilities arising from the occupation of the development.

Reasons

Character and appearance

The appeal site is located within the settlement boundary of Compton, where new development is acceptable in principle. The site is located within a residential estate that is characterised by semi-detached houses which are generally symmetrical in design and conform to well-defined building lines.

The regular spacing between the buildings provides a distinctive rhythm to the pattern of development and allows views into the space behind the dwellings. Consequently, this spacing forms an important element of the streetscene. The overall uniformity of the dwellings and the spaces between them provide this estate with a cohesive and distinctive character and appearance.

The proposed development would introduce a substantial single-storey structure to the rear of the appeal property. The building has been designed as a separate dwellinghouse and would appear as such in the streetscene. It would therefore not appear as a subservient building to the existing dwelling. Moreover, the proposed building is of a very different form to the symmetrical semi-detached houses from which the cohesive and distinctive character of this estate is derived. The introduction of the proposed single-storey dwellinghouse would therefore constitute an incongruous addition to the streetscene, and one which would not be in keeping with the distinctive character of the estate.

The Inspector accepted that the proposed dwellinghouse would not completely infill the gap between the appeal property and its neighbour, and that it would generally be viewed against the backdrop of the houses in Gordon Crescent to the rear. Furthermore, as a single-storey structure within the existing settlement boundary of Compton, the proposed development would not harm the landscape value of the North Wessex Downs Area of Outstanding Natural Beauty. However, because of its size, height and overt appearance as a separate dwelling, it would nonetheless disrupt the regular spacing of these buildings and would fail to retain a sense of space between the dwellings. This would upset the distinctive rhythm to the pattern of development that is itself an important element of the streetscene and thus would be harmful to it.

The proposed dwellighouse would also sit behind the well-defined building line established by the existing houses. It would occupy a significant proportion of the plot, with only limited space to the sides and rear of the dwelling. Moreover, because that plot would be smaller than the typical plot sizes of other buildings in the estate, the proposed house would appear cramped and out of keeping with the prevailing pattern of development.

The Inspector recognised that the design of the proposed dwellinghouse seeks to address the Inspector's comments in relation to an earlier proposal for a two-storey dwelling that was dismissed on appeal (APP/W0340/A/13/2193272). The resultant dwelling is a very different design to that found to be unacceptable by the previous Inspector, notably in terms of its height and horizontal emphasis. The corollary is that the proposal raises a set of new design issues which, although for different reasons, result in a proposal that is also harmful to the character and appearance of this estate.

The appellant has referred to a number of developments in the vicinity of the appeal site which, it is contended, demonstrate that developments similar to that now proposed have been found to be acceptable and/or have resulted in the infilling of spaces between dwellings on this estate. However, it is evident from the photographs provided that the developments referred to are materially different to that now proposed, either in terms of their form or the context in which they are sited. Moreover, the Inspector had been provided with no details about the circumstances that led to planning permission being granted for these developments. Accordingly he attached little weight to them and did not consider that they provide justification for the development now proposed.

The proposed development includes an access across the open grassed area in front of the appeal site, leading to parking spaces for two cars and a turning facility in association with the existing dwelling. This would address the comments made by the previous Inspector in relation to the number of car parking spaces provided and the Inspector noted that the Council's Highways Officer did not object to the proposal. However, the grassed area in front of the appeal site contributes to the generally open and spacious appearance of the estate and the addition of a further hard surface running across this area would be harmful to that appearance. In this context, the visual impact of the additional hard surfacing proposed as part of this development is an entirely separate consideration to any legal right of way over the grassed area held by the appellant.

The Inspector concluded that the proposed development would unacceptably harm the character and appearance of the area. The proposed development would therefore be contrary to Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and saved Policy HSG1 of the West Berkshire District Local Plan 1991-2006. The proposed development would also not accord with the Council's Supplementary Planning Document SPD: Quality Design, Part 2 Residential Development and the Compton Village Design Statement. These policies and documents require, amongst other things, a high standard of design that respects and enhances the character and appearance of the area and contribute positively to local distinctiveness and a sense of place. In relation to new housing development, these policies require that regard is had to the existing residential nature of the area surrounding the site and the need to protect open space or amenity features which give character not only to the site but to the surrounding area.

Infrastructure

The appellant provided a signed Unilateral Undertaking to provide the contributions sought by the Council in relation to the provision of infrastructure and services arising from the proposed development. The Council has confirmed that the Unilateral Undertaking is acceptable. The Inspector was satisfied that the Unilateral Undertaking sought is necessary to make the development acceptable in planning terms, is directly related to the proposed development and is fairly and reasonably related to it in scale and kind. He concluded that the appeal proposal makes adequate provision for the additional need for infrastructure, services and facilities arising from the occupation of the development. The proposed development would therefore accord with Policy CS5

of the West Berkshire Core Strategy 2006-2026 and West Berkshire District Council's adopted SPD – Delivering Investment from Sustainable Development 2013.

Conclusion

The Inspector acknowledged that the proposed development would provide an additional and energy efficient dwelling within the settlement boundary of Compton. However, the limited benefit in this respect would be outweighed by the harm caused to the character and appearance of the area.

Accordingly, he concluded that this appeal should be dismissed.

DC

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Pins Ref 2215120	1 Dalby Crescent, Newbury, RG14 7JR	Replacement of an existing dwelling with the construction of 4 new units and associated car parking.	Ctte. Refusal	Dismissed (No s106) 24.06.2014
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Procedural Matters

The Inspector noticed some discrepancies in the application plans including that sky light windows shown on the elevation drawings for Plots 3 and 4 are not indicated on the roof plans and a first floor bathroom window shown on the floor plan for Plot 2 is not indicated on the elevations drawing. As these aspects were not central to her reasoning, she considered the appeal based upon the same plans considered by the Council and did not consider there to be any prejudice to any party by her doing so.

Since the date of the decision, the Council has adopted a charging schedule in respect of Community Infrastructure Levy (CIL), with an implementation date of April 2015. The Government's Planning Practice Guidance (the Guidance) was published after the appeal was made. The content of the Guidance has been considered but in the light of the facts in this case does not alter her conclusions.

Main Issues

The main issues are the effect of the proposal on: local infrastructure, with particular regard to adult social care services, library services, refuse and recycling facilities, public open space, education and highways/transport; and on the character and appearance of the area.

Reasons

Local Infrastructure

Policy CS 5 of the West Berkshire Core Strategy (2006-2026) (CS) indicates the Council's commitment to working with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development. The explanation to this policy states that new development needs to be supported by adequate infrastructure of all kinds and that development should not be permitted unless essential infrastructure can be completed in pace with new development.

The Council has included within its statement a detailed justification in respect of the contributions sought towards adult social care services, library services, refuse and recycling facilities, public open space, education and highways/transport. The basis for the contributions as set out by the Council references Topic Papers supporting the Delivering Investment from Sustainable Development Supplementary Planning Document – Adopted June 2013 (the SPD).

The contributions sought in respect of public open space, libraries, refuse and recycling facilities, highways/transport and education all detail specific purposes related to the proposed development and explain the basis for the contributions more generally. Although the justification in respect of adult social care services gives less specific purposes, in view of the nature of this contribution and given the explanation provided, this would appear to be an appropriate request for a contribution. However, although the library services contribution requested appears acceptable in principle, it does not seem to account for the demand created by the existing dwelling on site. As such, without a detailed explanation for this approach, the Inspector was not satisfied that this contribution would be fairly and reasonably related in scale and kind to the proposed development.

As such, in considering the contributions sought against the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010, she was satisfied that these, save as indicated as regards the library services contribution, are necessary to make the proposal

acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.

The Inspector therefore concluded that the proposal would materially increase demand on local infrastructure, with particular regard to adult social care services, library services (although not to the extent of the contribution requested), public open space, education and highways/transport. Although she noted that the appellant originally understood a planning obligation could be provided following permission being granted, the Council has confirmed the correct position. As such, given that no planning obligation has been provided towards the items required, the proposal is contrary to Policy CS 5 of the CS. It would also conflict with the SPD and National Planning Policy Framework (the Framework) which also include similar underlying aims.

Character and appearance

The appeal site is a fairly large plot located at the head of Dalby Crescent, which is a long cul-de-sac. The site is currently occupied by the existing detached dwelling at 1 Dalby Crescent. There is a reasonable variety of property types within the immediate area including primarily semi-detached two storey properties and semi-detached bungalows, with detached dwellings at the head of Dalby Crescent. The detached and semi-detached dwelling units that the proposal would introduce onto the site would not therefore be out of character with the prevailing property types in Dalby Crescent.

Plots 1 and 2 would not be however Plots 3 and 4 would be visible from within Dalby Crescent and it is apparent that more of these would be seen from this view point than can be seen of the existing dwelling. However, the highest points of these properties would be only very slightly higher than that of the adjacent bungalow at 3 Dalby Crescent. As such, although properties on the right side of the crescent (when heading in the direction of the appeal site) are two storey but set below street level and those on the left are bungalows, the proposed dwellings would not appear to be out of scale with the surrounding properties, notwithstanding that the land rises towards the appeal site.

The Inspector considered the comments of the Inspector in respect of the previous appeal on site (Reference: APP/W0340/A/13/2195040) and as to whether the extent of the amendments made to the scheme adequately address his concerns. Given the scale proposed, including relative to the surrounding properties and the resultant height relative to No 3, subject to appropriate conditions, she did not consider that any visual discordance would result in the street scene. Although only Plot 4 has been moved back and this property would have a smaller front garden space than many others in the area, nevertheless, the Inspector considered that the proposed set back of this property would further assist in softening the effect of the development, thus again alleviating the previous Inspector's concerns.

As such, the Inspector considered that the scheme would not result in any undue dominance in the skyline. Further, given the size of the plot, space that would be provided for each unit, and distances to other properties, she had no reason to disagree with the previous Inspector's view that the proposed density would not be excessive in this location. Although the proposed dwellings would be visible from Greenham Road, they would not materially alter views from this road in that other dwellings are at least partially visible from here. Wider views from Pyle Hill would also not be significantly altered, given that little of the proposed dwellings would be seen.

The Inspector therefore concluded on the second main issue that the proposal would respect the character and appearance of the area. It would therefore accord with Policy CS 14 of the CS and saved Policy HSG1 of the West Berkshire District Local Plan 1991-2006, which seek, amongst other things, high quality development of an appropriate scale which has regard to the existing

residential surroundings of the area. In this respect, it would also accord with the Framework, which includes similar aims.

Other Matters

The Inspector took into account the cited provisions of the Framework, together with the planning history of the site. She noted that the Council apparently does not have a specific policy in relation to the development of residential gardens and have considered that the proposed development would make a small contribution to the housing mix in the area, in line with the strong emphasis on boosting the supply of housing in the Framework. Nevertheless, given her findings above in relation to the effect on local infrastructure and the tri-partite definition of sustainable development contained in the Framework, although the appellant appreciates the use of sustainable construction methods, she did not consider that the proposal represents the sustainable development in respect of which there is a presumption in favour.

Although Plot 1 would be sited fairly close to the boundary with No. 3, given the ground levels and distances involved, the Inspector did not consider that any harm would result to the living conditions of the occupants of No. 3 or indeed to any other nearby residents, if appropriately conditioned. She also took into account concerns from residents including in relation to access and parking, but given the proposed number of off-street parking spaces, likely numbers of cars, and in the absence of any detailed evidence as to parking problems, she did not consider that the proposal would result in any significant issues.

The Inspector noted that the Council apparently has a five year deliverable supply of housing and that the proposal would not be on a brownfield site but these would not be reasons to resist otherwise acceptable development. In the absence of specific concerns in relation to the degree of information as to the reduced scale of the dwellings proposed and effect of the increased density, she had no reason to consider that inadequate information has been provided in this respect. The question of need is not a matter for her in determining the appeal and the concern as to precedent is due only very little weight as planning proposals fall to be determined on their own individual merits.

Conclusion

Although the appeal proposal would respect the character of the area and would afford some limited benefits, this does not outweigh the material harm found in respect of the effect on local infrastructure provision. For the above reasons and taking into account all other matters raised, the Inspector concluded that the appeal should fail.

DC

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EAST ILSLEY 14/00203 Pins Ref 2217888	1 Orchard Lea Old Stanmore Road, East Ilsley Mr and Mrs Storrer	Single storey rear extension	Delegated Refusal	Dismissed 27.6.2014
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Main Issue

The main issue in this appeal is the effect of the proposed development on the living conditions of occupiers of No.1 Narborough Lane and No.2 Orchard Lea with regard to visual impact and loss of light respectively.

Reasons

Effects on No.1 Narborough Lane

The appeal property is a detached two storey house located within the East Ilsley Conservation Area (the CA) and the wider North Wessex Downs Area of Outstanding Natural Beauty (the AONB). Due to the local topography, No.1 Orchard Lea is set above the rear of No.1 Narborough Lane to the east. The proposed extension would span the northern elevation of the appeal property at a depth of some 4m and would have a lean-to roof with a maximum height of some 4.4m. Whilst it would be screened to some degree by an existing boundary fence and mature planting, the proposed extension would nonetheless be clearly visible from the rear of No.1 Narborough Lane. Due to its elevated position and additional bulk, it would appear overbearing when viewed from that position and particularly so from the outside space directly to the rear of that property. This would result in an increased sense of enclosure that would significantly reduce the enjoyment of that space and cause unacceptable harm to the living conditions of the occupiers.

Effects on No.2 Orchard Lea

Due to the off-set positioning of No.1 and No.2 Orchard Lea, the proposed extension would fail to satisfy the 60° guideline set out in the Council's House Extensions Supplementary Planning Guidance (2004) and would reduce the amount of sunlight reaching the rear garden at No.2 during the morning to some degree. However, it would be largely screened by existing boundary treatments and the Inspector was satisfied that coupled with the pitch of its roof this would ensure that the change would not be significant and would not result in unacceptable harm to the living conditions of the occupiers in this respect.

Other Matters

The Council's Case Officer raised concerns regarding the design of the proposed extension. However, this issue did not form a reason for refusal and given the subservient scale of the proposed extension and the use of matching materials, the Inspector agreed with the Council's Conservation Officer that it would not harm the appearance of the main building or the locality. He was therefore content that the proposal would preserve the character and appearance of both the CA and the wider AONB.

The Inspector took account of representations from the occupier of No.1 Narborough Lane with regard to loss of light at that property. However, taking into account the separation between the two houses and their orientation, he was satisfied that any reduction in the amount of sunlight reaching No.1 Narborough Lane would not be significant and would not result in unacceptable harm to the living conditions of the occupiers. Whilst he had therefore found the scheme to be acceptable in some respects, this does not serve to outweigh the significant harm identified above.

Conclusion

The proposal fails to satisfy the requirements of the National Planning Policy Framework (2012) which, among other things, seeks to ensure that development provides a good standard of amenity for all current and future occupiers of land and buildings. The contents of the National Planning Practice Guidance (2014) have been considered, but in light of the facts in this case they do not alter my conclusions.

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

DC