

# Notice of Meeting



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## Western Area Planning Committee Wednesday 28 June 2017 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

### 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.

### Further information for members of the public

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

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

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

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



**Agenda - Western Area Planning Committee to be held on Wednesday, 28 June 2017**  
*(continued)*

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

Any queries relating to the Committee should be directed to Rachel Craggs on (01635) 519441 Email: [rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)

Date of despatch of Agenda: Tuesday, 20 June 2017

**Agenda - Western Area Planning Committee to be held on Wednesday, 28 June 2017**  
(continued)

**To:** Councillors Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, Bill Drummond, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson, Virginia von Celsing

**Substitutes:** Councillors Jeanette Clifford, James Cole, James Fredrickson, Mike Johnston

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# Agenda

## Part I

**Page No.**

1. **Apologies**

To receive apologies for inability to attend the meeting (if any).

2. **Minutes**

To approve as a correct record the Minutes of the meetings of this Committee held on 9 May and 17 May 2017.

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3. **Declarations of Interest**

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

4. **Schedule of Planning Applications**

*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*

(1) **Application No. and Parish: 17/00158/COMIND, Greenham**

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<b>Proposal:</b>	Construction of new 1 FE single-storey primary school south of the existing Newbury College, with associated soft and hard landscaping. Construction of a temporary access to the school from the Newbury College site and a new permanent access from the A339 to serve the allocated strategic housing site and form the permanent access to the school.
<b>Location:</b>	Land South of Newbury College, Monks Lane, Newbury
<b>Applicant:</b>	West Berkshire Council
<b>Recommendation:</b>	Subject to no overriding objections being raised by Drainage Officers, to DELEGATE to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the schedule of conditions (Section 8.1).

**Agenda - Western Area Planning Committee to be held on Wednesday, 28 June 2017**  
(continued)

- (2) **Application No. and Parish: 16/03334/FULD, Cromwell Road, Newbury** 81 - 94

<b>Proposal:</b>	Development of site for 7 dwellings with associated access and landscaping
<b>Location:</b>	Land at rear of 40 Cromwell Road, Newbury
<b>Applicant:</b>	NSJ Developments
<b>Recommendation:</b>	The Head of Development and Planning be authorised to GRANT conditional planning permission.

**Items for Information**

5. **Appeal Decisions relating to Western Area Planning Committee** 95 - 112  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

**Background Papers**

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



**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  
TUESDAY, 9 MAY 2017**

**Councillors Present:** Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant, Hilary Cole, Billy Drummond, Adrian Edwards, Clive Hooker, Mike Johnston (Substitute) (In place of Paul Hewer), Anthony Pick, Garth Simpson and Virginia von Celsing

**Apologies for inability to attend the meeting:** Councillor Paul Hewer

**PART I**

**1. Election of Chairman**

**RESOLVED that** Councillor Clive Hooker be elected Chairman of the Western Area Planning Committee for the 2017/18 Municipal Year.

**2. Appointment of Vice-Chairman**

**RESOLVED that** Councillor Paul Bryant be appointed as Vice-Chairman of the Western Area Planning Committee for the 2017/18 Municipal Year.

*(The meeting commenced at 8.05 pm and closed at 8.06 pm)*

**CHAIRMAN** .....

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

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# 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, 17 MAY 2017

**Councillors Present:** Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole (Substitute) (In place of Virginia von Celsing), Adrian Edwards, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

**Also Present:** Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Policy Officer), Jo Reeves (Principal Policy Officer) and Shiraz Sheikh (Principal Solicitor)

**Apologies for inability to attend the meeting:** Councillor Howard Bairstow, Councillor Paul Hewer and Councillor Virginia von Celsing

#### PART I

#### 3. Minutes

The Minutes of the meeting held on 5 April 2017 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

**Agenda, page 3, point 2:** remove 'and 9 May 2015.'

#### 4. Declarations of Interest

Councillor Clive Hooker declared an interest in Agenda Items 4(1) and 4(4), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### 5. Schedule of Planning Applications

##### (1) Application No. and Parish: 17/00190/ADV, The Ibex Inn, Chaddleworth

1. *(Councillor Clive Hooker declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the Ward Member and had been lobbied. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*
2. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/00190/ADV in respect of 5 directional fascia board signs to advertise the Ibex Inn, Chaddleworth.
3. In accordance with the Council's Constitution, Graeme Murphy, on behalf of the applicant, addressed the Committee on this application.
4. Derek Carnegie introduced the report to Members, which was brought to Committee following deferment of the application at the previous meeting. Members' attention was drawn to the update report which outlined that since the previous meeting it

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

had been agreed that a form of traditional brown directional sign could be accepted by the Parish Council so long as the signs were not erected on Highway Authority land. In conclusion the proposal was now satisfactory and Officers were now pleased to recommend the Committee grant planning permission.

5. Graeme Murphy in addressing the Committee stated that at the previous meeting he had pleaded with the Committee to grant permission and he was pleased to learn of the amended recommendation. Councillor Hilary Cole advised that the plea was acknowledged and Members recognised the work that the officers and applicants had done together.
6. Councillor Paul Bryant proposed that the Committee accept the officers' revised recommendation to grant planning permission; this was seconded by Councillor Hilary Cole. The Chairman invited the Committee to vote on the proposal which at the vote was carried.
7. **RESOLVED** that the Head of Development and Planning be authorised to **grant** planning permission so long as the signs were not erected on Highway Authority land.

### (2) **Application No. and Parish: 17/00420/FUL, The Fox and Hounds, Oxford Road, Donnington, Newbury**

*(No declarations were received.)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/00420/FUL in respect of a replacement of existing store with a building for seven bedrooms, single storey link and extension to restaurant at The Fox and Hounds, Oxford Road, Donnington, Newbury.
2. In accordance with the Council's Constitution, Mr Stephen Wrzesinski, agent, addressed the Committee on this application.
3. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval was not justifiable. Officers clearly recommended the Committee refuse planning permission
4. Mr Wrzesinski in addressing the Committee raised the following points:
  - He extended the applicant's apologies to the Committee for not being able to attend the meeting.
  - He explained that the red line on the application drawing denoted the curtilage of the pub and that this was the same drawing that had been discussed at pre-application. Concurrent with the pre-application discussions with Officers, the applicant was negotiating a 15 year lease for land to the south of the pub, to be used for car parking.
  - An agreement had now been reached on the lease, but due to the cost of an additional planning application fee of £1,600, the applicant had not resubmitted the plans with the parking area included within the red line.
  - He informed the Committee that all the construction activity could be retained within the current red lined area and that there would be 13 parking spaces made available once construction had been completed.
  - He was happy to discuss the proposed design of the units. The buildings would be subservient to the pub and would replicate the existing barn, in style. The single



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storey restaurant balanced the buildings and did not detract from the existing coaching inn. The development would not harm the rural character of the area.

5. Councillor Paul Bryant enquired if the recently agreed 15 year lease was renewable. Mr Wrzesinski confirmed that it was.
6. Councillor Hilary Cole asked who owned the wide verge adjacent to the pub. Mr Wrzesinski offered the view that it was part owned by the Highway Authority and the landowner.
7. Councillor Anthony Pick inquired what materials would be used in the construction. Mr Wrzesinski averred that the new buildings would be sympathetic in design to the existing pub and used similar materials.
8. Councillor Garth Simpson asked the Planning Officers what change to the tenure of the leased land would make the planning application acceptable. Michael Butler explained that the leased land needed to be included in the red lined area to ensure that any conditions placed on the approval could also be applied to the leased area.
9. Councillor Cole, as ward member, in addressing the Committee raised the following points:
  - She explained that she had called-in the application as she was aware that rural public houses were suffering and it would be a good opportunity to make the Fox and Hounds a more viable operation in this location.
  - The 15 year lease would be long enough to prove whether the business was viable or not.
  - She understood the technical quandary of the red line not extending to include the leased land, but asked Officers and Members to have an element of faith and trust and to approve the application.
  - This development would help the local economy and followed the thread of the National Planning Policy Framework (NPPF) guidance and West Berkshire Council's policy, to encourage local business.
  - She drew Members attention to the wide verge and felt that it would be possible for patrons to park on the verge, irrespective of any other car parking space offered.
  - She understood the Highways Officer's concern about parking on the road, but felt that although it was a fast road, there were clear sight lines. She also noted that there was a considerable amount of on-road parking all over the district. She gave a plea that Members looked favourably on the application whilst accepting the risks.
10. Councillor Jeff Beck commented that he understood the sentiments from a legal point of view, and that it had been brought to the applicants attention that the leased area needed to be included in the red lined area, but due to the cost, the plans had not been resubmitted. He asked for clarification from Officers, as to whether the Committee could approve the application with the red line in it's current position. Shiraz Sheikh and Michael Butler affirmed that Members could approve the current application if they so wished. Michael Butler also confirmed that, as this was not a policy issue, a decision to approve would not need to be referred to the District Planning Committee.
11. Councillor Beck proposed to grant planning permission, contrary to Officer recommendations. This was seconded by Councillor Cole.

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12. Councillor Bryant reflected that he worried when the Committee voted against Officer recommendations. He felt there was an easy way out and that was for the applicant to resubmit the application with the leased area located within the red line. He was keen to retain the public house and the community facilities, but would be voting against Councillor Beck's proposal.
13. Councillor Pick asked for an increased degree of clarity on what effect the conditions would have on the area within the red line. Michael Butler explained that if the leased area were to become unavailable to the applicant or a subsequent owner, West Berkshire Council could serve a Breach of Condition Notice which would effectively enforce that action would have to be taken to maintain highway safety. This enforcement would demand that car parking provision was made. This could not be achieved if the leased land was not in the red line.
14. Councillor Cole felt that the approval hinged on the Highways Officer's input. Mr Goddard acknowledged that the red line was a technicality. However, he needed to see that there was enough parking for the property. 13 spaces was not sufficient and additional parking was needed. The leased land was not within the red line and therefore, conditions could not be applied to it. Parking for two or three cars on the road would not be considered a problem. However, if the leased land was not available, this would mean that up to 27 cars would need to find a space on the road. This was not acceptable for highway safety.
15. Councillor Clive Hooker asked if Officer's put trust in the evidence of the 15 year lease. Michael Butler explained that the difficulty was with the land not being in the red lined area. He advised that an alternative to resubmitting the plans with an adjusted line could be to secure a section 106 agreement with the landowner in perpetuity. However, this was not a route he would recommend as it would be simpler and cheaper to resubmit the plans.
16. Councillor Adrian Edwards asked if speed restrictions on the road might allay the Highway Officers' concerns. Paul Goddard explained that speed restrictions were applied for through a specific separate process and it could not be guaranteed that it would be granted.
17. The Chairman invited the Members to vote on Councillor Beck's proposal to approve the proposal, contrary to Officer recommendations. At the vote, four were in favour and five against.
18. Councillor Paul Bryant countered with a proposal to refuse planning permission in accordance with Officer recommendations. This was seconded by Councillor Pick. At the vote, five were in favour and four against.
19. **RESOLVED that** the Head of Development and Planning be authorised to **refuse** planning permission for the following reason:

### Reasons

1. The applicant has failed to demonstrate to the satisfaction of the Council as Highway Authority that sufficient parking spaces will be available on the application site, once the new development is implemented, were it to be permitted. This lack of on site parking will lead to additional pressures for parking on the public highway, leading to conditions of poor road safety. This in turn is contrary to the advice in the NPPF of 2012, and policy CS13 of the West Berkshire Core Strategy of 2006 to 2026. It is thus unacceptable.

### Informative

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

### **(3) Application No. and Parish: 16/02191/OUTMAJ, Land East of Laylands Green and South of Craven Close, Kintbury**

*(No declarations were received.)*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 16/02191/OUTMAJ in respect of an outline application for erection of 11 dwellings with associated access, car parking, landscaping and sustainable drainage infrastructure. Matters to be considered: Access and Layout at land east Of Laylands Green and south of Craven Close, Kintbury.
2. In accordance with the Council's Constitution, Mr Steven Cook, Parish Council representative, Mr Lee Coleman, objector, and Mr Philip Simmons and Ms Lisa Jackson, agents, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers recommended the Committee grant planning permission.
4. Mr Cook in addressing the Committee raised the following points:
  - His primary concern was the landscape buffer bordering Villa Real which was proposed to be reduced to 10ft from 20ft.
  - He was also concerned that mature trees may be removed from the border of the site.
  - Should the landscape buffer zone fall within the curtilage of the proposed 11 properties, there might be a risk that future residents would cut these back.
  - The development would have a harmful impact on the traffic in Kintbury which was already a problem.
  - The site had issues with flooding and there was subsidence in the local area.
  - Kintbury residents were concerned about the cumulative impact of the delivery of this site, the other two Kintbury sites in the Housing Sites Allocation Development Plan Document (HSA DPD) plus an additional site owned by Donnington New Homes with extant planning permission which had not yet been delivered.
5. Councillor Anthony Pick noted that he had encountered traffic on his journey to the site visit and enquired what parking restrictions were used in Kintbury. Mr Cook responded that there were double yellow lines around the village shops and on corners but no additional restrictions.
6. Mr Coleman, in addressing the Committee, raised the following points:
  - The delay in the determination of the application demonstrated that the site was not appropriate for development.
  - There was no need for more housing in Kintbury.

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

- The DPD provided a strong basis for delivery of the site however the Inspector applied conditions following the Examination of the DPD which must be followed.
  - The landscape buffer zone would run through plots one to seven.
  - The plans used by officers in their introduction to the Committee were misleading and gave the appearance that there would be more vegetation than was proposed.
  - National guidance stated that private gardens should not include landscape buffer zones unless it was outlined in the DPD and there was no mention of this in HSA27 (the DPD policy relating to the site).
  - The plans showed incorrect boundaries between the existing properties and Laylands Green. The property owners Land Registry documents demonstrated that they owned the land the road was on.
  - The road was narrow and could be dangerous if it was used by more vehicles.
7. Councillor Paul Bryant asked what evidence there was that Kintbury did not require more housing. Mr Coleman responded that the original proposal in the DPD was for 15 houses and now there were a proposed 30-40 houses.
8. Councillor James Cole enquired what the current landscape buffers were. Mr Coleman explained that they were four to five metre wide including various vegetation and a drainage ditch. They offered screening, drainage and biodiversity. Council James Cole further asked what buffer Mr Coleman thought would remain should the Committee grant the application. Mr Coleman stated that he believed there would be small hedgerows in the gardens of the properties which might be removed by future residents.
9. Mr Simmons (Land Manager for Donnington New Homes) and Ms Jackson (Planning Consultant), agents, in addressing the Committee raised the following points:
- They noted the concerns raised by the objectors at the site visits in relation to the landscape buffer which was a mixture of low quality vegetation. The applicant proposed to retain a 4-5m buffer.
  - The landscape buffer would be within the curtilage of plots one to four; ownership of these plots would transfer to a Registered Social Landlord upon completion of the development.
  - Members would have control of the landscaping at the reserved matters stage of the application.
  - The DPD was a key consideration now that it had been adopted by the Council on 9 May 2017. There were no Planning Policy objections to the application.
  - The plan submitted as part of the DPD was not definitive and not intended to be taken literally.
  - There would be a Sustainable Urban Drainage System (SUDS) in the development and there were no technical objections to the application.
  - There would inevitably be a loss of vegetation on the site but this had been deemed acceptable to the expert officers.

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

- Delivery of this site would enable delivery of the other site in Kintbury owned by Donnington New Homes because the two developments could share a project manager and disturbance to residents would be minimised.
10. Councillor Pick requested more information regarding the SUDS system. Mr Simmons advised that there would be water collection tanks underneath the parking areas for each property and a swale between plots five and six.
  11. Councillor James Cole asked how much of the four to five metres of landscape buffer would be within the curtilage for the proposed properties. Mr Simmons advised that the buffer would be in the same location as indicated in the plans. Councillor James Cole expressed concern that the buffer could be removed by the residents. Mr Simmons advised that there would be a management plan that the Council could control if it wished. Plots one to four would be transferred to a Registered Social Landlord who would be responsible for ensure their tenants did not remove the landscape buffer.
  12. Councillor James Cole further asked who owned and would manage the woodland to the East of the site. Mr Simmons advised that this would transfer to a management company or the Council could adopt the land. Derek Carnegie advised that as the woodland was within the red line of the development a condition could be applied at the reserved matters stage.
  13. Councillor Bryant asked whether the section of road on the eastern side of the site would belong to plot eight. Mr Simmons advised that it was presently used for agricultural access and further thought was required.
  14. Councillor Bryant asked if there was subsidence in the site. Mr Simmons advised that the developer had conducted a ground investigation and were confident that they could deliver suitable foundations to prevent subsidence.
  15. Councillor Bryant noted that Royal Berkshire Fire and Rescue Service had recommended domestic sprinklers and enquired whether they would be installed. Mr Simmons advised that the developer would give consideration to this request.
  16. Councillor Garth Simpson pointed out inconsistencies in the report relating to the number of mature trees on the site and asked how many there were. Mr Simmons admitted that he could not remember but the Council's Tree Officer had been involved in assessing the application. Councillor James Cole asked how many mature trees would be removed; Mr Simmons advised that the only tree to be removed would be the tree in the centre of the site.
  17. Councillor James Cole, speaking as Ward Member, raised the following points:
    - His fellow Ward Member, Councillor Anthony Stansfeld was against the proposed development and was of the view that it was not in line with the DPD.
    - Councillor James Cole's primary concerns were regarding the effectiveness of the landscape buffer and preservation of trees and these had been somewhat resolved by the information presented to the Committee.
  18. Councillor Bryant asked whether a condition could be applied regarding the scale and maintenance of the landscape buffers. Derek Carnegie advised that such a condition could only be applied at the reserved matters stage. The Council had powers to control the buffer zones, which would in any event come under the ownership of a Registered Social Landlord. He reassured the Committee that officers would not recommend approval of the application if they were not confident the buffer would be maintained.

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

19. Councillor Clive Hooker expressed the view that developers who had submitted sites for inclusion in the DPD had had time to clarify ambiguities in their plans.
20. Councillor Hilary Cole asked whether the plans in the DPD were scaled. Derek Carnegie confirmed they were only indicative.
21. Councillor Pick asked what impact the development would have on traffic and whether yellow lines could be extended. Paul Goddard acknowledged that Kintbury had congestion and referred to paragraph 32 in the National Planning Policy Framework which stated that it was only reasonable to turn down an application on highways grounds if the impact would be severe as it was relatively small. He advised that the impact of the development would not be severe. The Parish Council might wish to consider additional road safety measures such as yellow lines, if possible, in liaison with colleagues in traffic management. There is a separate process involved in applying yellow lines.
22. Councillor James Cole noted that the Council had declined yellow lines in another part of Kintbury. He further asked who owned the land on which the footway would be sited. Paul Goddard advised that while the land might belong to the property owners, the surface had public highway rights and it was the Highways Authority's right to maintain the verge and provide a footway. Councillor James Cole enquired upon the proposed width of the footway. Paul Goddard advised that it would need to be at least 1.5m wide but he would not want the footway so wide as to make the area look too urban.
23. Councillor Bryant stated that as the site was included in the now adopted DPD, the Committee must accept that there would be development on the site. He was now satisfied with the increased landscape buffer to border Villa Real and officers had provided assurances regarding the enforcement issues. Councillor Bryant stated that he could not see any reasons to refuse the application and proposed that the Committee accept the officers' recommendation to approve the application subject to the conditions as outlined in the report and amended in the update sheet. Councillor Adrian Edwards seconded the proposal.
24. Councillor Hilary Cole stated that as a Committee, they must support the Council's policies. Members had been part of the DPD process and the Inspector had accepted the site as it was presented. It was the Government's intention that for sites in future DPDs, planning permission should be assumed to have been granted. She wanted to send a strong message to developers that officers and Members would look closely at any DPD sites coming forward for determination but it would be foolish to refuse the application.
25. The Chairman invited the Committee to vote on Councillor Bryant's proposal, seconded by Councillor Edwards, to approve planning permission. At the vote the motion was carried.

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

### Conditions

#### 1. Time limit

The development to which this permission relates shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.

## **WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES**

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. Reserved Matters**

Details of the appearance, landscaping, and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority no later than the expiration of three years beginning with the date of this permission, and no building or other operations shall start on site until the Reserved Matters have been approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved details and with the requirements of any conditions attached to any approved reserved matters application. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the application hereby approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with the development plan.

### **3. Plans approved**

The development hereby approved shall be carried out in accordance with:

Site Location Plan BFR 102 Rev B

Existing Site Plan BFR 101 Rev A

Proposed Site Layout 15128.04 Rev N

Proposed Landscape Mitigation and Enhancement ACLA/BFR 04 Rev A (indicative)

All received by e-mail dated 8<sup>th</sup> March 2017

Associated Documents and Background Documents

Site Survey 1638 01 dated 6<sup>th</sup> April 2016

Context Plan 15128.14

Site Section (plots 3, 4, 5, 7) 15128.15 (received by e-mail dated 8<sup>th</sup> March 2017)

Planning, Design and Access Statement, Jackson Planning 043 16 August 2016

Arboricultural Survey and Arboricultural Impact Assessment RT-MME-121281 01 Rev D (revised May 2017)(received by e-mail dated 3<sup>rd</sup> May 2017)

Landscape and Visual Impact Assessment (ACLA/BFR 6<sup>th</sup> March 2017) (received by e-mail dated 8<sup>th</sup> March 2017)

Flood Risk Assessment and Preliminary Surface Water Drainage Strategy 16-018 July 2016

Flood Risk Assessment 16-018 Addendum (received by e-mail dated 8<sup>th</sup> March 2017)

Phase I Preliminary Ecological Assessment RT-MME-121281 02 February 2016

Middlemarch Environmental Addendum dated 25<sup>th</sup> April 2017 (received by e-mail dated 26<sup>th</sup> April 2017).

Reptile Survey RT-MME-122054-01 April 2016

GCN Survey RT-MME-121281-03 May 2016

## **WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES**

Herpetofauna Mitigation RT-MME-122498-01 July 2016

Archaeological Report (Thames Valley Archaeological Services)(LGK16/95)

Phase 1 & 2 Environmental & Geotechnical Investigation 3794/15

Aerial Image Context Plan (ACLA BFR 05) (received by e-mail dated 8<sup>th</sup> March 2017)

All received with the application validated on 16<sup>th</sup> August 2016 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS13, CS14, and CS19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006, and HSA DPD Policy HSA27.

### **4. Materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character AONB and Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **5. Hours of work (construction)**

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

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

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### **6. Affordable Housing**

No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- i) the provision of four dwelling houses, identified as plots 1, 2, 3 and 4 on the approved plans, which consists of 40% of the proposed dwellings;
- ii) the type and size;
- iii) the tenure shall be split 70% social rented (and 30% intermediate (which may include affordable rented) or other split as agreed by the RSL and local planning authority;



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- iv) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- v) the arrangements for the transfer of the affordable housing to a Registered Provider regulated by the Homes and Communities Agency (HCA) or any body that replaces it;
- vi) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, including arrangements where appropriate for the subsidy to be recycled for alternative affordable housing provision;
- vii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing (in accordance with the common housing register) and the means by which such an occupancy criteria shall be enforced;
- viii) the affordable homes to be built to the standards by the HCA at the time of development.

The affordable housing provided shall remain affordable on site thereafter.

Reason: To ensure that the site delivers affordable housing to meet local need. In accordance with West Berkshire Local Plan 2006-2026 Policy CS6 and advice contained within the NPPF and NPPG.

### **7. Full Contaminated Land Condition**

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

#### **1. Site Characterisation**

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;

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

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

### **2. Submission of Remediation Scheme**

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

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

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

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

### **4. Reporting of Unexpected Contamination**

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### **If required:**

### **5. Long Term Monitoring and Maintenance**

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

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

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

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**Reason :** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and advice set out within the NPPF.

### 8. SuDS

Notwithstanding the details submitted with this application, no development shall commence until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- j) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

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**Reason:** To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **9. CONS1 - Construction method statement**

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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

### **10. Variation HIGH1 - Layout and Design Standards (YHA1)**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a S278/S38 Agreement for the adoption of the site and construction of the extended footway along Layland's Green. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

**Reason:** In the interest of road safety, pedestrian safety, flow of traffic and to ensure waste collection. 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).

### **11. Access Condition**

As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

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

### **12. HIGH9 - Visibility splays before development (YHA21)**

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

### **13. HIGH12 – Parking/turning in accord with plans (YHA24)**

No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

### **14. HIGH23 – variation (car ports)**

Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 2015, the car ports on the site shall not be used for any purpose other than as vehicle parking, no doors are to be added to enclose the car ports unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

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

### **15. HIGH20 - Cycle storage (YHA41)**

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. No dwelling shall be occupied 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).

### **16. Storage of refuse**

No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and

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recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **17. Landscaping (including hard surface/means of enclosure)**

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing, means of enclosure and materials to be used, a 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:

- i) completion of the approved landscaping within the first planting season following the completion of the development;
- ii) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species;
- iii) The completion of all hard surfacing and means of enclosures, for each dwelling before first occupation.

Thereafter the approved scheme shall be implemented in full.

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

### **18. Landscape Management Plan**

No development or other operations shall commence on site until a landscape management plan (for the lifetime of the development) including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands, boundary buffer zones within rear gardens, and also include any areas of proposed landscaping except areas of new landscaping in private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **19. Tree Protection (scheme submitted)**

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(s) numbered plan C121281-01-03\_Rev D (shown in the AIA document) . Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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.

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### **20. Tree Protection Construction Precautions**

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted to and agreed in writing by the local planning authority.

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 West Berkshire Core Strategy 2006-2026.

### **21. Arboricultural Method Statement**

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.

### **22. Arboricultural Watching Brief**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

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.

### **23. Arboricultural Programme of Works**

No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted to and approved in writing by the Local Planning Authority.

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.

### **24. External lighting**

No external lighting shall be erected until full details of a sensitive lighting strategy have been submitted to and agreed in writing by the local planning authority. The strategy shall;

a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the local planning authority.

Reason: To ensure the protection of protected species, which are subject to statutory protection under European Legislation and to protect the dark night skies within the AONB. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **25. Ecology**

The development hereby approved shall be carried out in accordance with the following documents:

- i) Phase I Preliminary Ecological Assessment RT-MME-121281 02 February 2016
- ii) Middlemarch Environmental Addendum dated 25<sup>th</sup> April 2017 (received by e-mail dated 26<sup>th</sup> April 2017).
- iii) Reptile Survey RT-MME-122054-01 April 2016
- iv) GCN Survey RT-MME-121281-03 May 2016
- v) Herpetofauna Mitigation RT-MME-122498-01 July 2016
- vi) Landscape Mitigation and Enhancement ACLA/BFR 04 Rev A (indicative)

Further details of the proposed Landscape Mitigation and Enhancement shall be submitted and agreed in writing by the local planning authority, as part of conditions attached to this permission.

The mitigation measures will be carried out in full and retained/maintained thereafter, with implementation and timing agreed as part of the required EPS licence process.

Reason: To ensure the protection of protected species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **26. Removal of permitted development rights (extensions etc).**

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policies CS14, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 and HSA DPD Policy HSA27.

### **27. Removal of permitted development rights.**

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no walls or fences shall be erected beyond the front wall or along side boundaries adjacent to the highway/footway, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.



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Reason: In the interests of amenity and character of the area, within the AONB and at the edge of a settlement. In accordance with Policies CS14, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 and HSA DPD Policy HSA27.

### **28.HIGH4 - Footway/cycleway provision (construct) (YHA11A)**

No dwelling shall be occupied until the footway to be constructed on the eastern side of Laylands Green, between the proposed site vehicular access and the existing footway to the north has been constructed in accordance with the approved drawing(s) and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

#### **Informatives:**

##### **1. The NPPF**

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.

##### **2. Community Infrastructure Levy**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately with the Reserved Matters Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

##### **3. HI 1 Access construction**

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

##### **4. HI 3 Damage to footways, cycleways and verges**

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

##### **5. HI 4 Damage to the carriageway**

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

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### 6. H1 8 Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

### 7. H 100 Developer Coordination Requirements

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

### 8. Ecology

The developer must ensure that all necessary licences required in respect works affecting protected species are secured before development commences, or within the timescale set out within the licence.

#### (4) **Application No. and Parish: 16/02452/FULD and 16/02453/LBC2, Manor Farm, Fidlers Lane, East Ilsley, RG20 7LG**

1. *(The meeting was adjourned between 8.12pm and 8.17pm.)*
2. *(Councillor Hooker declared a personal interest in Agenda Item 4(4) by virtue of the fact that he was ward Member and had been lobbied. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter. However, he would vacate the chair for the item and Councillor Paul Bryant would take his place.)*

*(Councillor Paul Bryant in the Chair)*

3. The Committee considered a report (Agenda Item 4(4)) concerning Planning Applications 16/02452/FULD and 16/02453/LBC2 in respect of a conversion of existing stables to C3 residential and erection of new build C3 residential (creation of 7 units in total), with associated access, parking and hard and soft landscaping at Manor Farm, Fidlers Lane, East Ilsley, RG20 7LG.
4. In accordance with the Council's Constitution, Mr Roger Hick, Parish Council representative, Mr Simon Spencer, objector, Mr James Page, supporter and Mrs Sara Dutfield, agent, addressed the Committee on this application.
5. Mr Hick in addressing the Committee raised the following points:
  - The Parish Council supported the application.

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- He posited the background of the application. The site had extant consent for commercial buildings, however this had raised great concern within the village due to the increase traffic flow this would cause. Following the approval, the Parish Council had approached the applicant and asked if they would consider a residential scheme on the site. This would remove all concerns and would be beneficial to the village.
6. Mr Spencer in addressing the Committee raised the following points:
- He lived in No. 3 Sheepdown, which was adjacent to the site and was concerned with the boundary with his property and how this would be affected by the change of use. There would need to be a change of level from the paddock to the roadway. He asked that a condition be put in place for the boundary treatment, to construct a retaining wall.
  - In the previous application there had been provision made for such a wall, but in this proposal there was only an agreement for appropriate treatment of the boundary. He felt that the reduction in ground level and change of use should be taken into account and a retaining wall be conditioned.
7. Councillor James Cole noted that No. 2 Sheepdown had an existing retaining wall. He asked what type of boundary treatment was in place for No.3 Sheepdown. Mr Spencer replied that he had a fence. He reiterated that when the levels were reduced the existing retaining wall would need to be refigured, but this had not been specified in the conditions.
8. Mr Page in addressing the Committee raised the following points:
- He was a commercial property specialist in the Thames Valley and had been involved with the previous application at the behest of the Parish Council.
  - The objection to the previous application had been on the grounds of increased traffic, which had been addressed by the new proposal.
  - The square footage was the same as the commercial scheme, but the difference was that for a flat there would be an expectation of an additional one or two vehicles, whereas the same footage of office space would result in eight to ten vehicles.
  - The use of the land for residential properties was significant for the village, as it fulfilled a need for housing for employees of the yard and the public house.
  - The fear was that if this application were to be refused, the applicant would revert to the extant, commercial application and this would be a much poorer outcome for the village.
9. Mrs Dutfield in addressing the Committee raised the following points:
- She clearly welcomed the recommendation to approve and the support of the Parish Council and Mr Page.
  - The extant proposal for conversion of the stable was needed to protect the listed stable building and ensure its viable use.
  - There was strong local objection to the commercial scheme and it was felt that this new scheme was better for the village.
  - She felt that the only impact would be on the adjoining properties. After consultation, it had been decided not to use gravel for the car park.
  - The land level would be reduced by up to 1.2m. The retaining wall would be kept, with an addition of separate timber fencing.

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- This was a high quality design development. As the residential scheme would be more expensive than the commercial one it would not be viable to provide affordable housing units. Evidence for this has been submitted. However, there would be Community Infrastructure Levy (CIL) payments.
  - The site would provide small, rental units. If these were sold within ten years, there was a 'clawback' clause in place.
  - She felt this was a better solution for the village.
10. Councillor Anthony Pick asked if the agent would be prepared to consider a retaining wall for Mr Spencers' property. Mrs Dutfield answered that space was needed for the car park and that this might preclude the extra room needed for footings for the retaining wall, but she was happy to look into it.
  11. Councillor Adrian Edwards enquired if the new buildings would have the same quality of design and materials as the existing ones. He also wondered if the old tyres that he saw on the site visit were being stored ready for use on the listed building. Mrs Dutfield confirmed that they would. Councillor Edwards further asked for confirmation if sprinklers would be installed in the units. Mrs Dutfield confirmed that this would be a matter for Building Regulations, but again she would be happy to look at it with an eye to viability and the whole scheme in the round.
  12. Councillor Garth Simpson queried the change in levels over the site and in relation to Mr Spencers' property. Derek Carnegie advised that there would be an investigation by a structural engineer and appropriate conditions put in place.
  13. Councillor Pick asked for reassurance that as the manor house had historical significance and medieval components, that there would be an archaeological investigation of the curtilage. Mrs Dutfield confirmed that this was the case.
  14. Councillor Clive Hooker, as ward Member, in addressing the Committee raised the following points:
    - He felt this was a sympathetic renovation of a grade II listed barn that would provide small scale, affordable, rental accommodation.
    - It was an opportunity for the racing stables to accommodate staff, others to move into the village and locals to find an affordable home.
    - There were objections due to concerns of overlooking of the car park area, but he felt these were negated by the excavation of that area.
    - The concerns about the extant application over traffic and been addressed and cleared.
    - He felt it was an attractive, well designed and much needed scheme.
  15. Councillor Jeff Beck had been on the site visit and felt that the problems from the previous application had been dealt with. He proposed to approve the application, in accordance with Officer recommendations, with the inclusion of the addition condition as laid out in the update report. This was seconded by Councillor Edwards.
  16. The Chairman invited the Members to vote. At the vote, Members voted unanimously in favour of the proposal.
  17. Councillor Beck proposed to approve the listed building consent, in accordance with Officer recommendations. This was seconded by Councillor Pick.

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

18. The Chairman invited the Members to vote on the listed building consent. At the vote, Members voted unanimously in favour of the proposal.
19. **RESOLVED that** the Head of Development and Planning be authorised to grant planning permission and listed building consent subject to the following conditions (including the additional condition on Spoil shown in the update report)

### Conditions

#### 1. Time Limit

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

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

#### 2. Plans Approved

The development hereby approved shall be carried out in accordance with:

Site Location Plan 419 Rev B (site location plan only)

Proposed Site Plan 419 Rev G (received by e-mail dated 21st February 2017)

Proposed Site Layout and Ground Floor Plan 417 Rev G (received by e-mail dated 21st February 2017)

Proposed First Floor Plan 418 Rev B

Proposed Elevations (north and south) 415 Rev E (received by e-mail dated 9th November 2016)

Proposed Elevations (east and west) 416 Rev F (received by e-mail dated 9th November 2016)

Proposed Stables Elevations 104

Proposed Stables Floor Plans 120

#### Associated Documents and Background Documents

Stables Existing Floor Plans 100

Stables Existing Elevations 101

Stables Existing Floor Plan with Impact 103

Proposed Drainage Layout 420

Planning Statement September 2016 (Turley)

Design & Access Statement and Heritage Statement September 2016.

Transport Statement (Bellamy Roberts (GDB/4898/TS.2) August 2016 and further tracking details etc received during consideration

Supplementary Bat Surveys (arbeco) 15th January 2015 and 8th November 2016 (by e-mail 18th November 2016)

Noise Impact Statement (REC) 14th December 2016 (received by e-mail dated 19th December 2016)

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

All received with the application validated on 16th September 2016 unless otherwise specified.

**Reason:** To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS 13, CS 14, and CS 19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006, and HSA DPD Policy HSA27.

### 3. Materials

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings (including new external staircases) and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

**Reason:** To ensure that the external materials are visually attractive and respond to local character AONB and Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### 4. Hours of work (construction)

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

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

**Reason:** To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### 5. Housing for rent

The development hereby approved shall be retained in a single ownership (presently Maxted Farms) and the dwellings shall be retained as private sector rented dwellings for a period of 10 years following the occupation of the first two dwellings. The local planning authority shall be advised in writing of the effective date within two months of that date. Should any of the dwellings be sold prior to this time it will be necessary to carry out a viability review to establish whether an off-site affordable housing contribution is required. This will be submitted to and agreed in writing by the local planning authority. Any contribution will be secured through a legal agreement or any other mechanism used by the local planning authority to secure financial contributions at the time of the application.

**Reason:** This application has been carefully assessed based on the details provided by the applicant and merits of the proposal. The provision of private sector rented dwellings will provide dwellings available for rent to the mobile intermediate market, increasing the tenure of dwellings within the locality and wider district, which will help to meet local housing need. In accordance with West Berkshire Local Plan 2006-2026 Policy CS6 and advice contained within the NPPF and NPPG.

### 6. Full Contaminated Land Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

### 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

### 2. Submission of Remediation Scheme

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

### 3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

### **If required:**

### 5. Long Term Monitoring and Maintenance

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

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

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

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026), and advice set out within the NPPF.

## 7. SuDS

Notwithstanding the details submitted with this application, no development shall commence until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;



## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

- c) Include attenuation measures to retain rainfall run-off within the site and allow controlled discharge from the site at no greater than Greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises (if applicable);
- i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- j) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details and retained thereafter.

**Reason:** To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### 8. CONS1 - Construction Method Statement

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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

### 9. Additional HIGH1 - Layout and Design Standards (YHA1)

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

**Reason:** In the interest of road safety and 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).

### 10. HIGH3 - Footway/cycleway provision (details) (YHA11)

No development shall take place until details of a 2 metre wide footway to be constructed on the south side of Sheepdown, between no.5 and the proposed turning head, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway.

**Reason:** In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### 11. HIGH12 - Parking/turning in accord with plans (YHA24)

No dwelling shall be occupied 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).

### 12. HIGH20 - Cycle storage (YHA41)

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. No

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

dwelling shall be occupied 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).

### 13. Storage of refuse

No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

**Reason:** To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### 14. Archaeology

No development/site works/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. In accordance with Policy CS19 of the West Berkshire Core Strategy and advice contained within the NPPF.

### 15. Landscaping (including hard surface/means of enclosure)

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and means of enclosure (and materials to be used), a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development;
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species;
- c) The completion of all hard surfacing and means of enclosures, before first occupation.

Thereafter the approved scheme shall be implemented in full.

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

### 16. Landscape Management Plan

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

No development or other operations shall commence on site until a landscape management plan (for the lifetime of the development) including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 17. External Lighting

No development shall take place until details of the external lighting to be used in the areas around and attached to the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before any building hereby permitted is occupied. No other external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose. The approved external lighting shall thereafter be retained. No external lighting will illuminate the bat roost access points provided as part of the bat mitigation scheme.

**Reason:** The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and to protect the amenities of adjoining land uses, protected species and the character of the area with dark night skies. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### 18. Bat Roost

No development shall commence until detailed drawings showing the location of the new bat access points to the dedicated bat loft space over the farm office and the location of the lifted roof tiles as described in the Manor Farm supplementary survey for bat mitigation dated 15th January 2015 by ARBECO Ltd and drawings showing the proposed locations of the 2 Schwegler woodcrete 1FF and 2 Schwegler woodcrete 1FE bat boxes as described in the Preliminary Ecological Assessment and Bat Survey report dated 19th June 2014 by ARBECO Ltd, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details before the buildings hereby permitted are occupied and the roosts created hereafter retained.

**Reason:** To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### 19. Bat Mitigation Measures

The Bat Mitigation recommendations made in Sections 8.1 - 8.6 of the Preliminary Ecological Assessment and Bat Survey report dated 19th June 2014 for this site by ARBECO Ltd will be implemented in full.

**Reason:** To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### 20. Bat Survey Repeat June 2018

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

Should the development hereby permitted not be commenced by June 2018, then the bat survey will be repeated and a report will be supplied to the Local Planning Authority for approval. Such report will include updated detailed bat mitigation measures. Such approved updated mitigation measures will be implemented in full and shall be retained thereafter.

**Reason:** To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### 21. EPS Licence

No development shall commence on site until a copy of the Natural England EPS Licence required has been provided to the Local Planning Authority unless it can be shown to the Local Planning Authority's satisfaction that such a licence is not required.

**Reason:** To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### 22. Ecological Conformity Report

Before first occupation of any building hereby permitted, a report from an qualified ecologist will be submitted to the Local Planning Authority which confirms that the approved mitigation and enhancement measures have been implemented in full and that a contract has been let with such an ecologist to undertake a bat monitoring survey 3 years after first occupation of these buildings hereby permitted. Such survey report will be submitted to the Local Planning Authority within one month of the completion of the survey.

**Reason:** To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### 23. Swallow Nesting sites

No development shall commence until a plan showing replacement swallow nesting sites (including nesting cups) within a nearby building have been submitted to the Local Planning Authority for approval. No building shall be occupied until the approved plan has been implemented in full. The boxes shall be retained thereafter.

**Reason:** To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### 24. Finished Floor Levels

No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

**Reason:** To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

### 25. Acoustic Mitigation Measures

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No dwelling shall be occupied until the acoustic mitigation measures (glazing and trickle ventilation) set out in the REC Noise Impact Assessment (Maxted Farm, East Ilsley) AC102877-1R0 dated 14th December 2016, have been implemented in full. The approved scheme shall be retained and maintained in full working order for the lifetime of the development, unless an alternative scheme is agreed in writing by the local planning authority.

**Reason:** In order to protect the amenities of proposed residents/occupiers of the development from externally generated noise. In accordance with Policy OVS6 of the West Berkshire District Local Plan (saved Policies 2007), Policy CS14 of the West Berkshire Core Strategy 2006-2026 and advice set out within the NPPF.

### 26. Window Treatment

The first floor flats in unit A and unit B shall not be occupied until full details of proposed louvres are submitted and approved in writing by the local planning authority and the scheme is implemented in full. The details shall ensure that the windows at first floor level in the:

North elevation unit A are fitted with louvres directing views from inside the building westwards

South elevation unit B are fitted with louvres directing views from inside the building eastwards

The windows and louvres at first floor level on the north elevation of unit A and south elevation of unit B shall be retained thereafter.

**Reason:** In the interests of the privacy and amenity of neighbouring properties and to prevent the overlooking of residential units in the interests of neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

### 27. Spoil

No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Show where any spoil to remain on the site will be deposited,
- b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels),
- c) Include measures to remove the spoil from the site.
- d) Include a timescale for the spoil removal and associated works.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

**Reason:** To ensure appropriate disposal of spoil from the development and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area or amenity of neighbouring land uses. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

## INFORMATIVES

1. The NPPF

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

## WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

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.

### 2. Community Infrastructure Levy

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 3. HI 1 Access construction

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

### 4. HI 3 Damage to footways, cycleways and verges

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

### 5. HI 4 Damage to the carriageway

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

### 6. Ecology

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. Tie between PP and LBC

*This Planning Permission should be read in conjunction with associated Listed Building Consent 16/02453.*

### **Application 16/02453/LBC**

The Head of Development and Planning be authorised to **grant** Listed Building Consent subject to the following conditions:-

#### **Conditions**

##### **1. Time to implement**

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

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**Reason:** To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 2. Approved Plans

The development hereby approved shall be carried out in accordance with:

Site Location Plan 419 Rev B (site location plan only)

Proposed Site Plan 419 Rev G (received by e-mail dated 21st February 2017)

Proposed Site Layout and Ground Floor Plan 417 Rev G (received by e-mail dated 21st February 2017)

Proposed First Floor Plan 418 Rev B

Proposed Elevations (north and south) 415 Rev E (received by e-mail dated 9th November 2016)

Proposed Elevations (east and west) 416 Rev F (received by e-mail dated 9th November 2016)

Proposed Stables Elevations 104

Proposed Stables Floor Plans 120

Associated Documents and Background Documents

Stables Existing Floor Plans 100

Stables Existing Elevations 101

Stables Existing Floor Plan with Impact 103

Planning Statement September 2016 (Turley)

Design & Access Statement and Heritage Statement September 2016.

All received with the application validated on 16th September 2016 unless otherwise specified.

**Reason:** To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

### 3. External Doors and Windows

No development of the stable conversion, shall take place until details of all external doors and new windows and rooflights, including materials and finishes, at a minimum scale of 1:20 and 1:2, have been submitted to and approved in writing by the Local Planning Authority. The rooflights should be conservation style and flush fitting. The windows, rooflights and external doors shall be installed in accordance with the approved details. This condition relates to the stable conversion only.

**Reason:** To protect the special architectural or historic interest of the building. 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).

### 4. Roof Tiles

Existing roof tiles from the main roof, which need to be removed as part of the proposal, shall be reused in the proposed works. Where insufficient numbers of salvageable roof tiles are available, matching reclaimed roof tiles shall be used.

**Reason:** To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National



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Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### 5. Timbers

Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no timber framing members/structural roof timbers shall be cut, replaced or removed in whole or in part until a written description of the steps to be taken has been submitted to and approved in writing by the Local Planning Authority. This includes the chasing of timbers to facilitate service runs. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

**Reason:** To protect the special architectural or historic interest of the building. 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).

### 6. Workmanlike Manner

The development hereby permitted shall be carried out in a proper workmanlike manner appropriate to the age and character of the building and using traditional materials and techniques except where the use of modern materials and techniques has specifically been approved by the Local Planning Authority.

**Reason:** To protect the special architectural or historic interest of the building. 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).

### 7. Works to Match

All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match adjacent work with regard to the methods used and to materials, colours, textures and profiles.

**Reason:** To protect the special architectural or historic interest of the building. 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).

## INFORMATIVES

### 1. Ecology

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.

### 2. Tie between PP and LBC

This Listed Building Consent should be read in conjunction with associated Planning Permission 16/02452.

### (5) Application No. and Parish: 17/00360/HOUSE, 3 Love Lane, Donnington, Newbury

*(No declarations were received.)*

*(Councillor Paul Bryant vacated the Chair and Councillor Clive Hooker resumed his place as Chairman.)*

1. The Committee considered a report (Agenda Item 4(5)) concerning Planning Application 17/00360/HOUSE in respect of a loft conversion, including rear

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skylights and change of use of bedroom to office in Love Lane, Donnington, Newbury.

2. In accordance with the Council's Constitution, Mr Alex Simeunovic, applicant/agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers recommended the Committee grant planning permission.
4. Mr Simeunovic in addressing the Committee raised the following points:
  - He was the owner of the property and the application before the committee was a continuation of a previous application he had submitted. That application was for a dormer window in the loft and had been declined.
  - The new application now included skylights instead of a dormer, but 15 Love Lane had fitted a dormer as part of their loft conversion.
  - The property was intended for use as a family home but they might wish to rent out two of the bedrooms. The application for a license as a House of Multiple Occupancy (HMO) had been submitted for that reason.
  - Councillor Anthony Pick asked why the applicant wished to covert the loft space. Mr Simeunovic replied that there was a good space in the loft which was currently being wasted and he would like to use it. There would be no increase to the number of bedrooms as one of the rooms would now be used as an office.
  - Councillor Paul Bryant, speaking as Ward Member, in addressing the Committee raised the following points:
    - The Parish Council did not object to the loft conversion but did have concerns that three spaces would not be a sufficient amount of car parking for a property which could have a large number of occupants.
    - Love Lane was a busy road which was a bus route, had schools along the road and chicanes.
    - The site was overdeveloped.
    - A condition applied to a previous application on the site precluded new openings.
    - A previous application for change of use to a HMO was refused because the property lacked sufficient car parking.
    - It was hard to imagine the property as a family home as it would have seven bedrooms. Sitting rooms could also be used as bedrooms.
    - The development would cause Love Lane to become a 'little Slough'.
    - It would be a mistake to permit further extension of the property and would not be an example of good planning.
  - Councillor Adrian Edwards expressed the view that he could understand the financial benefit to the applicant to rent out rooms and asked whether the Highways Authority would require additional parking should this be the case. Paul Goddard advised that he had difficulty knowing what was actually being assessed here, but must rely on the planning officers to explain the application. If the application was for a family home, three spaces would meet the Council's adopted parking standards for a property with four or more bedrooms. If the property were

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to accommodate multiple households the parking would not be sufficient. Derek Carnegie advised that the applicant had stated the property would be used as a family home and speculation regarding potential use of the property as a HMO was not part of the application before the Committee.

- Councillor Pick asked whether the proposal could constitute overdevelopment of the site. Derek Carnegie advised that the existing outbuilding in the garden and the loft conversion were within permitted development.
- Councillor Garth Simpson asked whether the Council had sufficient resources to check whether the property was used as an HMO. Derek Carnegie advised that any planning enforcement action was a balance between the cost, damage to community and likelihood of success. Councillor Hilary Cole commented that should the property be used as an HMO it would fall within the remit of Environmental Health.
- Councillor Dennis Benneyworth enquired whether there was sufficient space on site to accommodate three parked cars. Paul Goddard advised that following the site visit he was concerned that the stepped area at the front of the property might restrict car parking space, but a condition to provide the three spaces was subject with a previous consent within the site. If the three spaces were not provided then enforcement could take place.
- Councillor Hilary Cole proposed acceptance of officer's recommendations to approve planning permission. She expressed the view that the Committee should not assume that even if the property did become a HMO that every resident would have a car. The site was in a sustainable location on a bus route and there was a car club in Newbury. Councillor Jeff Beck seconded that proposal.
- The Chairman invited the Committee to vote of the proposal of Councillor Hilary Cole as seconded by Councillor Beck. At the vote the motion was carried with three members abstaining. Councillor Adrian Edwards asked that his abstention be recorded.

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

### Conditions

#### 1. Full planning permission time limit

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

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

#### 2. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing title "Block Plan & Site Location Plan". Drawing number 3LL-001. Date stamped 23<sup>rd</sup> February 2017.
- Drawing title "Existing & Proposed Section through house". Drawing number 3LL-007. Date stamped 23<sup>rd</sup> February 2017.
- Drawing title "Existing & Proposed Roof Plan". Drawing number 3LL-006. Date stamped 23<sup>rd</sup> February 2017.

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- Drawing title "Existing & Proposed Rear Elevation". Drawing number 33LL-0010. Date stamped 23<sup>rd</sup> February 2017.
- Drawing title "Existing & Proposed Flank Elevation". Drawing number 3LL-009. Date stamped 23<sup>rd</sup> February 2017.
- Drawing title "Existing and & Proposed Loft Plan". Drawing number 3LL-005. Date stamped 23<sup>rd</sup> February 2017
- Drawing title "Parking Plan". Drawing title ". Drawing number 3LL-002. Date stamped 23<sup>rd</sup> February 2017.
- Drawing title "Existing & Proposed First Floor". Drawing number 3LL-004. Date stamped 23<sup>rd</sup> February 2017.
- Drawing title "Existing & Proposed Ground Floor". Drawing number 3LL-003. Date stamped 23<sup>rd</sup> February 2017.

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

### 3. Materials to match

The materials of the proposed roof lights of the development hereby permitted shall match those on the existing development in colour, size and design as closely as possible. These 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 Supplementary Planning Guidance 04/2 House Extensions (July 2004).

### 4. Obscure glazing before use

The roof light with in the east elevation of the roof shall be fitted with obscure glass before the loft conversion hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

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).

### 5. Use class restriction

The property shall be used solely as a dwellinghouse (Use Class C3). Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order(s) revoking, re-enacting or modifying those Orders with or without modification), the property shall not be used for any other use purpose that would normally be permitted by those Orders, including use as a house of multiple occupation (Use Class C4).

Reason: The property has insufficient parking provision were the enlarged habitation space to be converted to a HMO. An otherwise permitted change of use to C4 would therefore be unacceptable. This condition is applied in the interests of highway safety, in accordance with the National Planning Policy Framework and Policy P1 of the West Berkshire Housing Site Allocations DPD (2015).

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**6. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 9.27 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	17/00158/COMIND Greenham	8 <sup>th</sup> May 2017  Extension of time agreed until 30 <sup>th</sup> June 2017	Construction of new 1 FE single-storey primary school south of the existing Newbury College, with associated soft and hard landscaping. Construction of a temporary access to the school from the Newbury College site and a new permanent access from the A339 to serve the allocated strategic housing site and form the permanent access to the school.  Land South of Newbury College, Monks Lane, Newbury.  West Berkshire Council

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/00158/COMIND>

**Recommendation Summary:** Subject to no overriding objections being raised by Drainage Officers, to **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

**Ward Member(s):** Councillor Drummond  
Councillor Bartlett

**Reason for Committee determination:** This is a major application and West Berkshire Council is the applicant

**Committee Site Visit:** 20<sup>th</sup> June 2017

## Contact Officer Details

**Name:** Emma Nutchey  
**Job Title:** Principal Planning Officer  
**Tel No:** (01635) 519111  
**Email:** emma.nutchey@westberks.gov.uk

## 1. RELEVANT PLANNING HISTORY

No relevant planning history.

## 2. PUBLICITY

Advertised in Newbury Weekly News on 16<sup>th</sup> February 2017. The site notice expired on 8<sup>th</sup> March 2017 and the neighbour notification letters expired on 28<sup>th</sup> February 2017.

### 2.1 EIA

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the local planning authority (LPA) must adopt a screening opinion on any application for Schedule 2 development to determine whether the proposal constitutes EIA development, and therefore whether Environmental Impact Assessment (EIA) is required as part of the application.

A screening opinion was adopted following the submission of the application, confirming that the proposal is not considered EIA development and that an Environmental Statement is not required.

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

**Greenham Parish Council**      Objection due to over development, access issues and loss of amenity. The council is particularly concerned about access to the school both from cars and by foot and cycle. Proposed access to the A339 is considered dangerous.

**Newbury Town Council**      The school will provide a much needed two form entry primary school for local residents. The design is in line with modern requirements and the landscaping is good. Access from the A339 and by pedestrians from Monks Lane will avoid the problems which other schools encounter of parking by parents in nearby roads.

**Archaeology**      **10<sup>th</sup> February 2017** - The proposed development site has some archaeological potential for in situ deposits from the prehistoric to the post medieval period – this is supported by the results of archaeological investigations in the surrounding area and is supported in the desk based assessment submitted with this application. As such a geophysical survey is required to determine the exact nature of its potential.

**6<sup>th</sup> April** – Following receipt of the geophysical survey no further work or conditions are deemed necessary.



**Conservation** This application follows on from a pre-application submission for alternative sites including that subject to the current application. Although not formally addressed in the current application, it is clear that the currently proposed site is furthest from and least affects the setting of the nearest designated heritage asset, the Registered Park/Garden of Sandford Park, such that a Heritage Impact Assessment is not considered necessary in this case. Site A, subject of the current application, was previously considered to have least impact on the Registered Sandford Park. No objections.

**Drainage** **12<sup>th</sup> April** – Agree the site is unlikely to suffer flooding, concerns relate to Sustainable Drainage proposals. The proposal currently lacks any information about the capacity and levels within the balancing pond, the use of Suds to add amenity and educational value to the site, or details of drainage from the roads. Further information has been requested from the applicant and comments will be reported on the Update.

**Education** This project is part of the Education Capital Programme. Capital investment is being made to provide an additional 210 place (1FE) Primary school with integrated 26 place nursery provision from 2018 to meet demand from demographic growth in the Newbury area. The new school accommodation will ensure that West Berkshire Council has sufficient places in the Newbury area to meet its statutory duty. The school has been designed with the potential to expand to 2FE (420 pupils) should demand for places continue. The new school is required as all existing schools in the locality are at capacity with no further room for expansion. The school will open in September 2018 and admit 30 pupils into the foundation class and will grow by 30 pupils per year until it reaches full capacity. The school will also provide a 26 place nursery to meet demand for early years places.

**Environmental Health** **2<sup>nd</sup> March** – Matters relating to contamination and light can be dealt with by condition. Concern is raised for the detail within the noise assessment with respect to the impact of the nearby Household Recycling Centre on the amenity of the scheme. Further clarification is sought on this due to the limitations of the submitted report.

**27<sup>th</sup> April** – The additional information to include a proposed lighting plan is considered acceptable.

**Highways** No objection is raised subject to a potential for additional drop off parking facilities, that the A339 access is in situ within two years of school opening and a financial contribution towards the A339. See main report below for discussion relating to highways matters.

**Highways England** In the case of this development proposal our interest is in the A34. Having examined the above application and its supporting evidence there is unlikely to be an adverse impact to the A34 (at its junction

with Bath Road) therefore no objections raised.

**Natural England**

Greenham and Crookham Common SSSI does not represent a constraint in determining this application. In respect of protected species reference is made to Natural England's Standing Advice. Note from Planning Officer: Ecology advice has been sought internally. No objections raised.

**Newbury Society**

While the Society recognises the urgent need for additional primary school places, it believes this proposal is in the wrong place and as such objects to this proposal. The location will mean that nearly all arrivals will be by car. This means that when the school is fully established up to 210 cars will enter and exit the site in the half hour before and after school. For the pickup after school many will arrive early to park near the school. In the small road being provided there is no space for cars to wait. Also the access via the college which is partially single line is inadequate for even the first few years of school growth. This will add significant traffic on the college roundabout which is already congested at that time of day. When the A339 access is built that will also mean 210 journeys both ways along the Sandleford link in the same short period, which looks like an uplift of about 50%. However the benefit is that it will create access from the A339 for Sandleford. The transport statement mentions bus usage via the A339 but this is unlikely to be popular with parents of under 10 year olds, and would require them to cross the A339 in the rush hour. The plan suggests an additional traffic light crossing on the A339 which isn't appropriate on that stretch of open road. Section 4.1 of the transport statement has realistic figures for the am peak, but not for the pm peak. The road plan with the new controlled junction will affect traffic leaving the recycling centre, with additional traffic crossing paths in a very short distance.

It also claims to be "close to Park House School", although by road it will be about 2km, separated by the whole of Monks Lane and adding to congestion of both roundabouts at either end.

It doesn't seem to serve any catchment particularly well. Families in Deadmans Lane and Greenham will have to cross the A339. From Monks Lane and further north people will have to cross the busy road with only one controlled crossing, which is in the wrong place. It is the wrong place entirely to put a school that will draw pupils in their parents' cars back and forth along the most congested roads in Newbury – potentially 4 journeys per pupil every weekday. It would be preferable to re-draw catchment areas and find a site east of A339 in Greenham, which is where the growth in population is at present.

**Planning Policy**

No objection to the principle of development.

**Public Rights of Way**

The Definitive Map and Statement do not show any Public Rights of Way over the land.

**Sport England** Supports application: The scheme provides new pitches that could help address established playing pitch deficiencies. As such the proposal would meet objective 3, and therefore Sport England supports this application in principle.

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Note from Planning Officer: The applicant has queried the wording of the proposed condition and an alternative condition has been agreed between Officers, Sport England and the applicant.

**Transport Policy** **11<sup>th</sup> April** - Amended plans/additional information has been sought with respect to the Travel Plan, details of the cycle and scooter parking - design of the store and stands, inclusion of a covered waiting area within the building for parents to congregate in bad weather and electric car charging points. Subsequent comments have been received removing the request for a pedestrian crossing on Monks Lane subject to pedestrian routes being considered within the Travel Plan.

**6<sup>th</sup> June** – Provision has been made for three future electric charge car points within the car parking area. Further details of the cycle and scooter parking are required. This can be addressed by condition.

**Trees** **18<sup>th</sup> April** – Objection raised: There is a significant ancient woodland, High Copse, which will be affected by the proposals. The proposal fails to acknowledge the need for a minimum 15m buffer alongside the ancient woodland. The removal of the Sweet Chestnut tree T02 is also considered to be detrimental to wildlife habitats given its age and quality as a bat roost. The loss of this tree is unjustified.

**7<sup>th</sup> June/15<sup>th</sup> June** – No objections raised, subject to conditions. See main report below for discussion relating to trees.

**Waste Management** **21<sup>st</sup> February** - The site location is near to the Council's Household Waste Recycling Centre (HWRC), Newtown Road, Newbury and as such appropriate action must be taken to mitigate any impact on the school and adjoining facilities accordingly.

The proposed access route off the A339 will have an impact on the HWRC and therefore the Waste Management team will need to continue to be consulted on any further matters regarding this.

**1<sup>st</sup> June** – Initial concerns in respect of noise have been addressed however strong concerns are held regarding the proposed new junction on the A339 and its impact on the HWRC. The proposed highways junction includes traffic lights in the exit of the facility controlling traffic leaving the site. Concern is raised that the highways

modelling does not consider the impact on the HWRC facility during peak HWRC times. It is a concern that traffic could back up within the facilities and consequently impact on traffic entering the site.

## **Ecology**

The eDNA Survey undertaken in May 2017 confirms that there are no Great Crested Newts within the balancing pond. The additional bat surveys are considered to be acceptable. The lighting plan submitted is considered to be acceptable.

## **Woodland Trust**

**9<sup>th</sup> May** – Objection raised: To the encroachment of the sports pitch into the woodland buffer and the loss of the veteran Sweet Chestnut tree. The Trust request that a buffer is planted between the woodland and the site. Support is given to the Tree Officer's concerns.

No response received in respect of amended plans.

## **The Gardens Trust**

Do not wish to make any comments.

### **3.2 Representations – As of 6<sup>th</sup> June**

Total: 5      Object: 4      Support: 0      Comment: 2

Concerns have been raised regarding access for construction vehicles serving the Sandford development and the use of the A339. Such a matter is not material to this application but would need to be considered under the pending Sandford applications.

#### **Summary of Objections:**

- Impact on traffic and congestion;
- Concern for impact of air pollution on children given the proximity of the site to the A339;
- Concern for the level of parking provided on site for parents and the success of the 'kiss and drop' and 'grab and go' proposals;
- Inadequacies in the Travel Plan;
- Noise impacts from neighbouring Household Recycling Centre;
- 15/02300/outmaj proposes a link road into the Sandford site which is different to that being proposed;
- Site is a sufficient distance from residential areas to deter people from walking, there will be a reliance on the private car;
- There is a need for a pedestrian crossing on Monks Lane to allow people to cross safely.

## **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 for West Berkshire comprises:

- West Berkshire Core Strategy (2006-2026)
- Housing Site Allocations DPD
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).

4.3 According to paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.4 The West Berkshire Core Strategy (2006-2026) (WBCS) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP2: Newbury
- CS5: Infrastructure Requirements and Delivery
- CS13: Transport
- CS14: Design Principles
- CS15: Sustainable Construction and Energy Efficiency
- CS16: Flooding
- CS17: Biodiversity and Geodiversity
- CS18: Green Infrastructure
- CS19: Historic Environment and Landscape Character

4.5 The Council's Housing Site Allocations Development Plan Document (HSA DPD) was adopted on the 9<sup>th</sup> May 2017. Policy C1 defines the settlement boundaries, replacing Policy HSG.1 of the Local Plan. Although the boundary has been revised to include the existing development on the Newbury College site it excludes the application site. The application site therefore remains outside of settlement.

4.6 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP) remain part of the development plan following the publication of the Core Strategy. The following policies from the WBDLP are relevant to this development:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- TRANS.1: Meeting the Transport Needs of New Development
- ENV.27: Development on Existing Institutional and Educational Sites in the Countryside.

4.7 The following local policy documents adopted by the Council are material considerations relevant to the development:

- Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- West Berkshire Local Transport Plan
- Greenham Parish Plan, 2011 - As part of the Plan, objectives and actions include, reducing traffic associated with schools and promoting green travel, and improve cycle paths.

## **5. DESCRIPTION OF DEVELOPMENT AND PROPOSAL**

- 5.1 Full planning permission is sought for the provision of a single-storey, 1 form entry primary school, providing up to 210 pupil places with a 26 place full time entry nursery. The school has been designed so that it could expand to a 2 form entry school in the future and the submitted plans highlight the areas for future expansion. It should be noted that those proposals are not for consideration at this stage.
- 5.2 The proposals within this current application include the construction of a temporary access road through the existing College site which connects into Monks Lane. This will serve the school during the construction phase and for the first 2 years of operation.
- 5.3 After this time access will be achieved from the A339 via a new link road, also proposed as part of this application, which connects to the boundary of Sandleford Park. Access onto the A339 will be obtained via a traffic signal junction that also includes a pedestrian crossing to the north of the junction. An off carriageway cycle route is also proposed.
- 5.4 The application site comprises 3.71 hectares of undeveloped land within the grounds of Newbury College. The application site is defined by an area of ancient woodland, High Copse, to the west and a balancing pond within the site to the south. The proposed access road (link road from the A339) runs along the northern boundary while to the east of the site is an area of open space beyond which is the Household Waste Recycling Centre (HWRC). The site gently slopes southwards. An established grass mound forms a barrier between the school site and the attenuation pond.
- 5.5 Whilst the application site is in close proximity to the allocated site at Sandleford Park, this application for a new school is separate to the consideration of the Sandleford development. The demands arising from the Sandleford development and any education mitigation required as a result will

be considered as part of the assessment of applications relating to the Sandleford development.

- 5.6 This project is part of the Education Capital Programme to meet the demand for school places within the Newbury area. The new school accommodation will ensure that West Berkshire Council has sufficient places in the Newbury area to meet its statutory duty.
- 5.7 It is intended that the new school will open in September 2018, commencing with an intake of 30 foundation pupils increasing to the 30 pupils per year on year until the school reaches capacity. There will be 23 full time equivalent members of staff.

## **6. APPRAISAL**

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

- The Principle of Development
- The Impact on the Character and Appearance of the Area
- Impact on Neighbouring Amenity and the Amenity of the School
- Highway Matters
- Flood Risk
- Drainage
- Ecology
- Trees
- Sustainability - BREEAM
- Archaeology
- Community Infrastructure Levy
- Presumption in Favour of Sustainable Development

### **6.1 The Principle of Development**

- 6.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The key policies that are relevant to considering the principle of the development in this application are Core Strategy Policies ADPP1 and ADPP2, Policy C1 of the HSADPD and Policy ENV27 of the WBDLP.
- 6.1.2 The application site lies outside the current settlement boundary. A review of the settlement boundary took place as part of the HSA DPD, and although the boundary was revised to include the existing development on the Newbury College site it excludes the application site. The application site therefore remains outside of settlement.
- 6.1.3 The spatial strategy for West Berkshire District (as set out in Core Strategy policy ADPP1) is clear that development will follow the existing settlement pattern with the majority of development taking place on previously developed land. Within the open countryside only appropriate limited development will be allowed focused on addressing identified needs. This project is part of the

Education Capital Programme. Capital investment is being made to provide a 210 place (1FE) Primary school to meet demand from demographic growth in the Newbury area and will ensure that West Berkshire Council has sufficient places in the Newbury area to meet its statutory duty.

- 6.1.4 Policy ADPP2, Newbury, of the WBCS recognises that community infrastructure is needed to meet with the needs of the growing population and specific reference is made to educational need and school capacity issues being addressed.
- 6.1.5 The original permission for the development of Newbury College was based on exceptional community needs overriding other protective policies. The application site lies within the curtilage of Newbury College which is a committed development site through the WBDLP. The established educational use extends across the site as a whole. Policy ENV.27 of the WBDLP allows for educational and related development on existing school or institutional sites outside of settlement. Whilst not strictly relevant to the proposal at hand given the proposal is for a new primary school within the grounds of Newbury College, a further education facility, the considerations and criteria within Policy ENV27 can be equally applicable to this proposal whereby it is development of an education facility in the countryside.
- 6.1.6 The NPPF at paragraph 72 places great importance on ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local Planning Authorities are therefore required to give great weight to the need to create, expand or alter schools. This ethos is reiterated in the Government's policy statement entitled 'Planning for Schools Development', a statement prepared in August 2011 where it highlights a presumption in favour of the development of state-funded schools. The supporting 'Planning Statement' which accompanies this application advises that the school will meet a need for pupil places in south Newbury and that there are no further opportunities for expanding existing schools.
- 6.1.7 Further to this, the Council also has a statutory duty to ensure there are sufficient pupil places to meet demand.
- 6.1.8 Although the site lies outside of the current settlement boundary it is within the grounds of Newbury College, a committed development site, where educational use is established. Saved Policy ENV.27 of the WBDLP allows for educational and related development on existing school or institutional sites outside of settlement where the policy criteria can be met. The proposed development is considered to meet the requirements of the closest fit policy of ENV27, together with Policies ADPP1 and ADPP2 of the WBCS as well as the guidance contained within the NPPF.
- 6.1.9 The principle of the development is therefore considered acceptable, subject to its compliance with other planning policies and material planning considerations.



## **6.2 The Impact on the Character and Appearance of the Area**

- 6.2.1 The Government attaches great importance to the design of the built environment, and securing high quality design is one of the core planning principles of the NPPF. Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy CS19 of the WBCS seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced.
- 6.2.2 The application site comprises an area of open land which, whilst within the grounds of the college, is distinctly separate and has a verdant character. The presence of the ancient woodland to the west, has a strong influence on the tranquillity of the site, and the presence of the open space and established planting to the east minimises any impact, visual or noise, from the Household Waste Recycling Centre. At present the site is not visible from any public vantage points however the introduction of the new link road from the A339 will open up views of the site.
- 6.2.3 Whilst at present the site has a semi-rural character and appears separate to the College, consideration must be given to the extant consent for a conference centre on land to the south of the College and immediately to the north of the new access road. The footprint of the conference centre, which could be implemented at any time, is shown on a number of the submitted plans within this application. The extant permission will see the College development extend southwards thus bringing the College development closer to the application site. In local views, the school would be seen within the context of other institutional buildings within the College site.
- 6.2.4 The architectural approach to the elevational treatment is described as robust, simple and uncluttered. The irregular shape of the footprint allows for the creation of a courtyard area and breaks up what would otherwise be long expanses of brickwork, adding interest and variety. The building is approximately 7.4m at its highest point however much of the building is lower than this and the varied roof angles add interest to the design. The character of the site itself would undoubtedly change as a result of the development, as it is currently a greenfield site. The site layout however seeks to keep the built form away from the ancient woodland which in turn creates an attractive setting for the play/recreational areas. This layout also allows for longer views of the woodland edge to be obtained from the new highway when looking across the playing fields. As such the proposal complies with criterion (c) of Policy ENV.27 of the WBDLP which requires development to be reasonable in proportion to the size and nature of the existing establishment.
- 6.2.5 The palette of materials selected is considered to be of a high quality and would ensure a locally distinctive form of development. The mix of materials to include brickwork broken up with sections of timber cladding and aluminium panels coupled with a profiled metal roof adds interest to the building. Furthermore, the design, size and scale of the proposed development is considered to be acceptable and one that respects the site's location, the

surrounding pattern of development and the style of the existing educational buildings to the north. As such the proposal complies with criterion (d) of Policy ENV.27 of the WBDLP which requires development to be well designed and constructed of appropriate materials, located close to or within an existing group of buildings and is not inappropriate or intrusive in its setting.

- 6.2.6 A comprehensive landscaping design strategy has been submitted to help soften the overall impact of the development. As part of the proposal a large Sweet Chestnut tree (T02) is to be removed. This is the only tree to be lost as a result of the development. The loss of this tree is discussed later within this report however the scheme as a whole provides for a net increase in tree cover and will see the planting of an oak tree in the northeast corner of the site, north of the bike store and 2 chestnut trees are to be planted in the area immediately west of the games court adjacent to the southern boundary. As such the soft landscaping scheme is welcomed and seen as a positive feature of the scheme softening the overall impact of the built form in accordance with criterion (f) of Policy ENV.27 of the WBDLP which requires development to make provision for landscape enhancement within or adjoining the site where this would help to screen and integrate the new development into its rural surroundings.
- 6.2.7 In relation to hard landscaping, a mix of blockwork paving is proposed. The boundary treatment includes timber hit and miss and timber palisade fencing, and green weld mesh fencing to the perimeter. The use of green weldmesh fencing along the boundary with the ancient woodland is particularly welcomed given the sensitivity of this boundary. Two metre high metal bow top fencing is proposed to the front of the school. The boundary treatments are typical to those used within modern school developments and would not undermine the overall character of the scheme.
- 6.2.8 The site lies approximately 90m to the north west of Sandford Priory which is included by Historic England on the Register of Parks and Gardens of Special Historic interest at Grade II. The impact of the proposal on this heritage asset has been assessed by the Conservation Officer and The Gardens Trust and no objections have been raised.
- 6.2.9 Overall, the proposal would change the character and appearance of the site, but due to the site's location within an established educational site and the high quality of the design, the proposal is considered to present an acceptable form of development that respects the character and appearance of the surrounding area and is considered to create a quality learning environment. As such the proposal is considered to comply with Policies CS14 and CS19 of the WBCS, Policy ENV.27 of the WBDLP, and the design guidance within the NPPF.

### **6.3 Impact on Neighbouring Amenity and the Amenity of the School**

- 6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is another core planning principle of the NPPF. Core

Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.

- 6.3.2 The nearest neighbouring residential properties lie to the east of the site, south of the recycling centre. The proposals are not considered to impact on the amenity of these properties. The main concerns raised in the representations by residents and a local action group is concern for the impact of the proposals on traffic and congestion particularly along the A339. The impact on the highway network is considered in detail below in the Highway Matters section.
- 6.3.3 Concern has also been raised for the impact of fumes from the A339 and noise from the recycling centre on the quality of the learning environment created. With regard to noise, the internal layout of the school building has been designed to minimise any adverse impacts from external noise sources and the application is accompanied by a noise assessment. Such matters have been considered by Environmental Health who concluded that the noise levels within the site are acceptable. With regard to air quality, the site lies approximately 150m to the west of the A339. By virtue of distance and the level of existing planting between the site and the road, the site is not considered to be materially impacted on by the proximity of the A339.
- 6.3.4 The proposal is therefore considered to comply with Policy CS14 of the Core Strategy and the guidance within the NPPF.

## **6.4 Highway Matters**

- 6.4.1 Paragraph 32 of the NPPF states that "all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost- effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- 6.4.2 A number of concerns have been raised by local residents and Greenham Parish Council relating to the impact the development would have on highway safety.
- 6.4.3 An access road is proposed from the A339 to the boundary of Sandleford Park. Access onto the A339 will be obtained via a traffic signal junction that also includes a pedestrian / cycle crossing over the A339 on the northern side of the junction. This road and junction will not only serve the school, but also

potentially form one of the accesses to serve the Sandford Park development. This access road and new junction onto the A339 has Local Growth Deal funding allocated to it following a successful bid to the Thames Valley Berkshire Local Enterprise Partnership.

6.4.4 The access road will be 6.0 metres in width with an off carriageway cycle route. It is considered that any cycle route as it approaches the A339 should be off carriageway for the safety of cyclists. The cycle route will link with the existing off carriageway cycle route on the eastern side of the A339 and on into Deadmans Lane.

6.4.5 It is expected that the new access onto the A339 will be completed by September 2020. With the school scheduled to open in September 2018, an access is also proposed northwards into and through the Newbury College site and then via their existing access onto Monks Lane can be used. In traffic terms, the use of this access is acceptable for up to two years post opening as the school becomes populated. After this time the new access onto the A339 must be utilised.

6.4.6 The layout of the site is acceptable with an in and out access arrangement.

### Traffic Generation

6.4.7 It is understood that the catchment area for the school will be much of South Newbury and Greenham. From viewing travel plans of other schools within West Berkshire, Transport Policy have estimated the following modal share of walking, cycling and scooting of 28%, public transport of 5% and car 67%. Using the above 67% car journey figure for staff and pupils, the following traffic projection is provided in the Transport Assessment (TA):

Year	Pupils	Staff	AM 08.00 to 09.00 hours			PM 17.00 to 18.00 hours		
			Arrive	Depart	Total	Arrive	Depart	Total
2018	56	11	45	38	83	1	7	8
2019	86	13	66	58	124	1	9	10
2020	116	15	88	78	166	1	10	11
2021	146	17	109	98	207	1	11	12
2022	176	19	131	118	249	1	13	14
2023	206	21	152	138	290	1	14	15
2024	236	23	174	158	332	1	15	16

*Traffic flow estimates for proposed at 1FE School*

6.4.8 The VISSIM traffic model covering the area around Sandford Park has been used to assess the impact of the development. The VISSIM was constructed from survey data taken in February 2015, but has now been updated to include all housing sites included within the HSADPD.

6.4.9 Four model runs have been run as follows for the AM peak:

- a. 2021 reference case that includes traffic growth from 2015 with committed developments
- b. 2021 as above, plus Highwood Copse Primary School
- c. 2026 reference case that includes traffic growth from 2015 with committed developments
- d. 2026 as above, plus Highwood Copse Primary School

The traffic modelling results are as follows:

		Average Traffic Queue Length (metres)			
		2021 RC	2021 with School	2026 RC	2026 with School
A339 / Monks Lane / Pinchington Lane	A339 (N)	5	7	7	12
	Pinchington Lane (E)	20	27	45	42
	A339 (S)	<b>206</b>	<b>271</b>	<b>357</b>	<b>466</b>
	Monks Lane (W)	11	14	14	20
Monks Lane / Newtown Road / Newbury College	Newtown Road (N)	4	5	5	20
	Monks Lane (E)	0	0	0	1
	Newbury College (S)	0	0	0	0
	Monks Lane (W)	1	2	2	5
A343 Andover Road / Monks Lane	A343 (N)	10	10	11	16
	Monks Lane (E)	2	3	3	3
	A343 (S)	4	5	6	8
	Essex Street (W)	11	13	16	18
A343 Andover Road / Warren Road	A343 (N)	2	2	2	4
	Warren Road (E)	0	0	0	0
	A343 (S)	2	2	2	1
A339 / School Access	A339 (N)	N/A	8	N/A	9
	A339 (S)	N/A	41	N/A	186
	School Access (W)	N/A	12	N/A	82

6.4.11 For the PM peak, all children would have left for the day. It is assumed that some two thirds of teaching, management and administration staff would leave during the PM peak. Therefore no traffic modelling is deemed required for the PM peak.

6.4.10 The above results are a worst case scenario as the school traffic has been distributed onto the network and no account has been taken that much of the traffic would already be on the network as it would have been accounted for within the committed developments. No account has also been taken that much traffic would already be on the network travelling to existing schools. This is because it is currently unclear what the catchment area for the school would be. Therefore highway officers have sought to keep the modelling simple, but such double counting will need to be taken into account when considering the results.

- 6.4.11 The only location where there appears to be an issue is the A339 south arm (northbound), as highlighted in the table above, where traffic queues during the AM peak are already significant. The proposal will have a severe impact on this arm and will increase the traffic queue here further. Even without the worst case scenario mentioned above, it is likely that there would have been an impact on this arm. Highways Officers have no concerns regarding any impact elsewhere.
- 6.4.12 The A339 access is also projected to have significant traffic queues but this is due to the A339 south arm mentioned above. The traffic queue tails from Pinchington Lane to the and through the new junction.
- 6.4.13 Due to this proposal and all of the other committed developments, West Berkshire Council, as highway authority, have/are designing junction improvements along all junctions on the A339 from and including the A4 to the B4640. For the A339 / Pinchington Lane / Monks Lane junction, design work is currently underway that includes either an enlarged roundabout or traffic signal junctions.
- 6.4.14 Waste Management have raised concerns regarding the impact of the proposal and the new A339 junction on the existing Household Waste Recycling Centre (HWRC). Traffic associated with the HWRC has been included within the VISSIM model. The HWRC will not be at its busiest during school opening and closing times. Highways Officers therefore do not consider that there will be issues between the proposed school and the existing HWRC.
- 6.4.15 As this proposal has an impact on the A339 / Pinchington Lane / Monks Lane junction, mitigation measures are required. Highway Officers have therefore sought a financial contribution of £142,872 to be secured via an appropriate legal agreement.

### **Pedestrians, cyclists, scooters and public transport**

- 6.4.16 As stated earlier, it is estimated that 28% of journeys will be via walking, cycling and scooting. The population distribution has been considered but viewed within the recommended walking distance of 2 km. All of the Wards of Falkland, St Johns and Greenham are within 2 km. It is estimated that 89% of pedestrians would travel via Monks Lane to and from the west, north and north east. 11% would desire to walk to and from the east across the A339. 28% involves 59 pupils and assuming a parent per child, during the AM peak, this would involve 118 journeys to school and 59 journeys from school. The reverse would apply at school closing time.
- 6.4.17 5% or 11 pupils would use public transport. It is anticipated that all of these journeys would be to and from Monks Lane to bus stops along Monks Lane and Tesco.

6.4.18 Whilst the level of cycle and scooter parking proposed is considered acceptable, a condition is recommended requiring full details of this parking to be submitted for approval to ensure it follows the Council's guidance.

## **Parking**

6.4.19 Within the representations, concern has been raised for the level of parking provided on site for parents and the success of the 'kiss and drop' and 'grab and go' proposals given the age of the children attending the school. Within the amended information submitted, reference is made to other examples of such a system which was observed by the applicant, and with suitable staff presence ensuring children, once in/out of vehicles, are effectively moved into/out of the school, the system worked well.

6.4.20 The level of parking on site for staff at the school is considered by officers to be acceptable. With regard to the level of parking provided for parents, Highway Officers consider that this should be expanded within the school along with some half layby provision within the proposed access road. This would be subject to amended plans that would be secured by condition. Subject to careful design and accommodation, some parking within the access road would not be detrimental as it would have the effect of reducing vehicle speeds fronting the school. Any parking within the access road would need to be controlled with appropriate waiting restrictions.

## **Travel Plan**

6.4.21 Inadequacies have also been raised in the representations in respect of the proposed Travel Plan and concerns that there will be a reliance on the private car due to the location of the site.

6.4.22 A first draft of a Travel Plan has been submitted as part of the planning application. A number of comments to the Travel Plan have been made by colleagues in Transport Policy and it is considered by officers that the comments made can be successfully designed out. As such a condition is recommended to require the submission of a new Travel Plan to take account of the comments raised and which will need to be implemented prior to the school being first brought into use.

6.4.23 Overall, in respect of highway matters, no objection is raised by Highways Officers subject to conditions to include in respect of a potential for additional drop off parking facilities, that the A339 access is in situ within two years of school opening and a financial contribution towards the A339. The proposal is therefore considered to comply with the guidance contained within the NPPF, Policies CS13 and CS14 of the WBCS, Policy TRANS1 of the WBDLP and Supplementary Planning Document Quality Design (June 2006).

## **6.6 Flood Risk**

6.6.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Core Strategy Policy CS16 strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of fluvial flood risk.

- 6.6.2 The responsibility for assessing surface water drainage proposals for major applications is now with the Lead Local Flood Authority (LLFA). The Flood Risk Assessment shows the land to have a low probability of flooding from overland flow, ground water and sewer flooding. It is considered that the development complies with the NPPF sequential test and the associated parts of Core Strategy Policy CS16.

## **6.7 Drainage**

- 6.7.1 Core Strategy Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

- 6.7.2 The Drainage Strategy highlights that the development would incorporate sustainable drainage solutions to dispose of surface water. The proposed drainage scheme relies on discharging water into the existing balancing pond at the south of the site. While the concept could be acceptable, no details have been provided to demonstrate that the pond has sufficient capacity to accommodate this additional increase in water arising as a result of the development. Further information is to be submitted by the applicant to address the concerns raised and the results will be reported in the Members Update.

## **6.8 Ecology**

- 6.8.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst others) minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 6.8.2 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. Criterion (e) of Policy ENV.27 of the WBDLP also seeks to ensure that new development would not be harmful or result in any significant loss of landscape or habitat features.

- 6.8.3 The application is supported by a preliminary ecological appraisal (October 2016) which provides the results of an extended phase 1 habitat survey which was undertaken along the A339, a bat emergence survey (May 2016) and a Great Crested Newt (GCN) eDNA Survey carried out on 6<sup>th</sup> May 2017.

- 6.8.4 The results of the eDNA survey were negative thus demonstrating that there are no GCN within the pond. As such no further monitoring or mitigation is



required and it is concluded that the development will not impact on Favourable Conservation Status of GCN.

6.8.5 The updated Bat surveys are considered to be acceptable. It is considered that the development accords with Policy CS17 of the Core Strategy.

## **6.9 Trees**

6.9.1 The NPPF at paragraph 118 sets out that “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;”

6.9.2 Government advice on ancient woodland and veteran trees and protecting them from development which acts as Natural England and the Forestry Commissions Standing Advice for planning authorities sets out that “In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases” and that “If the planning authority decides to grant planning permission in line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer”.

6.9.3 An ancient woodland, High Copse, lies to the west of the application site. Concerns had been raised initially by the Tree Officer and The Woodland Trust with regard to the siting of the development in relation to the ancient woodland whereby some of the proposal fell within a 15m buffer zone around the ancient woodland. The Standing Advice suggests mitigation measures could include “leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree” and that “depending on the size of the development, a minimum buffer should be at least 15 metres”.

6.9.4 In response to the concerns raised, amended plans have been submitted to show a 15 metre buffer zone, which is the minimum distance from the ancient woodland, High Copse. The Tree Officer considers this to be a significant improvement from the original design as it demonstrates that the proposal is outside this buffer zone and minimises the impact of the development on this ancient woodland.

6.9.5 In addition, a veteran tree, which is a Sweet Chestnut tree (T02) is proposed to be removed.. Concerns had been raised initially by the Tree Officer and The Woodland Trust with regard to the loss of this tree and its biodiversity features and its quality as a bat roost. The Standing Advice suggests that compensation measures “could include management of aged or veteran trees” or “replacing lost veteran trees”.

- 6.9.6 The Tree Officer has revisited the site and has advised that the veteran tree is an over mature Sweet Chestnut, which is mainly dead, growing adjacent to the north boundary of the site. There is a small amount of live lower epicormic growth. There are a number of holes and cavities which have the potential for bats and nesting birds. The tree survey carried out has graded the tree as 'C' with a life expectancy of less than 10 years, in accordance with the BS5837:2012 which the Tree Officer concurs with.
- 6.9.7 The tree has been proposed to be felled as part of this proposal due to the close proximity of it to the access roads, however, the Tree Officer has advised that the trunk of the tree be retained on site in as large a section as possible, to allow it to decay naturally for the local wildlife. An informative is recommended asking the applicant to give consideration to this.
- 6.9.8 As part of the application, bat boxes are proposed which will also assist in mitigating the ecological impact arising from the loss of the tree. Other trees are also proposed to be planted within the site which will provide a net increase in tree cover from the scheme as a whole.
- 6.9.9 The Tree Officer considers the submitted arboricultural information prepared by Lizard Landscape design ref: LLD919/KM /29.02.16.Rev 00 to be adequate for the purpose of determining this application as far as tree implications are concerned and the protection measures specified along with close arboricultural supervision should be sufficient to minimise the impact of the development on retained trees.
- 6.9.10 No objections are now raised by the Tree Officer to this development, subject to the imposition of appropriate conditions.

## **6.10 Sustainability - BREEAM**

- 6.10.1 Policy CS15 of the Core Strategy requires all non-residential development to achieve a BREEAM Excellent rating. The applicant has confirmed that the development proposed is likely to achieve such a rating. As such a condition will be attached to ensure that the proposed development achieves a BREEAM Excellent rating.

## **6.11 Archaeology**

- 6.11.1 Although the land appears to have been undeveloped since the earliest available documentary sources, the survey provided does not show any strong indication of undisturbed archaeological deposits. The background of some prehistoric and Roman finds in the general area might suggest that there was occupation nearby, but in the absence of definitive features within the site such as pits or ditches to target through trial trenching no further evaluation is necessary.

## **6.12 Community Infrastructure Levy**

6.12.1 The proposed development is not liable for CIL.

## **6.13 Presumption in Favour of Sustainable Development**

6.13.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.

6.13.2 The site is located in a sustainable location and within an existing educational site. The proposal will meet an existing and growing need for primary school places within South Newbury, and as confirmed by the submitted Planning Statement, there are “no further opportunities to expand existing schools”. The scheme will provide a modern, high quality learning environment. The proposal will deliver short and long term economic benefits, creating jobs during the construction phase of the development and once established the school will employ the equivalent of 23 full time staff. Access to good education delivers a range of social and economic benefits to individuals and the area as a whole. These weigh in favour of the proposal.

6.13.3 It is recognised that as a result of the proposal, a veteran large Sweet Chestnut tree will be removed. However, the environmental contribution of this tree is limited given that it is a mainly dead, low category C tree with a life expectancy of less than 10 years. Its alternative contribution as a retained biodiversity feature on site, as set out at paragraph 6.9.7, is equally beneficial however and that, together with additional planting, seeing a net increase in trees across the site and the addition of bat boxes to mitigate the ecological impact of its loss, is considered to result overall in a neutral environmental impact. Other environmental considerations have been found to be acceptable as set out in the above report.

6.13.4 Taking the above into account together with the particular considerations of the proposal as set out in this report which have been found to be acceptable, the development is considered to constitute sustainable development in accordance with the NPPF.

## **7. Conclusion**

7.1 The NPPF at paragraph 72 places great importance on ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities and that local planning authorities should “take a proactive, positive and collaborative approach to meeting this requirement...”. Local Planning Authorities are therefore required to give great weight to the need to create, expand or alter schools. The Government’s policy statement entitled ‘Planning for Schools Development’, a statement prepared in August 2011 also highlights “a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework”.

- 7.2 The supporting 'Planning Statement' which accompanies this application advises that the school will meet a need for pupil places in south Newbury. It also sets out that a "programme of expansion of the existing schools within Planning Area 3, where the new school will be situated, has already been undertaken...". The Statement confirms that there are "no further opportunities to expand existing schools". As such, the report sets out that the provision of a new school has been identified as the solution, and this would ensure that the Council has sufficient places in the Newbury area to meet its statutory duty.
- 7.3 The particular considerations of the proposal as set out in this report have been found to be acceptable. The proposed development will change the character of what is a greenfield site and there is a loss of a veteran tree as a result of the proposals. However, the need for the school and also the high quality design of the scheme, in terms of both the building itself and the comprehensive landscaping scheme, weigh in its favour. Overall, the proposal is considered to create a high quality development and one which is in keeping with the scale and form of the development within the wider college site and which respects the character and appearance of the area.

## **8. Recommendation**

Subject to no overriding objections being raised by Drainage Officers, to **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions below.

### **8.1 Recommended conditions**

#### **1 Time Limit**

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

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

#### **2 Plans**

The development hereby approved shall be carried out in accordance with drawing title numbers:

- Site Location and Existing Site Plan drawing number PL 002 rev. 3
- Proposed Site Plan drawing number PL004 rev. 5
- Proposed ground Floor drawing number PL004 rev. 1
- Roof Plan drawing number PL005 rev. 1
- Sections drawing number PL007 rev. 1
- Elevations drawing number PL006 rev. 1
- Proposed road layout drawing number 010 rev. A
- Site Sections PL010 rev. 1
- Tree Retention & Protection Plan drawing number LLD919/04 rev. 04
- Landscape Masterplan Strategy drawing number LLD919/03 rev. 13

- Site External Lighting Services Layout drawing number P15228-E97-00-01 rev. 12
- Hard Surface Treatments drawing number LLD919-05 rev. 01

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

### **3 Levels**

No development shall take place until details of the finished floor levels for the buildings hereby permitted along with levels details for the roads and ground levels across the site as a whole are submitted. The information should show the proposed levels in relation to the existing ground levels and must be approved in writing by the Local Planning Authority before any works take place. The development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **4 Removal of spoil**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **5 Boundary treatment**

The school hereby approved shall not be brought into use until the boundary treatments, to include external boundaries around the site and internal boundaries within the site, have been erected in accordance with the details shown on drawing number LLD919/03 rev.13 titled Landscape Masterplan Strategy. The boundary treatment shall thereafter be retained in accordance with the approved details.

Reason: The boundary treatments are an important element in the design of the scheme. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core

Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

## **6 Hard Surfacing**

The school hereby approved shall not be brought into use until the areas of hard standing have been constructed in accordance with the details shown on drawing number LLD919-05 rev.01 titled Hard Surface Treatments. The areas of hard surfacing shall thereafter be retained in accordance with the approved details.

Reason: The areas of hardstanding are an important element of the design of the scheme. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

## **7 Materials**

Construction of the school building shall not progress beyond the damp proof course level until samples and a schedule of materials to be used in the construction of the external surfaces of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be constructed in accordance with the approved materials.

Reason: The materials are an important element in the design of the scheme. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

## **8 BREEAM**

Evidence confirming that the development achieves a BREEAM Education rating of Excellent shall be submitted to the Local Planning Authority. The evidence required shall be provided in the following formats and at the following times unless otherwise agreed in writing by the Local Planning Authority:

- 1) Evidence of Submission to the BRE for a Design Stage Assessment (or a copy of the Design Stage Certificate with Interim rating if available) shall be provided prior to First Occupation of the building.
- 2) Evidence of Submission to the BRE for a Post Construction Final Certificate shall be provided within 8 weeks of Occupation of the building.
- 3) A copy of the Final Certificate certifying that BREEAM Excellent has been achieved for the development, shall be provided within 12 Months of Occupation of the building.

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

## **9 External Lighting**

The school hereby approved shall not be brought into use until the external lighting to be used around the school has been installed in accordance with drawing P15228\_E97-00-01 rev 12 titled Site External Lighting Services Layout. No external lighting shall be installed on the building or across the site except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: To have regard to the setting of the development and to protect the amenity of neighbouring occupiers and wildlife. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

## **10 Unforeseen contamination**

Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local Planning Authority in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

Reason: In order to protect the amenities of future users of the site in accordance with Policy OVS.5 of the WBDLP and the guidance within the National Planning Policy Framework.

## **11 Noise from services associated with new buildings**

No plant as specified below shall be installed on the building until the following details have been submitted to and approved in writing by the Local Planning Authority:

(a) written details concerning any proposed air handling plant, chillers or other similar building services including:

(i) the proposed number and location of such plant as well as the manufacturer's information and specifications

(ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.

(iii) the intended operating times.

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

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

The building shall not be used until written approval of a scheme under (c) above

has been given by the Local Planning Authority and works forming part of the scheme have been completed.

Noise resulting from any other plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142, at a point one metre external to the nearest noise sensitive premises.

Reason : In the interests of the amenities of neighbouring occupiers in accordance with Policy OVS5 of the WBDLP and Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.

## **12 Hours of work**

No construction works shall take place outside the following hours:

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

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.

## **13 Sport England**

The school shall not be taken into use until the playing fields within the school site have been provided in accordance with a construction and management plan that has first been submitted to and approved in writing by the Local Planning Authority. The plan shall provide for:

- (a) A detailed scheme which ensures that the playing field will be provided to an acceptable quality (in terms of soil structure, drainage, cultivation and other associated operations), informed by a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field;
- (b) Any community use arrangements;
- (c) A programme of implementation.

The land shall thereafter be provided and maintained in accordance with the approved plan.

Reason: To ensure the quality of the pitches is satisfactory, in accordance with Policy CS18 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.

## **14 Travel Plan**

The school hereby approved shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved on commencement of the use as a school and its provisions shall continue to be implemented thereafter.

Reason: To ensure the efficient function of the site and to promote sustainable forms of transport. This condition is imposed in accordance with the National Planning Policy Framework, 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).

### **15 Cycle Parking/Scooter Details**

The school hereby approved shall not be brought into use until full details of the cycle and scooter parking and storage spaces have been submitted to and approved in writing by the Local Planning Authority. The school shall not be brought into use until the cycle and scooter parking and storage spaces have been provided in accordance with the approved details and the spaces shall be retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle and scooter storage spaces 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).

### **16 Tree Protection (scheme submitted)**

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(s) numbered plan Z0153 dwg no. PL003 Rev.5 dated 24/05/2017. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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 National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **17 Arboricultural supervision condition**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

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 National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **18 Tree retention (plan)**

No trees, shrubs or hedges shown as being retained on tree survey Z0153 dwg no. PL003 Rev.5 dated 24/05/2017 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that die, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.

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 National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **19 Landscaping Scheme Condition**

To be reported.

### **20 Construction Method Statement**

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) Delivery times to avoid Newbury college opening and closing times

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), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **21 Highway financial contribution**

Prior to the new access from the A339 being brought into use, the applicant shall enter into a Legal Agreement to secure a contribution of £142,872 towards highways mitigation works.

Reason: To ensure adequate mitigation to accommodate additional traffic on the A339. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026),

### **22 Highway design standards**

The access road from the A339 shall comply with the Local Planning Authority's standards in respect of road / cycleway / footway design and vehicle parking and turning provision. The road / cycleway / footway design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and 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).

### **23 Access to the school for first two years**

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

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

### **24 Temporary turning areas along access road**

No development shall take place until details of the temporary turning areas at ends of the access road at each stage of the A339 access have been submitted to and approved in writing by the Local Planning Authority. The turning heads shall be provided at each stage of completion of the access road in accordance with the approved drawing(s). The turning heads shall then be removed when required for further completions of the access road.

Reason: To provide suitable turning space in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **25 Stopping up of initial access**

Upon completion of the access onto the A339, the existing vehicular access serving the school via Newbury College shall be stopped up to all vehicles at a location south of Newbury College.

Reason: In the interest of avoiding excessive traffic congestion upon the Monks Lane / Newtown Road Roundabout. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **26 Access to the school after two years of opening**

Within one year of the school opening, details of the proposed access into the site from the A339 to the western boundary shall be submitted to and approved in writing by the Local Planning Authority. This will include wider sections to 7.0 metres to allow on street car parking. Appropriate road markings and waiting restrictions and other measures to ensure low vehicle speeds fronting the school shall also be provided. Within two years of the school opening, the vehicular, pedestrian and cycle access via the A339 and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the A339 access into the site is constructed before the school intake increases beyond an acceptable level capable of being served via the Newbury College access in the interest of highway safety and in the interest of avoiding excessive traffic congestion upon the Monks Lane / Newtown Road Roundabout. This condition is imposed in accordance with the National Planning

Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

## **27 Vehicle parking**

No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. This will include additional drop off parking within the site. Such details shall show how the parking spaces are to be surfaced and marked out. The use shall not commence until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. 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 which 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).

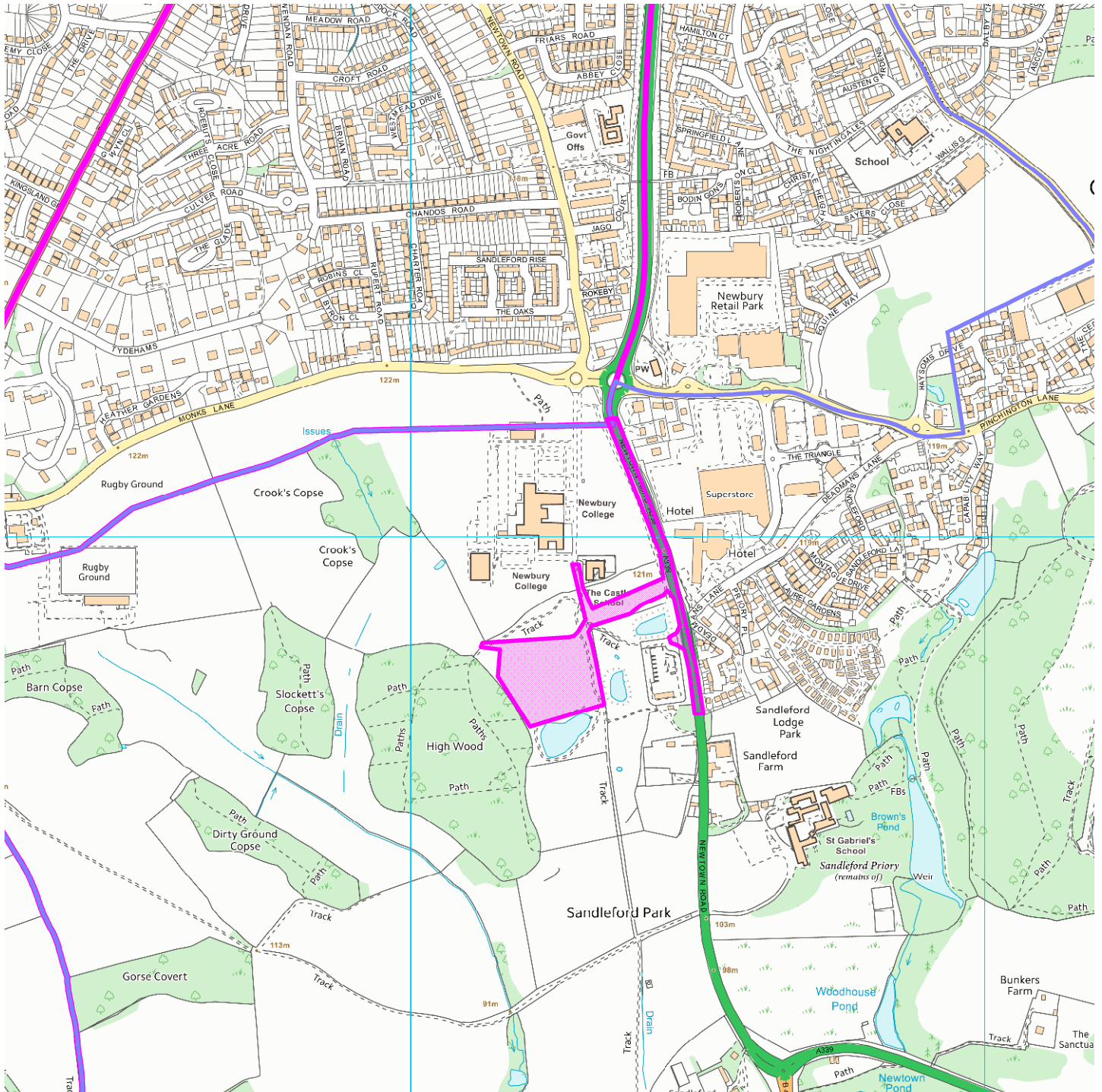
### **Informatives:**

#### **Construction Noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

#### **Trees**

In relation to Tree T02, the applicant is asked to give consideration to retaining the trunk of the tree on site in as large a section as possible to allow it to decay naturally for the local wildlife.

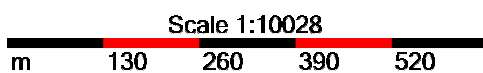


Map Centre Coordinates :

Scale : 1:10027

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	13 June 2017
<b>SLA Number</b>	0100024151

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# Agenda Item 4.(2)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	16/03334/FULD Newbury Town Council.	8 <sup>th</sup> February 2017.	Development of site for 7 dwellings with associated access and landscaping.  NSJ Developments.  Land at rear of 40 Cromwell Road, Newbury.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/03334/FULD>

**Ward Member(s):**

Councillor Beck.  
Councillor Goff.

**Reason for Committee determination:**

The Council has received in excess of 10 letters of objection.

**Committee Site Visit:**

20<sup>th</sup> June 2017.

**Recommendation:**

**The Head of Development and Planning be authorised to GRANT conditional planning permission.**

**Contact Officer Details**

**Name:**

Michael Butler

**Job Title:**

Principal Planning Officer

**Tel No:**

(01635) 519111

**E-mail Address:**

[michael.butler@westberks.gov.uk](mailto:michael.butler@westberks.gov.uk)

## 1. Site History

01/01882/out. Erection of 4 dwellings with access. Refused. November 2001.

13/03159/fulext. Erection of 12 dwellings with affordable units. Approved November 2014. Not implemented, but still extant.

## 2. Publicity of Application

Site notice displayed 4<sup>th</sup> January 2017. Expiry 25<sup>th</sup> January 2017.

Amended plans site notice. Displayed 13<sup>th</sup> February 2017. Expiry 27<sup>th</sup> February 2017.

## 3. Consultations and Representations

<b>Newbury Town Council</b>	No objection but comment on detail. Clarity required on how open space is to be maintained, some overlooking will occur, off site affordable housing contribution should be made, moving access road to south is helpful.
<b>Highways</b>	Conditional permission is now recommended on the basis of the revised plans submitted. Parking areas now conform to P1 plus adequate turning area on site now for refuse vehicles, once the internal access road is adopted.
<b>Education</b>	The impact on local education can be mitigated by CIL.
<b>Planning Policy</b>	The application is to be supported in principle being a greenfield site [unprotected] in the defined settlement of Newbury. Accordingly policy CS1 in the now adopted Local Plan applies. Some concerns about the lack of affordable housing plus the low density of the scheme so making poor use of urban land.
<b>Housing</b>	Would like to see a minimum of one affordable unit on the application site or the equivalent off site contribution as per policy CS6 in the Adopted Local Plan. Obtain via a s106 obligation.
<b>Newbury Society</b>	Welcomes the application to build fewer, larger homes than the original permission on site.
<b>Tree Officer</b>	Conditional permission is recommended. No trees of value on the site will be lost via the development.
<b>Natural England</b>	No objections. No impact upon protected species nor local SSSI.
<b>Environmental Health</b>	Conditional permission is recommended.
<b>Thames Water</b>	No objections.
<b>Suds</b>	Have objected to the application on the basis that future maintenance of the adopted highway could be problematic, re drainage.
<b>Public Representations.</b>	14 letters of objection based upon the following issues. Impact on roads, particularly at peak periods, impact on local infrastructure, loss of green space, impact on local ecology and species, possible overlooking. Flooding problems are a local concern in addition. Local overflow of drains. Alignment of the internal access road is too close to the northern boundary - impact on neighbours. Will bank be supported? Local congestion problems, enough parking on site? Overdevelopment of the site in addition. Loss of trees on the



	<p>site in the past - most unfortunate. Impact on local species - loss of habitat. Questions the nature of the developer and their experience. Width of internal road may not be enough? One letter of query on details - not support or object.</p>
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#### 4. Policy Considerations

National Planning Policy Framework 2012.  
National Planning Practice Guidance 2014.  
West Berkshire Core Strategy 2006 to 2026.  
Policies ADPP1, CS1, CS4, CS6, CS13, CS14, CS16, CS18, and CS19.

#### 5 Description of development.

- 5.1.1 The application site lies to the east [rear] of Cromwell Road and to the north of Edgecombe Lane. It is currently greenfield, although the applicants appear to believe it is previously developed. It is 0.52ha in extent and is L shaped. The eastern boundary is very steeply sloped as the site visit will have indicated. On the north, west and south boundaries there is well established housing, and to the east lies the former Newbury to Wantage rail line. One dwelling [Highbank House] lies in the cutting.
- 5.1.2 It is proposed to erect 7 dwellings on the site. Plot 1 will be 4 bed detached dwelling, plots 2 and 3 will be 3 or 4 bed detached, as will plots 4 and 5m with varying degrees of parking, whilst plots 6 and 7 will be a pair of semi detached dwellings. Each dwelling will have 3 parking spaces in curtilage. In addition there is to be a new vehicular link for No. 11 Edgecombe Lane into the site: it currently has nil vehicle access. Nos. 9 and 10 Edgecombe Lane will have further access to the north, for vehicles. The sole access into the site will be onto Cromwell Road in the west. This was achieved via the demolition of No. 38 Cromwell Road Amended plans have been submitted to indicate a 1m buffer strip to the north along Orchard Close, adjacent the northern boundary internal access road.
- 5.1.3 The dwellings in question will be two storey only and be of attractive, vernacular design. The site is to be fully landscaped, with the steep bank to the east being open space, with additional tree planting. The applicant has helpfully submitted cross sectional plans which show clearly not only existing AOD levels of surrounding dwelling ridges, but also the proposed ridge levels. This puts the application scheme in visual context, having regard to the surrounding vicinity. None of the dwellings will for affordable purposes.

#### 6.0 Consideration of the scheme.

The application falls to be examined under the following issues –

- 6.1. Policy
- 6.2. Affordable housing
- 6.3. Other issues

#### 6.1 Policy

- 6.1.1 The Committee will know that the HSADPD was formally adopted on 9 May 2017. Inter alia, policy C1 corresponds to new housing in settlements, which will have an automatic presumption in favour, subject naturally to other policies being satisfied. Unlike policy HSG1, now formally superseded, this policy provides no direct criteria against which new housing should be assessed against. Accordingly, it is the advice in the NPPF and the NPPG to which the Committee should turn, in regards not to the principle of the scheme, but the detail.

6.1.2 One first concern is density. At just the equivalent of 14 units per ha this is low; the NPPF points to normal minimum densities of between 30 and 50 units per ha for settlements, unless specific policy or physical constraints apply. In this instance, no listed buildings or conservation areas are involved, nor are there specific ecological constraints. In this case the development has been restricted by the physical nature of the site, being of unusual shape and being steeply banked in places. The amenities of surrounding residents must also be taken into account, and the internal access road. In this case the officer is content that the points above do merit the lower density, albeit the most efficient use of land is not being acquired. This is a balanced view, having regard to the extant permission in place for 12 dwellings on the site. [24 units per ha].

6.1.3 The second concern is the potential impact upon local amenity. Officers have carefully examined the submitted layout in terms of interrelationships with surroundings and internally. So, for example, the distance between plot 1 and Nos. 26 and 27 Orchard Close to the north is in excess of 11m [flank wall to rear] whilst that of plot 2 to No. 25 is 10m [flank wall to side]. The flank to flank distance between plot 4 and No. 11 Edgecombe Lane is 3m whilst from the rear of plot 4 to the side of No. 7a Edgecombe Lane is 12m. These separations are all considered to be satisfactory. In terms of internal separation, the minimum back to back distances between plot 3 and 4 is 21m, whilst that between plot 1 and 2 is 24m. The case officer has also examined the submitted levels and has concluded that these are acceptable. For example, only plot 2 will have a marginally greater ridge height [86.8m aod] than Nos. 9 - 11 Edgecombe Lane at 86.4m aod. It is recognised however that the dwelling most impacted to a degree will be No. 7a [ridge height 82.87m aod] but this is to the south of the application scheme which is of benefit. Overall, it is not considered that local amenity will be harmed to any substantive degree to merit rejection of the application. A degree of overlooking and overshadowing has to be expected in normal urban situations.

## 6.2 Affordable housing.

6.2.1 Members of the Committee will be well aware that there has been much National debate in planning policy circles about the required minimum threshold to be applied to new housing schemes, having regard to affordable housing provision. Policy CS6 in the adopted Core Strategy is quite clear in stating that on schemes of between 5 and 9 dwellings [net gain] the Council will apply a 20% rate, preferably on site, or if necessary, via off site provision. In this instance one unit would be required for the 7 units proposed. [1.4 rounded down]. This was to be one of the semi detached pair on the site, which the Council was to take over as an RSL would not become responsible for one "isolated" dwelling. However, the applicants have submitted a viability assessment noting that if the normal developer profit of 15% is to be applied, no affordable housing can be provided either on or off site. The Council has had this assessment independently assessed and the applicants conclusions have been accepted. Indeed given the relatively high land price identified, the developer profit may well fall below the 15% level in any event. In this case, accordingly, despite the significant need for affordable housing in the District the Council is unable to attain the contribution, given the advice in para 173 in the NPPF on viability. The precise figures supporting this conclusion cannot be released into the public domain as the information is commercially sensitive. The Development Control Manager has however concluded that no part 2 item is required for this detail. Accordingly, if the application is approved, it will have no s 106 obligation attached to it for this purpose.

## 6.3 Other issues.

6.3.1 The Committee may recall that when the previous extant permission was approved, ecological matters were of some importance on the application site, given that it had been a greenfield habitat for some considerable period of time. Various surveys undertaken on behalf of the applicant identified historical populations of one great crested newt, a badger sett and reptiles including slow worms and one grass snake. These are all protected

species under the relevant legislation such as the Wildlife and Countryside Act of 1981. Since 2014, it has been concluded from surveys undertaken in the Spring of 2016, that the probability of any newt or badgers being on site is minimal, if not almost zero. However reptiles are still likely to be present on the south and east portions of the site.

- 6.3.2 Accordingly, the applicant is proposing a reptile refuge area on the grassed bank on the east of the site, outside any dwelling curtilages, which will be protected by special fencing. This can be conditioned. This will be erected during the construction phase but dismantled after so public access can be gained to the area, post occupation. It is considered that these ecological issues are thus satisfied in terms of habitat protection and future management, and so meet the tests as set out in policy CS17 in the adopted Core Strategy.
- 6.3.3 Another potential issue on site is flooding, given the increase in developed area which will result, should the application be permitted, and built out. Notwithstanding the extant permission in place, it remains important that drainage and flooding issues are duly reconciled on site, given the local history of overland flooding in the area in 2007, and some of the objectors concerns. The Council SUDS officer has been duly consulted and is maintaining an objection to the scheme. The site lies in a little depression, so fluvial flows during heavy rainfall will need to be addressed, in order to ensure no problems for the existing dwellings downstream, to the south. He is also worried about future maintenance of the adopted highway, as the applicant is proposing pavements as the road surface. The case officer is satisfied that notwithstanding this objection, it is firstly possible that in the future the road may not be adopted in any event, and secondly if a comprehensive pre condition re SUDs is applied to any permission this will ensure no problems regarding drainage will arise in the future.
- 6.3.4 One of the main issues raised by local residents in the last application was the proximity of the proposed internal access route on the northern boundary, adjacent 25-27 Orchard Close. This would be potentially exacerbated by the gradients involved, falling to the north. The amended plans have re aligned the road 1m to the south away from the boundary edge. It is also clearly recognised in civil [not planning] property legislation that damage on boundaries caused by development to adjoining ownership, is ameliorated, so any retaining structures required will be the cost and responsibility of the developer: this cannot be conditioned by this permission if outside the red line.

## **7. Conclusion**

- 7.1.1 All planning applications are required to be determined having regard to the three tenets of sustainability in the NPPF. In economic terms, the proposal is to be encouraged, as not only will the local construction industry be given a boost [a SME probably given the small nature of the scheme], but the new occupants will assist in supporting the local Newbury economy to a minor degree, over time. There will in addition be CIL charges of £63,600. In social terms the benefits are neutral, particularly as nil affordable housing can be attained. In environmental terms, it is self evident that there will be a loss of a green lung in the vicinity, and some loss of ecological habitat. On the other hand, it is considered that the introduction of these 7 dwellings will not harm the local area character, being an appropriate scale and form of building, well designed and laid out.
- 7.1.2 Given the strong reasons to accept the application, officers recommend that a conditional permission is fully justified in this instance, having regard to the foregoing.

## **8. Recommendation.**

**The Head of Development and Planning be authorized to GRANT Conditional Planning Permission.**

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 2015 should it not be started within a reasonable time.

Amended plans

2. The development must be carried out in accord with the amended plans received on the 9th February 2017 - plan number DP.110c dated 24.10.16, Plan numbers DP.101, 102, 103 and 104, plus plan number DP.111B.

Reason: To ensure the development is built as approved to clarify the permission.

Materials.

3. 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 C1 in the Adopted HSADPD of May 2017.

Hours of work.

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

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

Reason: In the interests of the amenities of neighbouring occupiers in accord with saved policy OVS6 in the WBDLP 1991 to 2006.

Contamination.

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

#### 1. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

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

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

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

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

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

## 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

## 5. Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accord with the NPPF.

Refuse storage.

6. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

CMS

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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

Road layout.

8. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a S278/S38 Agreement for the adoption of the site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. 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).

Visibility splays.

9. No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

Parking.

10. No dwelling shall be occupied 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).

Cycle parking

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

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. 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).

Fencing - trees.

12. 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(s) numbered plan Tree Protection Plan rev E dated November 2016. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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.

Watching brief.

13. No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

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.

Tree protection.

14. No trees, shrubs or hedges shown as being retained on tree survey Tree Protection Plan rev E dated November 2016 shall be pruned, cut back, felled, willfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.

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.

SUDS

15. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage Methods (SuDS) to provide attenuation to greenfield run-off rates and volumes;
- b) Be informed by a full ground investigation survey, details of which shall be included within the submission;
- c) Include construction drawings, cross-sections and specifications of all hard surfaced areas within the site;
- d) Include the storage capacity for the proposed surfacing materials based on a 1 in 100 year storm +30% for climate change;
- e) Provide benefits, where possible, such as water quality, biodiversity and amenity.

The sustainable drainage measures shall be implemented in accordance with the approved details before any of the dwellings hereby permitted are occupied. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

Cms

16. No development shall take place until the works identified in the J Taylor updated construction mitigation method statement for protected species dated November 2016, have been implemented in full, and maintained during the construction phase to the satisfaction of the LPA.

Reason: To ensure the protection of any species on the site, in accord with policy CS17 in the Core Strategy for West Berkshire dated 2006 to 2026.

#### **INFORMATIVE:**

- 1 The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by



instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

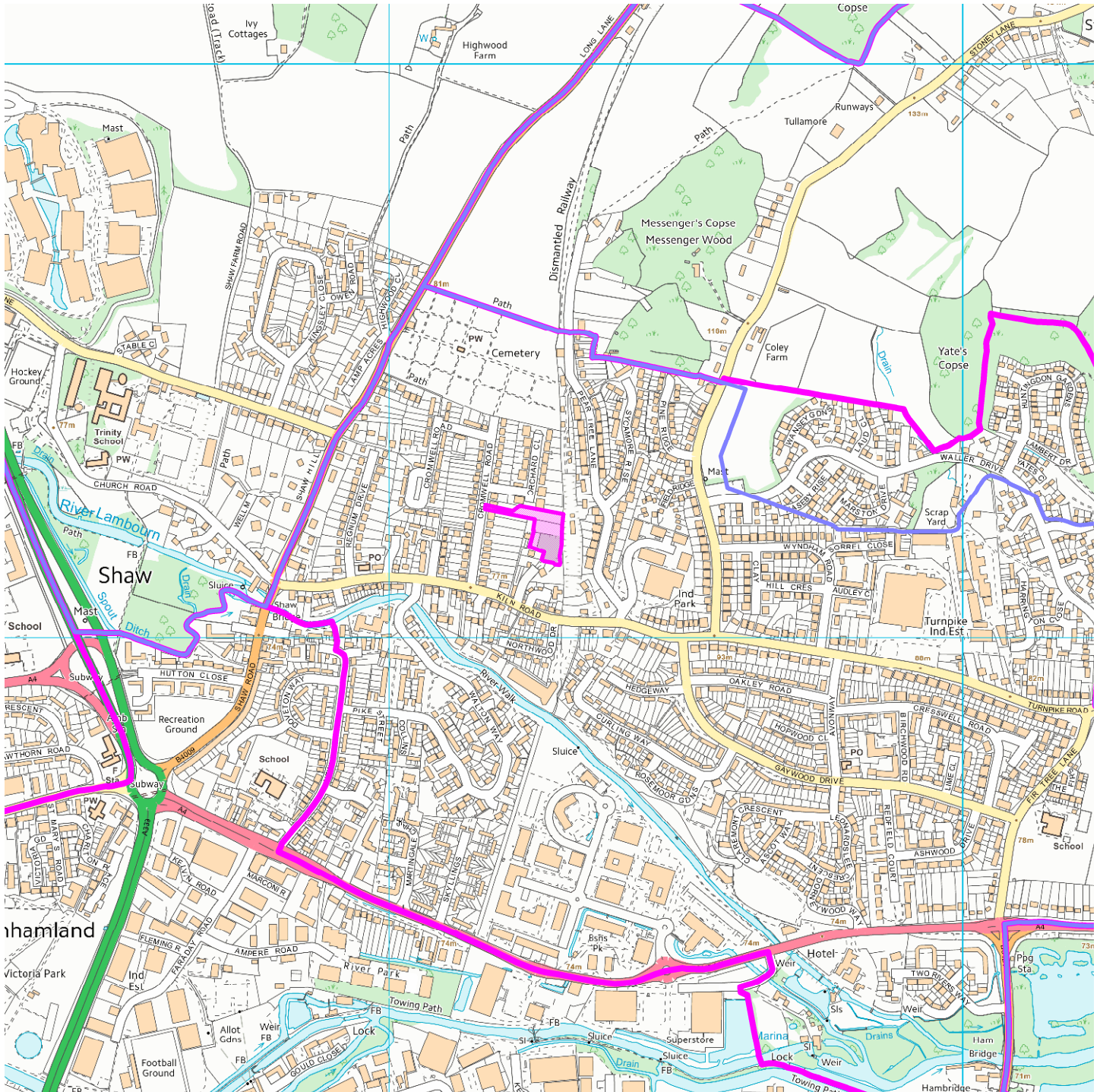
- 2 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, 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.

DC

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16/03334

Land At 40 Cromwell Road And The Rear Of Edgevombe Lane, Newbury



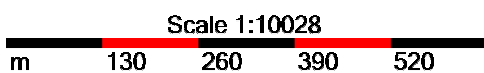
Map Centre Coordinates :

Scale : 1:10027

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	13 June 2017
<b>SLA Number</b>	0100024151



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# Agenda Item 5.

## APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
NEWBURY 16/02203/LBC2  Pins Ref 3144560	24 Northbrook Street Newbury W H Smith PLC	Removal and installation of external signage.	Delegated Refusal	Dismissed 12.5.17
NEWBURY 16/01446/FULD  Pins Ref 3166586	19 Battery End Newbury Mrs Waller	Erection of a 3 bed dwellings with parking, amenity space and associated works	Approval	Dismissed 24.5.17
NEWBURY 16/01414/OUTD  Pins Ref 3166443	Rear Of 108 Bartholomew Street Newbury Ressance Limited	Outline application for the development of seven 1 and 2 bedroom apartments. Matters to be considered: Access, Appearance, Layout and Scale.	Delegated Refusal	Dismissed 9.6.17
EAST ILSLEY 16/00118/FULMAJ  Pins Ref 3157325	Land South Of Filders Lane and West Of High Street, East Ilsley Manor Oak Homes	The development of 10 new dwellings (6 market and 4 affordable) on land to the south of Filders Lane, East Ilsley. Stable block as incidental outbuilding at plot 10	Delegated Refusal	Withdrawn 15.6.11.7

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Pins Ref 3172110	Noakes Hill Cottage, Noakes Hill, Ashampstead,	Removal of existing outbuilding and the erection of a detached annex and extension to existing store with associated hard and soft landscaping.	Dele. Refusal	Dismissed. 13.06.2017
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### **Application for costs**

An application for costs was made by Mrs M Calvert against West Berkshire Council. This application is the subject of a separate Decision.

### **Procedural matters**

During the appeal the Council has adopted the West Berkshire Housing Site Allocations Development Plan Document (DPD). The parties have been given the opportunity to make further representations concerning the DPD and these considerations have been taken into account in this decision. The Inspector did not consider that either party was prejudiced by this additional information.

### **Main Issues**

The main issue in this appeal is whether the proposed development would represent the overdevelopment of the plot and thereby have a significantly harmful effect on the character and appearance of the area including the North Wessex Downs Area of Outstanding Natural Beauty.

### **Reasons**

The appeal site comprises an existing single storey outbuilding within the grounds of Noakes Hill Cottage, a Grade II Listed Building and itself, located on the western side of Noakes Hill some 100 metres north of the junction with Holly Lane, on the eastern side of the village of Ashampstead. The site falls within the open countryside for planning purposes and within the Wessex Downs Area of Outstanding Natural Beauty (AONB). A public footpath runs in an east-west direction immediately to the north of the blue line boundary.

The application is clear that it proposes a residential annex and it was submitted to the Council as a householder development. The Council validated the application on this basis.

The Framework at paragraph 115 states that “great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” West Berkshire Core Strategy (CS) Area Delivery Plan Policy (ADPP) 5 seeks to protect the landscape qualities of the AONB and ensure that new developments are of a high design quality that contributes to local distinctiveness.

The proposal would see the demolition of the existing outbuilding situated to the east of the garage/workshop and its replacement by a timber clad 'L' shaped structure that would sit slightly below the ridge of the garage/workshop. The Council's reasons for refusal and evidence assert that the size of the building would exceed its policies and guidance directed at limiting the size of extensions and that it would also represent a significant increase in built form that would appear overbearing from the public footpath and out of context within the AONB.

The Council's officer report sought to justify a refusal of permission partly on the basis of a calculation based on the increased floorspace of the extension to Noakes Hill Cottage. However Policy C6 of the DPD is a more nuanced policy for the purposes of extensions to existing dwellings in the countryside and no longer includes the formulaic methodology advocated in the Council's previous now superseded policy and guidance. Amongst other things, the new policy tests require extensions to be subservient to the main dwelling and designed to reflect the existing dwelling using materials appropriate within the local context and having no adverse effect on the setting, the space occupied within the plot boundary, on rural character and historic interest of the building (this is dealt with further in the next section of this decision) and its setting in the wider landscape.

The accommodation is sizeable. It would provide two bedrooms, two bathrooms, a living studio area and a "study". However it is well designed and would occupy an area of under-used garden and replace an existing outbuilding. There would be no felling of any trees of significance and those that exist would be protected during construction works. In this context, the new building would preserve the area's character when viewed from the public footpath. Changes to the building's surroundings would lead to a degree of enhancement compared to the somewhat neglected outbuilding and other space around this structure.

The Council appears to accept that the appeal proposal would not result in a new dwelling in the countryside. However, in accepting the status of the proposal as an annex, it then expresses concern with regards to a lack of curtilage and the range of facilities that are proposed. In these respects, the annex would provide facilities for independent day-to-day living but sharing some of the facilities of the main dwelling house, the extensive grounds and the communal parking. The Inspector was satisfied that the proposed development would provide an annex that would be ancillary to the existing dwelling. Moreover, it would share what are extensive grounds associated with the main dwelling.

Consequently, he did not consider that the proposed development would harm the natural beauty of the AONB as it would preserve the rural character of the locality and in turn the natural beauty of the area. It would therefore comply with CS Policy ADPP 5. Moreover in terms of design, the proposal would comply with CS Policies CS14 and CS19 that together seek to ensure that new developments demonstrate high quality design that respect and enhance the character and appearance of the area whilst contributing positively to local distinctiveness and landscape character. Importantly, it would satisfy the criteria of DPD Policy C6 and therefore comply with this policy.

Given his findings, the Inspector did not consider that CS Policy ADPP 1 is relevant to this appeal as these policies relates to the Council's settlement strategy.



### *Other matters*

The Inspector was required to consider the effects of the proposed development on the setting of Noakes Hill Cottage, a heritage asset. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the setting of listed buildings. Paragraph 132 of the Framework establishes that the significance of a heritage asset can be harmed or lost through development within its setting. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.

The site lies within the boundary of Noakes Hill Cottage. The Council concedes that the site lies outside the curtilage of the listed building and the existing structure is not therefore a curtilage building as such. The Inspector agreed with this conclusion. The significance of this particular listed building is derived from its traditional materials palette and construction techniques, its restrained vernacular detailing and prominent siting that sits close to and above Noakes Hill within extensive grounds containing mature trees.

The effect of the proposed development would be to replace an existing structure that is not particularly attractive, given its condition. This would be limited to a somewhat larger area than the footprint of the existing outbuilding but where the immediate surroundings contain mature trees that would be retained. It would not result in the loss of any buildings or landscape features which contribute to the special historic interest of the heritage asset and there is no evidence to suggest that the proposal would harm the significance of Noakes Hill Cottage. In giving great weight to the asset's conservation, the Inspector considered that the proposal would not erode the setting of the listed building to a harmful degree or cause harm to its significance.

Thus for the above reasons, and mindful of his duty arising from Section 66, the Inspector considered that the proposed development would preserve the setting of the listed building and also with DPD Policy C6. This policy seeks to ensure that an extension has no adverse impact on the historic interest of any particular building. It would also comply with section 12 of the Framework.

### Conditions

The Council has suggested a single condition that seeks to restrict the use of the property as an annex to the main dwelling. This is consistent with the advice on the use of conditions in the Planning Practice Guidance and is necessary to ensure that a new dwelling is not created in this open countryside location. In addition to the standard time period for commencement of development, a condition specifying approved drawings is necessary to provide certainty. A condition is also necessary to ensure that details of external materials are submitted for prior approval in the interests of character and appearance. For similar reasons a condition is also necessary to ensure that the soft planting scheme is carried out and that the tree protection measures shown on the drawings are implemented.

### **Conclusion**

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

## Decision

The appeal is allowed and planning permission is granted for the removal of existing outbuilding and the erection of a detached annex and extension to existing store; with associated hard and soft landscaping at Noakes Hill Cottage, Noakes Hill, Ashamstead, Reading RG8 8RY in accordance with the terms of the application, Ref 16/03600/HOUSE, dated 22 December 2016, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

175 PL 001 Existing Location Plan; 175 PL 002 Proposed Block Plan; 175 PL 003 Existing Plans; 175 PL 004 Existing Elevations; 175 PL 005 Proposed Plans; 175 PL 006 Proposed Elevations; 175 PL 007 Proposed Site Section A; 175 PL 008 Proposed Visualisations; 175 PL 009 Proposed Visualisations; 175 PL 0010 Proposed Visualisations ;175 PL 0011 Proposed Visualisations; 175 PL 0012 Proposed NE Elevation; 175 PL 0013 Existing Site Plan; 175 PL 0014 Proposed Site Plan; 175 PL 0015 Proposed Landscape Plan; 175 PL 0016 Proposed Visualisations, and; 175 PL 0017 Proposed Visualisations

3) The detached annexe and the extension to the existing store building hereby approved shall only be used for ancillary residential purposes and shall remain in use as such associated with the residential dwelling known as Noakes Hill Cottage and associated buildings.

4) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

5) The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

6) All the trees shown on the existing site plan 175 PL 013 to be retained shall be protected by strong fencing in accordance with the line marked proposed tree protection and BS5837:2012. The fencing shall be erected in accordance before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

DC

## **Application for Costs.**

### **Decision**

The application for an award of costs was refused.

### **Reasons**

Paragraph 030 of the Appeals Section of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. A substantive award is sought on the basis that there were no reasonable grounds for refusal of the application.

The applicant asserts that the Council has acted unreasonably in that it has caused an appeal to have been made when in fact development ought to have been approved. For substantive matters, the PPG advises that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Importantly, any unnecessary costs identified must relate to the appeal process.

It is alleged that insufficient evidence has been submitted to substantiate each of the two reasons for refusal and that in coming to its decision, the Council made vague, generalised and inaccurate assertions about the proposal's impact, which are unsupported by any objective assessment.

The Council rejects such allegations relying on the case officer's assessment and the clear evidence in the form of detailed drawings supplied by the applicant's architect. Simply, the Council consider that the scale etc. of the proposal would be detrimental to the established character of the area. Both reasons of refusal related to issues of character and appearance and involve a reasonable degree of inter-twining.

As can be gleaned from his appeal decision, the Inspector found that the size of the proposed new annex was acceptable in the context of a well screened site that offered further landscaping opportunities. The Council sought to introduce a mathematical calculation that was based on the premise that the increase in size of floorspace (168%) related to the increase over the existing outbuilding rather than a percentage increase of the host dwelling Noakes Hill Cottage, which in the applicant's view would have been the correct approach as verified by the officer report when it was stated "SPG guidance indicates that extensions in the countryside should seek to be approximately 50% increase in floorspace...". However, the Council's main approach was that the net increase in size of the new building by comparison with what was proposed to be removed amounted to a substantial increase. The Inspector did not believe this calculation and the resulting view were unreasonable.

The source for this calculation was however difficult to ascertain given that the evidence submitted by the Council was in the form of a 2006 Supplementary Planning Document – Quality Design that appeared to have little relevance to the appeal proposal. The appellant did however refer to the correct document, a SPG that has only recently been superseded along with Saved Local Plan policies following the recent adoption of new policies of the West Berkshire Housing Site Allocations DPD.

However, design considerations are often subjective; the Council was entitled to take the view it did and did not necessarily have to undertake any complex assessment as the likely impact was localised. Whilst the Council's assessment of the application did include some simple and broad assertions of harm, the applicant did not produce any substantial evidence of her own, such as for instance, a landscape impact assessment. For the Inspector's part, he simply considered the proposal against local and national policies having regard to what he found on site. There was no substantial weight of evidence from either party and a balanced decision in favour was reached based on his findings as set out in the appeal decision. This was somewhat different to the costs decision at an appeal that was drawn to his attention by the applicant where the appellant produced substantial evidence to counter the claims of the Council.

In conclusion, although the Inspector could understand the applicant's frustration having produced a worthy scheme that also responded to objections raised by the Council to an earlier proposal, he found that on the substantive grounds, the Council did not act unreasonably.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance had not been demonstrated.

DC

NEWBURY 16/01446/FULD  Pins Ref 3166586	19 Battery End Newbury Mrs Waller	Erection of a 3 bed dwellings with parking, amenity space and associated works	Dele. Refusal	Dismissed 24.5.17
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### **Procedural Matters**

During the Council's determination of the planning application, amended plans were considered showing the omission of a gable window. The appeal was considered on this basis. In response to the Council's reasons for refusal to the scheme, the Appellant has submitted a tree survey and aboricultural impact assessment within the grounds of appeal. Given this, this assessment has been taken into account in the Inspector's decision and because the procedures for the submission of comments have allowed the Council and third parties to respond to this.

### **Main Issues**

The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of neighbouring dwellings, having regard to privacy and sunlight.

### **Reasons**

#### *Character and appearance*

The appeal site comprises garden land behind a semi-detached dwelling at No. 19 Battery End and an access track alongside this property. The plot of land is bordered by properties in Battery End, Charles Street and Falkland Road. The access track continues from Battery End to Falkland Road. The surrounding area comprises a variety of differently designed dwellings but generally dwellings are located in large plots, with long rear gardens. Trees and boundary hedgerows, along with the spacious nature of plots, are attractive and locally distinctive qualities of the area

The proposed dwelling would be pleasantly finished with facing brick and clay plain tile roof and it has been designed in a chalet style with first floor accommodation within a roof with dormers and flank gables. However, it would subdivide an existing residential property into two smaller plots out of keeping with the more generous spaciousness of properties in the area especially along Battery End. Significantly, it would result in a dwelling located behind another in an area where such pattern of development is not prevalent.

There has been infill development in the area. In the vicinity of the appeal site, properties at No. 9 Charles Street and Nos. 21 - 25 (odd numbers) Falkland Road have plot sizes which would be smaller of similar in size to the appeal plot. However, the prevailing pattern of development is of larger plots and significantly, long gardens especially along Battery End. The Inspector's attention was drawn to some backland and smaller sized plots but these are not common place in the area surrounding the appeal site.

The rearward position of the dwelling and the loss of space would be visible from views up the access track from Battery End and Charles Street. From Charles Street, the rear face of the proposed dwelling would be sited adjacent to the common boundary with No. 9. Given dwellings in the area generally have long rear gardens, this relationship would appear cramped and it would further highlight the uncharacteristic form of development proposed here. Consequently, the development would adversely affect the character and appearance of the area.

Having inspected the site, there would be no trees of public amenity value affected by this proposed development. He further noted that the Appellant's tree survey, undertaken in accordance with the relevant British Standard, shows no trees of significance which supported the Inspector's findings.

In conclusion, the development would harm the character and appearance of the area for all these reasons. Accordingly, the proposal would be contrary to policies ADPP1, CS 14 and CS 19 of the West Berkshire Core Strategy (CS) 2006-2026, which collectively and amongst other matters, require high quality and sustainable design that respects and enhances the character and appearance of the area, positive contribution to local distinctiveness and a sense of place, regard be particularly given to the sensitivity of the area to change, and development should be appropriate in terms of location, scale and design.

### *Living conditions*

There would be a first floor window serving a bedroom on the south elevation. It would be positioned a significant distance from the rear of the dwelling at No. 19 Battery End and therefore would not cause any significant overlooking of this dwelling. However, by reason of the windows close proximity to the No. 19's garden, there would be significant overlooking of this property. Although this property is within the control of the Appellant's, this cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long term nature. Consequently, there would be harm.

During the determination of the planning application, amended plans showed the removal of a first floor gable window directly facing the garden and dwelling at No. 23 Falkland Road. On this basis, there would be no significant overlooking of this property. In relation to No. 9 Charles Street, there would be no significant overlooking by reason of the first floor openings being restricted to rooflights, some of which would be high level (a hallway) and obscured glazed (ensuite). The dwelling would have first floor windows facing the garden of No. 19 Falklands Road but there would be sufficient separating distance to prevent significant overlooking. Finally, there are other neighbouring properties around the site from which the new dwelling would be visible. However, gardens and dwellings would be sufficiently separated and first floor windows obliquely positioned in relation to them. Thus, there would be no significant overlooking of these properties.

The dwelling would be sited close to the common boundary with No. 6 Charles Street and the dwelling there, where it would cause some loss of sunlight and overshadowing in the morning. However, the proposed dwelling would overlap with less than half the length of this neighbouring dwelling and it has a sloping roof that slopes away from this neighbouring property. Furthermore, there is already some loss of sunlight and overshadowing caused by boundary treatments. On this basis, there would be no adverse impact.

In conclusion, the development would harm the living conditions of the occupiers of No. 19 Battery End, having regard to privacy. Accordingly, the proposal would be contrary to policy CS 14 of the CS, which collectively and amongst other matters, require development to make a positive contribution to the quality of life.

### *Other matters*

The existing track would require clearing, widening and resurfacing in order to provide an access to the proposed dwelling. With the new dwelling, there would be traffic moving up and down the track beyond the existing garage serving the dwelling at No. 19 Battery End. However, the additional noise generated by one dwelling would be small and therefore this would not have added to my objections to the proposal.

Under the National Planning Policy Framework (the Framework), there are three dimensions to sustainable development, economic, social and environmental. The proposal would boost housing supply bringing about economic benefits. A dwelling would provide accommodation for present and future generations in a sustainable location. However the adverse impacts of the development on the character and appearance of the area, and the living conditions of the occupiers of No. 19 Battery End would be significant for the reasons indicated. The economic and social benefits would be small by reason of only one dwelling being created. Taken together, these adverse impacts substantially outweigh the benefits from the scheme and moreover, are sufficient to significantly and demonstrably outweigh the benefits that have been identified if the test under the fourth bullet point of paragraph 14 of the Framework were to be applied. Accordingly, the proposal would not be sustainable

### **Conclusion**

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

DC

NEWBURY 16/02203/LBC2 Pins Ref 3144560	24 Northbrook Street Newbury W H Smith PLC	Removal and installation of external signage.	Delegated Refusal	Dismissed 12.5.17
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### **Main Issue**

The main issue in this case is the effect of the proposed external signage on the special architectural or historical interest of No. 24 Northbrook Street, Newbury, a Grade II\* listed building.

### **Reasons**

No. 24 Northbrook Street is a Grade II\* listed building dating from the early 16th century. The listing notes that the property previously formed part of a courtyard complex which also covered Nos. 22 and 23 Northbrook Street. The white painted façade to Northbrook Street was re-fronted in the early 19th century to ensure matching fenestration details with the adjacent No. 23. The building has a northern timber framed gabled elevation to Marsh Lane which has jetties to 1st floor and attic, and herringbone nogging to the same areas.

Although the façade to Northbrook Street has a modern shopfront, the recessed sash windows, matching the fenestration to No. 23 in form and proportions, and the distinctive jetties to the 1st floor and attic are clearly evident in views from this busy pedestrianised shopping street and all form part of the buildings special interest.

At the time of the Inspector's visit, the Northbrook Street façade had a reasonably sized sign located in the centre of the shopfront fascia which stands slightly proud of the wooden fascia, with a hanging sign set on the left hand side. This hanging sign was set on an ornamental bracket. Both signs are in purple with white lettering. The proposal seeks to paint the whole fascia board purple and install white finished individual aluminium letters to spell the shop's name. These letters would cover the majority of the fascia. A projecting sign to side would be installed on two simple straight brackets.

The size of the overall sign would be larger than many neighbouring examples, and the extent of the lettering and the purple painted fascia would dominate the white painted façade of the building, detracting from the simple elevation and the distinctive jetties to side. The materials of the sign, in finished aluminium would also appear out of place on the historic building. In doing so the proposal would also fail to preserve or enhance the historic character and appearance of the Newbury Town Centre Conservation Area to which the building makes an important contribution.

Paragraph 132 of the National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposal on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, the Inspector considered that the proposal would result in harm being caused to the significance of this listed building. However, and particularly as the works would only affect a small part of the less significant northern façade of the building and are reversible, he was satisfied that the degree of harm caused would be less than substantial.

In such situations paragraph 134 of the Framework states that the harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. The sign would attract people to the shop, catching the eye and informing passers-by about the goods the shop retails. However, such a purpose could equally be carried out by a more appropriate sign, and the shop appears to be in productive use. Consequently what public benefits there might be are insufficient to outweigh the harm caused. The proposal would also be contrary to policy CS19 of the Core Strategy which states that regard will be given to the conservation of heritage assets.

The Inspector noted that advertisement consent for the same proposal has been granted on appeal. However, in this case the Inspector is required to have regard to the statutory duty

under s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requiring decision makers considering whether to grant listed building consent to have special regard to the desirability of preserving the listed building or any features of special architectural or historic interest which it possesses. Furthermore, the policy in paragraphs 131-134 of the Framework does not need to be considered when determining advertisement consent appeals in relation to a listed building but does apply to the appeal in this case, made under section 20 of the Act.

When applying such considerations he concluded that the proposed external signage would have an adverse effect on the special architectural or historical interest of No. 24 Northbrook Street, a Grade II\* listed building. The Inspector could appreciate that this is at odds with the advertisement consent appeal decision, and indicates that he had disagreed with his Inspector colleague. However, as stated above, the appeal before this Inspector stands to be considered under different legislation and policy than an advertisement consent appeal does, which are only subject to control in the interests of amenity and public safety.

For the reasons given above, he concluded that the appeal should fail.

**Application for costs**

A comprehensive application for costs was made by W H Smith against West Berkshire Council. This application was the subject of a separate decision and was refused.

DC



NEWBURY 16/01414/ OUTD	Rear Of 108 Bartholomew Street Newbury Ressance Limited	Outline application for the development of seven 1 and 2 bedroom apartments. Matters to be considered: Access, Appearance, Layout and Scale.	Dele. Refusal	Dismissed 9.6.17  Costs Awarded
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### **Procedural Matters**

The application was made in outline form, with landscaping reserved for future consideration. The Inspector determined the appeal on that basis.

Since the appeal was submitted, the Council has adopted its Housing Site Allocations Development Plan Document (DPD). The Inspector invited comments in respect of the DPD prior to making his decision.

### **Application for Costs**

An application for costs was made by Miss Sarah Melton of Rissance Ltd against West Berkshire Council. This application is the subject of a separate Decision.

### **Main Issues**

The Council said that it did not wish to defend the third reason for refusal. Consequently, the main issues in this appeal are:

- Whether the proposal would make adequate provision for vehicle parking.
- Whether the proposal would make adequate provision for affordable housing.

### **Reasons**

The appeal site is within the Newbury Conservation Area (CA). It primarily consists of an area of land immediately to the rear of 108 Bartholomew Street (No. 108) which is currently occupied by traditional outbuildings. These would be replaced by a four-storey apartment block, which would occupy most of the land between the rear of No. 108 and an electricity substation.

#### *Provision for vehicle parking*

DPD Policy P1 sets out appropriate parking levels for new residential development, in the interests of creating good quality environments. As the site is in a central location, the level of parking required is lower than that sought in other parts of the town. A total of seven spaces should be provided for the proposed apartments to meet the required parking level. Whilst the proposal would not make provision for any parking at the site, Policy P1 (iii) recognises that there may be exceptional circumstances for providing parking that does not accord with the expected levels and allows for consideration of cases on an individual basis. Given its recent adoption and in the absence of any other factors being drawn to the Inspector's attention, Policy P1 should be given full weight.

The site is located towards the centre of town. There is convenient access to town centre services, facilities and employment as well as bus and rail services. Consequently, future occupiers of the apartments could rely on a range of alternative modes of transport to the private car including walking, cycling and public transport for most of their day-to-day needs. In turn, this would reduce reliance on the private car and promote healthy and safe travel. Exceptionally, a reduced level of parking provision at the site over that otherwise required under Policy P1 might therefore be warranted.

Nevertheless, it would be realistic to expect that at least some of the future occupiers would still require access to a car at times. Although the site is close to public car parks, some future occupiers are likely to be deterred from using those facilities, notably due to the likely costs involved. In turn, this may lead to increased on-street parking in locations elsewhere in the town, thereby eroding the quality of the local environment. Accordingly, it would not be

unreasonable to expect the proposal to make some form of provision for future occupiers who wish to have access to a car.

The Inspector understood that the Newbury car club scheme was launched in April 2016. It provides access to up to five vehicles, including one parked within a convenient walking distance of the site. The participation of future occupiers in the car club would provide them with reasonably convenient access to a car where and when it is required, as an alternative to on site provision. The Council's adopted Planning Obligations Supplementary Planning Document (SPD) provides for seeking contributions towards off-site improvements required as a result of a development, including car clubs. The methodology underpinning the level of contribution sought in respect of the proposal has been set out by the Council. The contribution would provide future occupiers with membership of the car club and would finance the hire costs for an initial period. Consequently, he was satisfied that there is proper justification for the contribution sought in respect of the proposal.

Therefore, a contribution to provide for future occupiers' membership of the car club would satisfy the three tests in Section 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the National Planning Policy Framework (the Framework). However, the Planning Obligation supplied is incomplete. Consequently, the Inspector could not afford it any weight in his decision. A planning condition would not satisfy the Framework tests. Therefore, the proposal would not accord with Policy P1, as an appropriate level of parking would not be provided. Consequently, the proposal would also not accord with Policy CS13 of the adopted West Berkshire Core Strategy (CS), as it would fail to improve and promote opportunities for healthy and safe travel and improve travel choice and facilitate sustainable travel. The appellant has not explained how the proposal would accord with Policy CS5, which concerns infrastructure requirements.

In reaching the above conclusions, the Inspector was mindful that the Inspector determining the previous appeals at the site did not raise objections on grounds of inadequate parking. However, that decision pre-dated the adoption of the DPD, as well as the car club becoming operational. Consequently, the circumstances in those appeals were materially different to the appeal scheme.

#### *Affordable housing*

CS Policy CS6 seeks 20% provision of affordable housing of sites of 5 - 9 dwellings. The Council says that this equates to one unit in the appeal scheme. The appellant submitted a draft Planning Obligation in respect of affordable housing provision.

However, the Planning Practice Guidance (PPG) section 'Planning Obligations' at paragraph 031 advises that affordable housing contributions should not be sought from developments of ten dwellings or less. This follows the Order of the Court of Appeal dated 13 May 2016, which gave legal effect to the Written Ministerial Statement of 28 November 2014.

The Council has referred to the site's sustainable location and a very significant need for affordable housing in its area. However, the PPG is a material consideration to which substantial weight must be attached. The Council has not produced any substantive evidence to indicate that there are any exceptional local circumstances concerning affordable housing that should prevail over the PPG. Therefore, the Inspector intended to afford the PPG greater weight in relation to Policy CS6.

#### *Other matters*

The previous Inspector found that a building materially similar in terms of its design and scale to the appeal scheme would preserve the character and appearance of the CA. The Inspector did not find any reason to disagree with that assessment.

The Council did not object to the appeal scheme on the above grounds or concerning the size of the flats and amenity space, the effect on the privacy of neighbouring occupiers, noise and disturbance, odours or vermin, the size of the refuse store, risk of flooding of the adjacent car park, proximity of the apartments to the electricity sub-station or access matters, including for construction traffic and emergency vehicles. The Inspector had not been supplied with any firm evidence which would warrant reaching a different conclusion to the Council in respect of any of the above matters.

*Planning balance*

The Framework advises at paragraph 7 that sustainable development has to be assessed against three roles - economic, social and environmental. All three roles are mutually dependent. The proposal would provide modest economic benefits, notably short-term jobs in the construction sector. It would also provide modest social benefits in terms of future occupiers contributing to maintaining and enhancing the vitality of town centre services and facilities and supporting local employment.

Following adoption of the DPD, the appellant has not offered a further explanation of their position that the Council did not have a five-year supply of housing land. In any event, the contribution to the supply of housing which would be made by the proposal is a social benefit which should be afforded modest weight, having regard to its scale. There would also be a modest benefit arising from the re-use of previously developed land. However, the proposal would not entirely fulfil the social role, as the failure to make provision for any form of parking would not create a high quality built environment.

Moreover, for a similar reason the proposal would not fulfil the environmental role as it would fail to mitigate and adapt to climate change including moving to a low carbon economy. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. As a result, the proposal would not amount to sustainable development as set out in the Framework.

**Conclusion**

The proposal would not be required to make provision for affordable housing when assessed against the PPG. Otherwise however, for the reasons given above the proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore he concluded that the appeal should be dismissed.

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**Costs Decision**

**Reasons**

The Planning Practice Guidance (PPG) 'Appeals' section advises that parties in planning appeals should normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and that behaviour has caused another party to incur unnecessary or wasted expenditure in the appeal process (paragraphs 028 and 030). Guidance on what is meant by 'unreasonable' is in paragraph 031. The application for costs was made in writing, in accordance with the guidance at paragraph 035.

The application for an award of costs is made on both procedural and substantive grounds. In summary, the applicant says that the Council did not engage with them during the application process as it did not request additional information. It did not act in accordance with paragraph 187 of the National Planning Policy Framework (the Framework) and the application was refused without warning. Secondly, the Council did not give appropriate weight to a material consideration, namely the recent appeal decisions concerning the site, as it refused permission in respect of matters where the Inspector had not identified harm.

In response, the Council says in summary that it had a dialogue with the applicants and acted reasonably at all times, but it could not permit the application without a completed Planning Obligation. The matter of sunlight and daylight was considered carefully and represents the professional opinion of the case officer. Had the applicant's more detailed assessment been available at an earlier stage, the Council would have reviewed its position.

The procedural matters raised by the applicant largely concern the processing of the application, rather than the appeal itself. Therefore, there is no firm evidence before me that the Council acted and behaved in any of the ways listed at paragraph 047 of the PPG or otherwise in a manner which could be regarded as unreasonable in relation to appeal procedures.

At paragraph 048, the PPG details when the Council's handling of the planning application might lead to an award of costs. However, this is mainly concerned with cases where the Council fail to determine applications within the prescribed limited, as opposed to when planning permission has been refused. Otherwise, paragraph 033 advises that costs cannot be claimed for the period during the determination of the application, although the behaviours and actions of that period can be taken into account.

The Inspector could appreciate the applicant's sense of frustration at the manner in which the application appears to have been determined, in that had they been able to supply additional information, they might have been able to resolve some or all of the Council's objections. Even so, the Council's behaviour and actions in relation to the application, although perhaps falling short of the proactive approach encouraged by the Framework, do not, in the Inspector's view, fall within the scope of what could be regarded as procedurally unreasonable behaviour under the PPG.

Turning to the applicant's comments regarding substantive matters. At paragraph 049, the PPG provides a list of examples of when a Council might be at risk of an award of costs due to unreasonable behaviour concerning the substance of the case. These include failing to produce evidence to substantiate their reasons for refusal at appeal, persisting in objections to elements of a scheme which an Inspector had previously found to be acceptable and refusing to provide reasonably requested information. The list is not exhaustive.

The Council supplied the applicant with information on which it based its decision, including its sun path analysis and a detailed justification of the car club contribution. This assisted the applicant in the preparation of their case at appeal. Consequently, the Inspector was not persuaded that the Council acted unreasonably in this respect.

The Council's reasons for refusal concerned three matters. In terms of the first reason on grounds on inadequate parking, he was satisfied that the Council's emerging (subsequently adopted) Housing Site Allocations Development Plan Document (DPD) together with the launch of the Newbury car club represented material changes in circumstances since the previous appeals. Although the current appeal scheme involved a similar number of flats to one of the previous appeals, the above warranted the Council coming to a different conclusion than the previous Inspector in relation to the level of parking provision required. The Council provided detailed and robust evidence to support its reason for refusal.

In respect of the second reason, the Council indicated that it was maintaining its position that Policy CS6 of the adopted West Berkshire Core Strategy (CS) should be given full weight. The previous Inspector considered that an affordable housing contribution would meet the statutory tests. However, that decision pre-dated the restriction on seeking affordable housing contributions for developments of ten dwellings or less, inserted into paragraph 031 of the PPG section 'Planning Obligations' following the Order of the Court of Appeal dated

13 May 2016, which gave legal effect to the Written Ministerial Statement of 28 November 2014. The Council did not produce any substantive evidence to indicate that there were exceptional local circumstances concerning affordable housing in its administrative area that should prevail over the PPG.

The third reason for refusal concerned the effect on sunlight and daylight levels enjoyed by the adjacent residential properties. However, the previous appeals concerned buildings of similar design and scale to the current appeal. The previous Inspector fully addressed the effects on the living conditions of adjacent residential properties and concluded that there would be no unacceptable harm in terms of overshadowing or overbearing.

The Inspector fully understood that the consideration of matters such as sunlight and daylight can often involve judgments being made and parties can legitimately hold different views. However, the Council has not adequately explained why it was considered necessary to undertake a further analysis in relation to a proposal which was materially similar to that considered by the previous Inspector. The Inspector had not been referred to any material change in circumstances since the previous appeal which might have affected the consideration of matters of sunlight and daylight and which could have justified the Council introducing it as a reason for refusal. Consequently, by refusing permission for this reason the applicant was put to the unnecessary expense of producing evidence concerning sunlight and daylight in relation to the appeal.

The applicant's evidence on sunlight and daylight culminated in the Council declining to defend this reason at appeal. He did not criticize that action in itself, as a review of the case following receipt of the appeal as part of sensible on-going case management is good practice. Nevertheless, withdrawing this reason did reinforce his view that it was not soundly based in the first place.

Therefore, the second and third refusal reasons are not underpinned by a body of evidence and they largely lack any substance. Consequently, the Council have behaved unreasonably with respect to the substance of the matter at appeal. As a result, the applicant has been put to additional expense in order to address those reasons at the appeal. This should not have been necessary and could have been avoided.

### **Conclusion**

The Council's actions in relation to the appeal procedures and in dealing with the application did not amount to unreasonable behaviour. However, one of the reasons for refusal concerned an element of a scheme which a previous Inspector had indicated was acceptable and there was no evidence produced of a material change in circumstances since that appeal decision. This and another reason for refusal could not be substantiated by evidence at the appeal.

Consequently, the Council has behaved unreasonably in respect of the substance of the appeal, as set out in paragraph 049 of the PPG. This has resulted in the appellant incurring additional expenditure in preparing for the appeal, which would otherwise have been unnecessary.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated in relation to refusal reasons 2 and 3. The conditions for an award at paragraph 030 of the PPG have therefore been met and a partial award of costs is justified.

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