

# Notice of Meeting



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## Western Area Planning Committee Wednesday 9 August 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

**Note:** 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.

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, 9 August 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 Jenny Legge on (01635) 503043/519441/519486 Email: [jenny.legge@westberks.gov.uk](mailto:jenny.legge@westberks.gov.uk)

Date of despatch of Agenda: Tuesday, 1 August 2017

**Agenda - Western Area Planning Committee to be held on Wednesday, 9 August 2017**  
(continued)

- To:** Councillors Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, Billy Drummond, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing
- Substitutes:** Councillors Jeanette Clifford, James Cole, James Fredrickson and 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** 5 - 24  
To approve as a correct record the Minutes of the meeting of this Committee held on 19 July 2017.
  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: 17/01096/OUTMAJ, Land to the north of Pinchington Lane, Newbury** 25 - 42
- Proposal:** New public open space and wildlife area.  
157 dwellings with new road accesses.
- Location:** Land to the north of Pinchington Lane, Newbury.
- Applicant:** Rivar Limited.
- Recommendation:** The Head of Development and Planning be authorised to **GRANT** conditional planning permission, subject to the first completion of a s106 planning obligation.
- (2) **Application No. and Parish: 17/01235/COMIND, Plantation Farmhouse, Beedon** 43 - 62
- Proposal:** Erection of a free range egg laying unit.
- Location:** Plantation Farmhouse, Beedon Common.
- Applicant:** Miss Hayworth.
- Recommendation:** The Head of Development and Planning be authorised to **REFUSE** the application as submitted.



**Agenda - Western Area Planning Committee to be held on Wednesday, 9 August 2017**  
(continued)

**Items for Information**

5. **Appeal Decisions relating to Western Area Planning Committee** 63 - 78  
*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.



# Agenda Item 2.

## 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, 19 JULY 2017

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

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

**Apologies for inability to attend the meeting:** Councillor Hilary Cole, Councillor Billy Drummond, Councillor Paul Hewer and Councillor Virginia von Celsing

#### PART I

##### 11. Minutes

The Minutes of the meeting held on 28 June 2017 were approved as a true and correct record and signed by the Chairman.

##### 12. Declarations of Interest

Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared an interest in Agenda Item 4(1), but reported that, as their interests were personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Dennis Benneyworth declared an interest in Agenda Item 4(2), but reported that, as his interest was 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.

##### 13. Schedule of Planning Applications

###### (1) Application No. and Parish: 17/00223/FULEXT Land on north and east side of Pyle Hill, Greenham

*(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council, and in the cases of Councillor Beck and Pick, members of the Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/00223/FULEXT in respect of the erection of 71 dwellings with associated access roads and car parking, pedestrian access and parking with landscaping at land on north and east side of Pyle Hill, Greenham.
2. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the

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report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers firmly recommended the Committee grant planning permission with the completion of an associated s 106 planning obligation.

3. Paul Goddard advised that Highways Officers were content with the layout and access of the proposed development, which met the Council's parking standards. Whilst there would be an increase in traffic around the site, he did not consider the impact to be severe.
4. In accordance with the Council's Constitution, Mrs Lucy Crofts, objector, and Mr Michael Cleveland, Mr Steven Smallman and Mr Peter Shepherd, applicant/agent addressed the Committee on this application.
5. Mrs Crofts in addressing the Committee raised the following points:
  - The site was included in the Council's Housing Sites Allocation Development Plan Document (HSA DPD) and she wanted to protect the remaining agricultural land in the area from future development.
  - The decision on the application should be deferred until the master planning for all the sites under policy HSA4 in the HSA DPD was completed.
  - There was a lack of clarity about how the land adjacent to the site reserved for ecological benefit would be achieved under the S106 agreement. BBOWT were likely to be receptive to managing the land.
  - There might be different ways to apply a covenant to the land which should be explored.
  - The four sites under HSA4 would impinge on the green infrastructure which Policy CS18 in the Council's Core Strategy sought to protect.
  - BBOWT, Newbury Town Council and Greenham Parish Council objected to the application due to the implications for green space.
6. Councillor Jeff Beck asked whether it would be possible to defer a decision on the application. Michael Butler advised that the Committee could choose to defer but this would not be the advice from officers as it could delay the delivery of affordable and market housing. Officers were satisfied to recommend the application as a standalone application and it was not possible to force the multiple landowners with sites under HSA4 to submit a joint application. Derek Carnegie added that the HSA DPD created a framework for new housing in the District and the pace of delivery was determined by the developers. He expressed the view that he was confident the S106 powers could protect the land adjacent to the site.
7. Councillor Paul Bryant asked how the content of the applications for the other sites under HSA4 could impact on the detail of the application before the Committee that evening. Mrs Crofts responded that HSA4 set out that the sites would be comprehensively master planned and the current plan was not comprehensive.
8. Mr Smallman, Mr Cleveland and Mr Shepherd in addressing the Committee raised the following points:
  - The application site was included in the HSA DPD.
  - The problems with the delivery of Sandleford made it more important that other housing sites in the District were delivered.

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- The application included 71 dwellings which would make a significant contribution to the Council's five year land supply, which could be impacted if the application was not approved.
  - HSA4 gave provision for 'approximately 65' dwellings which was not an upper limit.
  - The proposed development had been designed around ecological reports and included a buffer to West Wood of between 20m and 30m.
  - The development would achieve a net gain for biodiversity because the adjacent land would be included in the s106 agreement.
  - The benefits of the development would be in respect of affordable housing, biodiversity, public open space, a boost to the local construction economy, community Infrastructure Levy and a sustainable development to accommodate around 170 residents.
9. Councillor Beck asked for more information about the land to be included in the s106 agreement. Mr Smallman and Mr Shepherd advised that it was currently used as agricultural land and would be enhanced by a biodiversity enhancement scheme to support protected species.
10. Councillor Anthony Pick asked for a response to the concerns of the tree Officer that the application did not achieve the 15m buffer from protected trees. Mr Cleveland advised that a tree protection plan had been prepared and the development would comply with the required 15m distance between built development and protected trees. Landscape buffering for the majority of the site would be 20m to 30m. A plan to deal with any shadowing by trees had been carried out and could be updated.
11. Councillor James Cole asked who would own the land for the landscape buffer and why there was not a sufficient buffer to alleviate the Tree Officer's concerns. Mr Smallman advised that a management company usually took responsibility for such spaces. There was one pinch point where the distance between a protected tree and the edge of the carriageway on the development would be 15m but the original plans were amended to increase the overall level of buffering. There would be no root protection issues.
12. Councillor Garth Simpson expressed concern that the tenure to protect the ecological use of the additional land in the s106 agreement could be insufficient. Mr Smallman advised that at present the best use for the land was retention and enhancement as a field and a covenant would be imposed in perpetuity.
13. Councillor Adrian Edwards asked for more information about how the trees would be protected. Mr Smallman explained that policy advice was that there should be 15m buffer around ancient woodland, additionally there were individual trees around the site which required protection. The applicant had completed an impact assessment and the development would not risk the health of the trees. The landscape buffer was in excess of 15m. Councillor Edwards asked what the actual distance between the tree and the development was at the aforementioned 'pinch point'. Michael Butler advised that the distance would be 15m to the edge of the carriageway or 20m to the nearest housing.
14. Councillor Cole asked why the developer intended to retain the land adjacent to the development if it could not be built on. Mr Smallman advised that the current landowner would enter into covenants to protect the land but the identity or intentions any future landowner was not a planning matter.

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15. Councillor Cole asked whether the Council's five year land supply would be at risk if the Committee were minded to refuse planning permission. Derek Carnegie advised that the Council's land supply was a matter being raised at appeals and while the Council was satisfied it could achieve its requirements it was a delicate situation.
16. Councillor Pick asked what the planning implications were of a 'designated local wildlife heritage site'. Michael Butler advised that it was similar, by way of comparison only, to a locally listed building and was easier to de-designate than a nationally designated wildlife heritage site such as a Site of Specific Scientific Interest (SSSI).
17. Councillor Edwards asked for information regarding the cumulative safety impact, particularly on school children, of the development's access point, with the other new access roads planned for Greenham Road. Paul Goddard advised that the government did not issue any guidance regarding the distance between junctions. He was aware that the schools in the area were busy as he had visited the site and its surrounding area in making his assessment. While he noted that traffic could become busy, he did not think the development would have a severe impact or cause a safety risk.
18. Councillor Dennis Benneyworth asked what covenants could be applied to the ecological land. Michael Butler advised that the s106 agreement would enable the land to be retained as open space for up to, for example, 25 years however under current legislation the landowner could make an application to vary the s106 agreement. If the council refused the landowner could submit an appeal and it was unlikely that the appeal would be successful.
19. In commencing the debate, the Chairman reminded Members that the principle of development had been agreed as part of the adoption of the HSA DPD and they should focus on the detail of the proposal before the Committee.
20. Councillor Bryant stated that he was sad to see greenfield land go but there was a housing problem in the country and in the District. West Berkshire was a plan led authority and had spent three years developing the HSA DPD. He did not see a problem that the sites under HSA4 were not coming forward as a joint application as they would not have shared facilities. He proposed that the Committee accept the officer's recommendation to grant planning permission.
21. Councillor Beck seconded the proposal and enquired whether a condition could be applied regarding the ecological land to be retained by the developer. Sharon Armour confirmed that a condition could not be applied but that it could be included in the s106 agreement albeit the landowner could apply to modify the s106 agreement sometime in the future.
22. Councillor Pick stated that he was uncomfortable with the application because the Tree Officer must have a good reason to recommend refusal. Councillor Cole stated that he agreed with Councillor Pick and asked if the positioning of the development on the site could be amended. Michael Butler confirmed that the original plans had less landscape buffering and there might be other impacts if the development was repositioned. The application could be amended but this would need to be reconsulted upon so causing further delays in the application.
23. The Chairman invited the Committee to vote on the proposal of Councillor Bryant, seconded by Councillor Beck, to accept the officer's recommendation to grant planning permission at the vote the motion was carried with one abstention from Councillor Edwards.



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**RESOLVED that** the Head of Development and Planning be authorized to grant Conditional Planning Permission subject to the first completion of a s106 planning obligation. That obligation to deliver the 28 affordable homes and the commuted sum of £28,100 for the public open space maintenance, plus the relevant s278 highways works. The s106 obligation to also include the inclusion of the blue land to the south for future ecological/habitat purposes. Planning permission is granted subject to the following conditions:

### Conditions

Time limit.

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

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

Materials.

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

Reason: In the interests of visual amenity in accordance with Policy C1 in the adopted HSADPD of May 2017.

Fire hydrants.

3. No development shall commence until a scheme indicating the provision of new fire hydrants on the site has been submitted to and approved in writing by the LPA. The scheme shall not be occupied until such time as the hydrants are laid out on site in accord with the approved scheme.

Reason: In the interests of public safety in accord with NPPF advice.

Archaeology.

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

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 141 of the National Planning Policy Framework.

Hours of working.

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

Contamination.

6. 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;

(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'.

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### 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 (common to all): 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.

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Ecology.

7. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Mitigation and Management Plan (BSG, December 2016) unless otherwise agreed in writing by the Local Planning Authority. All mitigation, compensation and enhancement features shall be permanently retained and maintained.

Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 17 of the West Berkshire Core Strategy Development Plan Document 2012.

Landscaping.

8. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

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

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

Arboricultural Method Statement

9 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.

Watching brief.

10. 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.

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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 works.

11. 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 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.

Management plan.

12. No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 3 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 and also include any areas of proposed landscaping other than areas of 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.

Landscape scheme.

13. No development or other operations shall commence on site until details of the maintenance of the proposed landscape scheme have been approved in writing and shall include an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

(a) Details of soil preparation, plant protection, watering and weeding.

(b) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

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

Drainage strategy.

14. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. This shall include details of how

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the SUDS measures are to be maintained and managed by both the sewerage undertaker and any private management Company after completion. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed"

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accord with the advice in the NPPF of 2012.

Amended plans .

15. The development shall be carried out in strict accord with the amended plans as identified in the list of revised documents received on the covering letter from the applicant dated the 26<sup>th</sup> June 2017.

Reason. To ensure clarity in the permission in accord with the advice in the DMPO of 2015.

Construction Method Statement

16 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) Timing of deliveries

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).

Layout and Design Standards

17 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.

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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).

Visibility splays onto Greenham Road

18 No development shall take place until visibility splays at the proposed access onto Greenham Road have been provided in accordance with drawing number 8160567/6101 received on June 28<sup>th</sup> 2017. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

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

Visibility splays within the site

19 Visibility splays of 2.4 metres by 25.0 metres shall be provided adjacent plot 5 in accordance with drawing number H5365/PL/01 received June 28<sup>th</sup> 2017. 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 and turning

20 No dwelling shall be occupied until the vehicle parking and/or turning space provided for it has 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).

Access construction before development

21 No development shall take place until details of the proposed vehicular access, footway access, footway widening fronting the site and dropped kerbs and tactile paving over Greenham Road have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular and pedestrian access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the approved

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buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

### Cycle storage

22 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 for the dwelling 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).

### Schedule of materials for access roads

23 No development shall take place until a schedule of materials to be used in the access and car park area has been submitted to and approved in writing by the Local Planning Authority. The materials should be permeable. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application the use shall not commence until the access and car park has been constructed in accordance with the approved schedule.

Reason: To ensure that the appearance of the access is appropriate to the character of the area. 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).

### Travel Plan

24 No development shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the development first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. 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), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 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



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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.
- 3 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the \*\*\*\*. You are advised to ensure that you have all the necessary documents before development starts on site.

DC

*(The Committee was adjourned at 19.52 and reconvened at 19.57)*

### **(2) Application No. and Parish: 17/00597/FULD and 17/00598/LBC2 The Malt Shovel, Upper Lambourn, Hungerford, Berkshire**

*(Councillor Dennis Benneyworth declared a personal interest in Agenda Item 4(2) by virtue of the fact that he owned a property which neighboured one of the objectors. 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.)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Applications 17/00597/FULD and 17/00598/LBC2 in respect of the change of use and conversion of public house into 1 and 2 bedroom flats at The Malt Shovel, Upper Lambourn, Hungerford, Berkshire.
2. In accordance with the Council's Constitution, Mr Robert Ballin and Ms Vivian Griffith, objectors, and Mr Chris Parker and Mr Dennis Alston, 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 consequently recommended the Committee grant planning permission.
4. Mrs Griffith and Mr Ballin in addressing the Committee raised the following points:
  - The Malt Shovel was formerly a popular business which attracted a variety of customers.
  - The business had only been open 11 months in the past 3 years and might be viable if opened more regularly.

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- The previous owner had been making a profit until he sold the pub to the current owner for £600k. The current owner made a loss in his first month of trading and put the pub back on the market.
  - Loss of the pub would have a detrimental impact, included the loss of a local employer. It would also be contrary to the National Planning Policy Framework to allow the pub to close.
  - There were a number of people willing to invest time and money into a rescue plan to keep the Malt Shovel operating as a pub.
  - The viability study had been commissioned by the applicant and was flawed.
  - The Malt Shovel was a focal point for the local area and no other pub was in walking distance for residents of Upper Lambourn.
  - The marketing was flawed and was at too high a price. Requests for viewings had been declined.
5. Councillor Bryant asked whether the objectors had considered registering the pub as an asset of community value. Mr Ballin advised that the leader of the project was in hospital but would be interested in doing so.
6. Councillor Pick enquired upon the population of Upper Lambourn; Mr Ballin advised that approximately 300 people lived in the village.
7. Mr Parker and Mr Alston in addressing the Committee raised the following points:
- Pub closures were an emotional issue and the owner, Mr McCabe, had invested a lot of effort and £140k in capital into trying to run the pub successfully, which he had intended to do until retirement.
  - The price had been set by the agents, a national company, and while no offers had been received the agent was confident that the pub was not overpriced.
  - The pub was tenanted for a time by people from the local community but there had not been enough footfall to keep the pub going. It needed £3k per week in turnover.
  - The demographics of the racing industry had changed with jockeys now working seven day weeks, being more athletic and more health conscious.
  - The development would offer smaller units of accommodation which were needed in the area.
  - The oldest part of the building, the original bakery, would have minimal alterations. External alterations would also be kept to a minimum.
8. Councillor Pick raised a query regarding the potential flooding risk. Mr Alston responded that it would no longer be necessary to raise the floor height as other measures were available to mitigate the flooding risk.
9. Councillor Beck asked whether the marketing agents had denied viewings. Mr Parker advised that the only viewings that were refused were to inquirers who refused to leave their name. Of those who did view the property, there were none who intended to continue its use as a pub.
10. Councillor Beck asked whether the owner intended to sell the flats, if approved. Mr Parker advised that the owner intended to rent out the properties to recover income as there was a high demand for single accommodation in the area.

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11. Councillor Bryant asked for clarification regarding the information that the pub was run for a month before being put back on the market for sale. Mr Parker advised that the owner invested a lot of money into refurbishing the pub and when it was reopened in December it did not attract sufficient business.
12. Councillor Benneyworth advised that when he was a jockey he frequented the Malt Shovel and recalled that the popularity of the main pubs in the Lambourn Valley always fluctuated. Mr Parker responded that he agreed the popularity of the business fluctuated but the demographics of the village were changing and there were external factors effecting the Malt Shovel's prospects of being run as a viable business. The marketing agent was confident that the right price was being sought. The tenant, in his resignation notice, cited the low footfall as a reason the pub failed.
13. Councillor Clive Hooker expressed the view that a pub was usually worth a year's turnover and did not believe that £600k was a realistic price.
14. In commencing the debate, Councillor Edwards declared that as the council's heritage champion the closure of a historic pub gave him some concern however he was satisfied that the application would preserve the Grade II listed building and proposed that the committee accepted the officer's recommendation.
15. In seconding the proposal, Councillor Bryant recalled similar applications that the Committee had considered for the White Hart in Hamstead Marshall and the IbeX Inn in Chaddleworth. He suggested that the objectors investigate registering the pub as a community asset as he feared that if the committee refused planning permission, the Council might lose any appeal that was brought to the Planning Inspectorate.
16. Sharon Armour clarified that registering a pub as a community asset would give the local community the first option to put in a bid to buy the pub the owner decided to dispose of it.
17. The Chairman invited the Committee to vote on the proposal of Councillor Edwards, as seconded by Councillor Bryant to accept officer's recommendation to grant planning permission. At the vote the motion was carried.
18. Councillor Edwards proposed that the Committee accept officer's recommendation to grant Listed Building Consent and this was seconded by Councillor Bryant. At the vote this motion was carried.

**RESOLVED that** The Head of Development and Planning be authorised to grant Listed Building Consent to application number 17/00598/LBC2 and to grant Planning Permission to application number 17/00597/FULD subject to the completion, within 2 months of the date of committee, of a Section 106 agreement to secure the provision of a unit of affordable housing on site in accordance with Policy CS 6 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document: Planning Obligations. The respective permission to be subject to the following conditions:

### **Conditions**

#### **LISTED BUILDING CONSENT CONDITIONS:17/00598/LBC2**

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

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

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2. This listed building consent relates only to work described on the drawings/and/or/in the documents identified below:

Drawing number RM/12 received on 3 March 2017,  
Drawing numbers RM/09, RM/N/01, RM/10, RM/N/02, RM/11 received on 10 April 2017,  
Drawing number RM/02 received on 12 June 2017,  
Heritage Statements received on 10 April 2017.

No work shall be carried out other than in accordance with the above drawings and documents.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building. This condition is imposed in accordance with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework 2012.

3. All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match original/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 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

4. 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 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

5. Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no existing features of architectural or historic interest such as doors, linings, shutters, panelling, cornicing, decorative plasterwork, floorboards, skirting, fireplaces, lath and plaster ceilings, wattle and daub panels shall be altered, replaced or removed until a written description of the steps to be taken has been submitted to and approved by the Local Planning Authority. 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 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

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6. No development shall take place until details of all new windows and/or external doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows//doors shall be installed 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 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

### **FULL PERMISSION:17/00597/FULD**

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

- (i) RM/12 received on 3 March 2017;
- (ii) RM/11, RM/N/01, RM/N/01, RM/09, RM/10 received on 10 April 2017;
- (iii) RM/02 received on 12 June 2017
- (iv) Heritage statement received on 10 April 2017.

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

3. No dwelling shall be occupied 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 (to incorporate the use of a porous material to any hard surfaced areas), and boundary treatments, 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:

- a) completion of the approved landscaping scheme within the first planting season following the first occupation of one or more of the dwellings or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition; and
- b) any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species; and

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy

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Framework 2012, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

4. No dwelling shall be occupied until details of the external lighting to be used in the areas around the building and on site have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the external lighting has been installed in accordance with the approved scheme. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

5. No development shall take place until details of the internal floor levels of the change of use hereby permitted in relation to existing and proposed internal floor levels have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the proposed internal floor levels will be raised above the 1% annual probability flood level (with at least a 35% allowance for climate change level). Where it is justified this cannot be achieved the floor levels shall be raised as high as possible and incorporate flood resilience and resistant measures to account for the shortfall. No dwelling shall be occupied until the development has been completed in accordance with the approved internal floor levels and flood mitigation measures.

Reason: To reduce the risk of flooding to people and property on a site located within flood zone three. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 14 and CS 16 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

6. No dwelling shall be occupied until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the vehicle parking and turning spaces/areas, and bin stores, 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 2012, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

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- 7. No dwelling shall be occupied 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 2012, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

- 8. 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 2012, Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

**14. 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 8.48 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)	17/01096/OUTMAJ Newbury Town Council.	24 <sup>th</sup> August 2017	New public open space and wildlife area. 157 dwellings with new road accesses.  Land to the north of Pinchington Lane, Newbury.  Rivar Limited.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/01096/OUTMAJ>

**Ward Member(s):**

Councillor Drummond  
Councillor Bartlett

**Reason for Committee determination:**

The Council has received 10 letters of objection.

**Committee Site Visit:**

3<sup>rd</sup> August 2017.

**Recommendation.**

**The Head of Development and Planning be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.**

**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

01/00256/renew. Development of 9 hole golf course. Approved November 2002. Lapsed.  
01/01187/resmaj. Construction of new road and roundabout. Approved September 2001. Implemented.  
08/00461/comind. Renewal of application number 153831 - new golf course with driving range and amenity building. Refused June 2008.  
15/02310/screen. 18<sup>th</sup> September 2015. LPA confirmed the application would require an ES to be submitted.  
16/00669/outmaj . Identical application to current one excepting detailed access considerations. Resolved to be approved at Committee on the 18 January 2017, but subsequently found to be invalid.  
17/00223/fulext . Adjacent site under HSA4 off Pyle Hill to the east for 71 dwellings resolved to be approved in July 2017.

## 2. Publicity of Application

Site notice displayed 18 May 2017. Expiry 8<sup>th</sup> June 2017.

## 3. Consultations and Representations

<b>Greenham Parish Council</b>	Objection. Overdevelopment, pollution rise, loss of green space, access/highway problems.
<b>Newbury Town Council</b>	Objection / comment. Impact on traffic particularly along Water Lane. Overdevelopment of site—157 dwellings are too many. Lack of pedestrian crossing on the western access / Greenham Road.
<b>Highways</b>	Amended plans sought regarding the proposed access onto Greenham Road to be a cross road/priority junction as opposed to a 4 arm mini roundabout. Otherwise traffic impact acceptable. Mitigation via CIL. Amended plans now received and acceptable. Conditional permission is recommended.
<b>Education</b>	The impact of the additional residents will be acceptable under CIL charges.
<b>SuDS</b>	Conditional permission is recommended.
<b>Planning Policy</b>	The application complies in principle with the policy designation of HSA4 in the HSADPD - site NEW047D refers. The Inspector at the Local Plan Inquiry has now confirmed adoption of the Plan in May this year. Accordingly the application does not now need to be advertised as a departure.
<b>Housing</b>	Support - 63 units of affordable housing is required via the application of policy CS6 in the Core Strategy at 40% of the proposed 157 dwellings. Obtain via s106 obligation. Homes should be built to lifetime homes standard. 30% should be shared equity, [19 number] 70% for social rent. [44 number]. Homes should be pepper potted through the application site.

<b>Minerals</b>	The application site is a former mineral extraction site and then a landfill tip site. However it has since been fully restored so the Council has no further involvement in the site in regards to waste / minerals issues.
<b>BBOWT</b>	Originally objected to the application on the grounds that the application did not meet “test 3” as applied to European Protected Species, particularly in relation to the GCN population on the site which is an important habitat. An outline Habitat Management Plan submitted has allayed fears in this regard. Conditional permission is recommended, subject to the implementation of this HEMP.
<b>Environmental Health</b>	Conditional permission is recommended. Contaminated land condition, with remediation scheme.
<b>Natural England</b>	No objections on the grounds of impact on the local SSSI, which is Greenham and Crookham Common. Welcome the new public open space which will act as useful enhanced Green Infrastructure.
<b>Tree Officer</b>	No objections. Conditional permission. The site is currently predominantly open grassland with self sown trees with a good quality thicket running to the north of Haysoms Drive. Detailed landscaping plans should be submitted in due course.
<b>Environment Agency</b>	The principal constraints relating to this site correspond to groundwater protection, given it is a former landfill site overlying a Zone 3 source protection zone. Accepted that given local site conditions the risk of such contamination of the ground waters is low. Conditions recommended re. piling, contamination, and drainage.
<b>Fire and Rescue Service</b>	Suitable fire hydrants will be required as a condition of the application if approved.
<b>Thames Water</b>	Do not object but note that pre development conditions should be applied regarding the impact on the local water supply infrastructure, plus the impact on drainage in particular foul sewerage.
<b>Archaeologist</b>	No objections.
<b>Defence Infrastructure</b>	No safeguarding objections raised.
<b>Waste Services</b>	Conditional permission is recommended.
<b>Public Open Space</b>	The proposed open space far exceeds the Council’s minimum requirement for the 157 dwellings and will enhance the public open space as existing with better connectivity. A commuted sum of circa £240,000 will be required for future maintenance in a s106.

## **Public Representations**

10 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, restrictive covenant in place, general overdevelopment of south east Newbury, does not conform to the NPPF, urban sprawl which is not required, site accesses are poor, impact on local landscape character, loss of local habitat, impact on local street scene, poor design, potential rise in anti social behaviour, dangers associated with developing on the former tip site i.e. contamination and gas emissions, impact on local schools and health care facilities. All of the HSA4 site as approved should be treated in a comprehensive manner and not via distinct applications. No legal mechanism in place to ensure remainder of land will be open in perpetuity. Air quality concerns in addition via the increased traffic generated.

## **4. Policy Considerations**

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

HSADPD November 2015. Policies GS1 and HSA 4 - land off Greenham Road.

Policies ADPP1, CS1, CS4, CS6, CS13, CS14, CS16, CS18, and CS19.

## **5 Description of development.**

- 5.1 The application site is a greenfield area, formerly a land fill site, now fully restored. It lies outside any current defined settlement boundary, between Newbury and Greenham. It is proposed to develop two distinct sites, site 4 to the east being 2.51ha and site 5 to the west being 1.36ha. The eastern site will contain 87 dwellings, 33 of which will be affordable [38%] with one new vehicular access off Greenham Road to the east. An additional access will be off Haysoms Drive to the west. This site lies immediately to the north of the new housing development recently completed which was on the former Greenacres Leisure site now demolished and replaced by the David Lloyd Leisure Centre off Monks Lane. The west site will comprise 70 dwellings, 30 of which will be affordable i.e. 43% on this site. The mix here will be 42 two bed flats, 22 two bed houses, and 6 three bed houses. Hence the overall mix of dwellings proposed on both sites, is 20 one bed maisonettes, 25 two bed houses, 27 three bed houses, and 15 four bed houses. In association with the development will be new area of defined public open space to the north, with a new children's play area, footpaths and additional landscaping.
- 5.2 The site to the west will comprise 70 dwellings, as noted above. Access will be gained off Pinchington Lane to the south. The latter will be located on the southern edge of the site facing Pinchington Lane, with a parking court to the rear. The remainder of the red line application site will remain as an ecological area, of publicly accessible open space, in order to retain the local newt population, which is a nationally protected species. A number of paths will cross this area in order to improve connectivity between the new housing areas.
- 5.3 At this stage it is ONLY access and layout which is being considered by the Committee. Accordingly, should the application be approved, matters of scale, appearance and landscaping will be considered at the subsequent reserved matters stage. The outline permission will ensure however the access points and configuration, and the total number of dwellings to be permitted, and their positioning on site.
- 5.4 The Council, on 18<sup>th</sup> September 2015, required the applicant to submit an Environmental Statement to be submitted with the proposal, following a positive screening opinion, the

reference being 15/02310/screen. This was essentially based upon the fact that the site lay on an ecologically sensitive area - for newts. The applicant has duly submitted an ES with the scheme. Given that this application is identical to 16/00669/outmaj, it was not considered to be necessary to re-issue this screening opinion. The application has been formally advertised as an EIA application in May of this year.

6.0 The application will be considered under the following headings.

- 6.1 - Policy.
- 6.2 - Access.
- 6.3 - Ecology.
- 6.4 - Visual impact/landscape issues.
- 6.5 - Other issues.

### 6.1 Policy Considerations

6.1.1 Policy HSA4 in the Council in the now adopted HSADPD of May 2017, allocates these two sites [inter alia] for additional housing in order to meet the Council's housing land requirements / needs. It corresponds to site NEW047D, the first sites to come forward according to the policy text. On this site the text notes a density of between 140 - 160 dwellings - thus the application is three below the maximum permissible. The access points are accepted as being onto both Greenham Road and Pinchington Lane, and 40% of the dwellings are to be affordable. In addition the policy highlights the need to provide public open space in the site which will also form an important habitat for Great Crested Newts. Given the former tip site, a full land contamination and remediation survey / works will be required, with appropriate conditions to be applied to any planning permission. Any application should also be accompanied by a full Transport Assessment, to ensure that the additional traffic generated by the housing can be accommodated within South Newbury and beyond - given existing potential housing commitments such as Sandleford Park coming forward.

6.1.2 The principle of new housing on this greenfield site is thus accepted, so in the Committee consideration of this particular application, it is the technical issues which are required to be examined in order to see if it complies with other policy considerations.

6.1.3 The Committee may be aware that the Inspector appointed to examine the Council HSADPD made formal recommendations to modify the Plan. For policy HSA4 he has not recommended any changes, other than to alter the developable area from 8.5ha to 7.7ha and to delete the need for the submission of an air and noise quality impact assessment. The application complies with both of these altered aspects.

6.1.4 Section 38 [6] of the Planning and Compulsory Purchase Act of 2004 requires all planning applications to be determined in accord with the Development Plan, unless material factors indicate otherwise. Firstly, policy ADPP1 in the Core Strategy [CS] notes that most new development will be within of adjacent existing settlement boundaries. This site adjoins the present boundaries of Newbury to the north and Greenham to the south. Next, policy ADPP2 confirms that Newbury will be the principal focus for new housing over the Plan period, with Sandleford being the main allocation, along with more "minor" sites such as the one in question. Policy CS1 notes that in order to meet the Council housing needs, greenfield sites will have to be allocated. Policy CS4 deals with proposed housing types and mix, in order to meet local needs as identified in census data. In addition the local character of the area and its accessibility will need to be taken into account. The development in hand achieves an overall density of just under 28 dwellings per ha which is actually quite low in relative terms, when the Public Open Space allocation is taken into account, although this equates to a net density of over 40 dwellings per ha when related to the actual development site excluding the public open space. If one takes into account the whole red line application area of 9.75ha the density falls to just 16 units per ha. Policy CS6 requires new housing, on greenfield sites, to

meet the target of 40% affordable dwellings. A mix of 8 one bed maisonettes, 18 two bed flats 27 two bed houses, and 10 three bed houses [63 units] has been agreed with the Housing Provider, Sovereign Housing. However, although the application, if permitted, will be in conjunction with a s106 agreement to ensure this level of housing is delivered, the applicant has reserved the right to re-consider this at a later stage should viability be an issue, in accord with para 173 of the NPPF. Given this the application presently conforms to policy CS6. Policy CS13 examines transport issues and this will be considered later. Similarly policy CS17 deals with biodiversity issues which will be examined under the ecology section later. Finally, policy CS18 examines the impact of new building on the District Green Infrastructure [GI], which will be examined under landscape issues again.

6.1.5 To conclude, assuming the development complies with policies CS13, 17 and 18 noted, it will be acceptable in policy terms.

## 6.2. Access.

6.2.1 The applicants, within the submitted Environmental Statement [ES] have included a Transport Assessment as required by the NPPF for this level of additional housing. The Highways Officer has examined this document in some detail, especially in the light of on-going traffic congestion at peak periods for junctions directly onto the A339 to the west. For site 5 with 87 dwellings, the increase in traffic movements in the morning peak will be 50 vehicles, and in the pm peak, 55 vehicles. These flows will be distributed between Haysoms Drive and Greenham Road. Via amended plans now submitted, the proposed mini roundabout access onto the latter is to be altered to a new crossroads, which is in accord with the latest advice on road safety in Manual for Street [MFS]. For site 4 in the west the flows will be 28 in the morning peak and 29 in the pm peak, all onto Pinchington Lane. In summary, this equates to a rise in flows of 1.37% in the am peak, and 1.55 % in the pm peak for Pinchington Lane and 1.63% and 1.97% respectively onto Greenham Road to the east. All these figures are below the 3% guideline noted in para 32 of the NPPF so it is concluded that the development impact will be acceptable in terms of impact upon the local highway network. Consequently, no additional mitigation works under policy CS5 will be required, other than the required s278 works for the construction of the three new accesses onto the local adopted highways and the funding which will be achieved via CIL.

6.2.2 The internal access of the layout has been examined in detail at this stage. It is expected that all of the roads will be adopted in due course, with suitable waste collection arrangements. Given layout is to be agreed now, the precise parking levels have been agreed. These meet the standards for the mix of housing proposed to those identified in zone 2 of policy P1 in the HSADPD of 2017. Finally the officer is content that the level of interconnectivity of footways and paths both through the new housing and within the public open space will assist in enhancing local permeability and so community inclusivity as espoused in the advice in the NPPF, so assisting overall sustainability provision.

6.2.3 It is accordingly concluded that the application complies with the advice in both policy CS13 in the CS and the advice in the NPPF, in terms of accessibility and traffic /parking issues.

## 6.3. Ecology.

6.3.1 The application site forms an important natural habitat for Great Crested Newts [GCN]. Accordingly, given that this was the principal reasoning behind the LPA requesting an ES to accompany the application, it is no surprise that in the ES a full Ecological Impact Assessment has been undertaken in relation to the newts and their future population levels, should the development proceed, with appropriate mitigation. There are 3 water bodies on the site which contain newts, being the Bowls Club pond, the ditch line and Haysoms Pond to the south. These contain the "meta population" of the newts which have been surveyed over a number of years, following various developments now permitted and built in the locality - namely the new CSG site [11/00585/outmaj for 13 dwellings] and the permission

12/02884/fulext at the former Greenacres for 40 dwellings now fully occupied. The applicant's agents have concluded that if appropriate mitigation is put in place, the long term population of newts will be preserved via the maintenance of the three water bodies noted, in terms of quality, via removing rubbish, reducing shading, removal of silt accumulation and informing the public about newt habitats. The water bodies are seen as the local constraining factor, not the extent of the terrestrial habitat, which is being necessarily reduced by the physical development under consideration.

6.3.2 Extensive consultation over the detail has occurred with BBOWT the local nature trust with the relevant expertise on these issues. Meetings have been held last year in order to resolve these issues, resulting in BBOWT and Natural England removing objections to the application. The basis of this objection removal is providing the necessary on site mitigation and enhancement features can be put in place on the site, via a condition on a Landscape and Ecological Management Plan [LEMP] being put in place, and conditioning a Habitat Management Plan, plus a sensitive lighting strategy, and a Construction Environmental Management Plan. This will ensure that the three tests set out in the Conservation of Habitat and Species Regulations of 2010 are met:-

- 1 - Meeting the housing needs of the District is an overriding public interest.
- 2 - The Council has explored alternative housing sites, through the HSADPD process, and the sustainability appraisal, having regard to alternate ecological implications.
- 3 - Favourable conservation status of the future GCN population will be achieved.

For information it is the Council [via the case officer in making this recommendation] who has "agreed" points 1 and 2, whilst BBOWT are agreed on point 3, subject to the various ecology conditions being put in place.

6.3.3. Policy CS17 in the Core Strategy identifies how the Council should determine planning applications having regard to their ecological implications. This notes that development which would harm [inter alia] habitats of species importance, as could be the case here, can only be approved if there are no reasonable alternatives, and there are clear social and economic benefits arising. Clearly the acceptance [if this is the case at Committee] of 157 additional dwellings with 63 affordable units and associated substantial open space can be considered a significant social and economic benefit, to the advantage of the Newbury community as a whole. It is on this basis that officers believe that policy CS19 is adhered to, as are the three tests in the Regulations identified above. This then flows onto the ecological advice in the NPPF.

6.3.4 Finally, under both policy GS1 and HASA4 in the adopted HSADPD, it is noted that all 4 development sites should be comprehensively managed. This is particularly important in regard to biodiversity issues. It is recognised that under application number 17/00223/fulext an area of land to the south of that site is to be secured as an ecological area, and this will be contiguous with [although separated by Pyle Hill/ Greenham Road] the ecological area and public open space with this application under consideration. If improved links can be made across the highway in respect of these ecological points, this will be explored in the s106 negotiations, which will be undertaken post this Committee, if approval is resolved.

#### 6.4. Landscape and visual impact.

6.4.1 Section 11 of the NPPF sets out advice on how Local Planning Authorities should determine planning applications, where they have a potentially significant impact upon local landscape character and quality. Notwithstanding the needs of supplying new housing, wherever possible suitable mitigation should be put in place to minimise visual impacts. This policy theme is effected via policy CS19 in the Core Strategy, which seeks to ensure that the local distinctiveness of landscape is retained and enhanced where possible.

- 6.4.2 Clearly, if this development is approved and built out, it will have an impact on the present open [but not necessarily attractive] nature of the former gap site between Newbury and Greenham. The site presently has a valuable function in achieving this “open” feel, assisted by the fact that it is a relatively flat plateau. Having said that it is now bounded on all sides by either housing or commercial development as the site visit should have shown, apart from the north east sector across Greenham Road. Having said that, part of this site, will now be built out in the future under the planning permission [once issued] of 17/00223/fulext noted in the planning history section, to the east of this application site. Consequently, the open nature of the site is/will be diminished by the cumulative surrounds of built form.
- 6.4.3 The applicants, within the ES, have submitted a Landscape and Visual Impact Assessment [LVIA]. This, in summary, sets out the following advice: it notes the application site forms part of the Newbury urban fringe and so, whilst currently countryside in pure policy terms, does not enjoy the same value or quality of open countryside. It is also noted that it forms a plateau rising to 120m AOD which is 60m above the Kennet Valley to the north. Consequently it would be relatively prominent, were it not for the built form surrounding it, as identified. These constrain surrounding views both into and out of the site.
- 6.4.4 The application proposes 157 dwellings rising to up to 10/11m in places where 3 storey flats are proposed. Whilst only access and layout is under actual consideration at this juncture, should the application be approved, that is the outline permission. So, it is only right that the Committee take into account the potential visual impacts that will flow from the density of building proposed. In the submitted layout it is proposed [for example] to construct 3 storey flats on the north section of Pinchington Lane. This will be visually read in conjunction with the larger commercial buildings in the Triangle Motor Park, and the larger retail buildings on the Retail Park immediately to the west. The dwellings to the north of site 4 in the west will be read in conjunction with those now built in Equine Way. As to the eastern site, it is noted that Greenacres has now been built out, so this provides a more urban backdrop to the south for this new level of housing. Before this area was more rural in character with the former sports centre being present, now demolished. The greatest impact will be along the street scene to the west of Greenham Road, where the new building will be a minimum of 4 / 5m from the carriageway edge. In addition the new line of housing will extend some 100m to the north from the present Greenacres site - however there will still be an open gap of approximately 135m distance to the existing Bowls Club, which is still quite substantial, i.e. the gap will be reduced by some 42% in distance. What is also helpful in visual terms is the fact that the limit of new building to the west aligns with the current western limit of the Greenacres site [12/02884/fulext] so the backdrop will remain in place, and this allows for a minimum width of 120m across the proposed new open space to be provided.
- 6.4.5 To put the above in perhaps more perspective, given the overall site area is 9.75ha and the developable area is just 3.87ha, the overall plot development ratio will be 40%. This means that 60% of the land will be open space retained. This open space itself will enhance the local fairly degraded character of the site in terms of quality, and of course will become formally accessible to the public. This in turn will assist in reducing the overall visual impact of the scheme.
- 6.4.6 To conclude, it is considered by your officers that the application, whilst obviously having some local landscape impact, is acceptable within the terms of policy CS19, when the added benefits of the new housing and open space are taken into account, with the local biodiversity improvements.

## 6.5 Other Issues.

- 6.5.1 Firstly, the application, if approved and built out, will be liable to CIL charges. This can only be calculated in detail at the reserved matters stage, once the precise floor areas of the dwellings are known. The charge rate at present is £75/m<sup>2</sup> net gain in C3 space. Very approximately [without prejudice] if one applied an average footprint of 60m<sup>2</sup> per new



dwelling, this would equate to in excess of £420,000 for the market dwellings as the 63 affordable units are exempt from CIL charging.

- 6.5.2 The applicants have expressed in principle a willingness to enter into a s106 obligation for funding for additional improvements towards Greenham Common. This is due to the additional impact the new occupants would / could have upon the Common, given its proximity. However, in applying the section 122 criteria in the 2010 CIL regulations, as amended, it is clear that the Council cannot justify such funding, as it would not meet those tests. Accordingly, any improvements would need to be paid for via CIL. However via a s 106 obligation there will be ongoing future maintenance obligations upon the open space/ecological area resting between the two built up areas, which will assist in mitigating the impact upon Great Crested Newts and Dormice, both protected species.
- 6.5.3 A number of the objectors have referred to the presence of a legal agreement between the Council and the applicant Rivar, dated 3<sup>rd</sup> December 1992, which is still in force. This corresponded to planning permission 139662, which corresponded to [in part] keeping a large part of the application site open in perpetuity, but permitted recreational use. If this planning permission is granted, it would in effect override this covenant. Accordingly it would need to be released by a further deed of covenant by the relevant parties. If the application is resolved to be approved tonight, instructions to this effect will be made by officers. Just for information, planning permission number 139662 corresponded to the construction of the motor trade retail park to the south of the application site, which clearly has been implemented, so the covenant agreed is operative.

## **7. Conclusion**

- 7.1 The Committee will be aware that all planning applications must be determined in accord with the Development Plan, having regard to the three tenets of sustainability as set out in the NPPF. First, the economic aspects. The applicants have estimated that the cost of construction will be circa £18 million, including the land remediation aspects. This will involve about 117 fte jobs per annum, in addition. For the 157 dwellings these could accommodate up to 400 people, who may spend approximately £6 million spend in the local economy pa, when the salaries of those in the housing are also taken into account. Clearly this will have beneficial impacts especially when the New Homes Bonus is taken into account. Secondly, in terms of the social aspects, there will be 63 affordable units [subject to future viability], and the provision of the additional public open space and play area. These are all considered to be positive. It is the environmental aspects which are not so clear cut. On the one hand, there will inevitably be some visual and landscape character impact by virtue of the loss of the open area noted, leading to some diminution and so harm to that landscape. There will also be a degree of traffic impact in what is already a relatively congested area at peak periods. However, amongst the environmental benefits will be the enhancement of the local habitat for the newts, as identified, and the final "proper" and full remediation of this historic landfill site ready for residential occupation. The latter is considered to be a substantial benefit, as this could not be done at the public cost.
- 7.2 Accordingly, taking all the above aspects into account, including the delivery of an additional 157 dwellings to the District Housing Land supply, and the policy compliance of the site, it is considered that there are clear reasons to approve the application, before Committee.
- 7.3 The Committee are advised that should they wish to refuse the application, the matter would be referred to the District Planning Committee by the Development Control Manager under his delegated authority, as to refuse the application would be contrary to the Development Plan.

## **8. Recommendation.**

**The Head of Development and Planning be authorized to GRANT Conditional Planning Permission subject to the first completion of a s106 planning obligation. That obligation to deliver the 63 affordable homes and the commuted sum of £240,000 for the public open space maintenance, plus the relevant s278 highways works. In addition the obligations required for ecological enhancement and monitoring of the open space in perpetuity, for the newt population.**

## **CONDITIONS**

### Time limit

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

1 - 3 years from the date of this decision

2 - the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: to clarify the permission in accord with the advice in the DMPO of 2015.

### Reserved matters

2. Full details of the external appearance of the housing, the scale, and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: 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 advice in the DMPO of 2015.

### Drainage strategy

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed"

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

### Hours of working.

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 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 policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Highways layout.

5. 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. All the required s278 and s38 agreements shall be completed prior to the first occupation of any dwelling.

Reason: In the interest of road safety and flow of traffic, and waste disposal. . 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).

CMS

6. 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).

Removal of permitted development rights.

7. 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 the advice in the NPPF of 2012.

Fire hydrants

8. No development shall commence until details of fire hydrant provision on the site has been submitted and agreed with the LPA. The development must be carried out in strict accord with this scheme prior to any dwelling occupation.

Reason: To protect public safety in accord with the advice in the NPPF of 2012.

Suds.

9 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) 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;
- d) Include a drainage strategy for surface water run-off from the site;
- e) 1. 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;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) 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, plus a stress test for the affect of a 40% increase;
- i) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) 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;
- n) 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;
- p) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- v) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- x) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- y) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/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 in the

approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details 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.

Land contamination.

10. No development shall commence in each phase approved by this planning permission until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The land was previously landfill. It will need to be remediated in accord with NPPF advice.

Verification.

11. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accord with the advice in the NPPF.

## Remediation.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unexpected contamination encountered during the developments is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accord with the NPPF advice.

## Piling.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which maybe given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site is on a former landfill, piling could lead to the contamination of groundwater, in accord with the advice in the NPPF.

## Access.

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

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

## Lighting.

15 . Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the LPA. This is required to identify locations particularly sensitive to bats, indicate where the lighting is to be installed, and so installed in accord with the approved details.

Reason: to protect the local bat population in accord with the advice in the NPPF.

## CEMP

16 No development shall take place [including demolition] until a CEMP has been submitted to and approved in writing by the LPA. This shall include:-

- 1 - Risk assessment of potentially damaging activities to local ecology.
- 2 - The location and timing of sensitive works to avoid harm to local biodiversity.
- 3 - Times on site when an ecologist is needed.
- 4 - Use of protective fences.

This CEMP shall be adhered to in full during the construction process.

Reason: to conserve local biodiversity in accord with the advice in policy CS17 in the WBCS.

Landscape Management Plan.

17. No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 20 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 and also include any areas of proposed landscaping other than areas of 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 to 2026.

Arboricultural Method Statement

18 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

Watching Brief.

19 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 works.

20 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 and approved in writing by the Local Planning Authority. In addition, no trees, shrubs or hedges shown as being retained on tree survey 824-01.1 & 824-01.2 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 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 the policy CS18 in the WBCS of 2006 to 2026.

Height restriction.

21 All the proposed dwellings hereby permitted, shall be of two storey height only [with NO rooms in the roof] apart from the proposed 3 storey building facing Pinchington Lane [Plots 116 to 157].

Reason: To ensure that the overall visual impact of the scheme is restrained given the plateau nature of the site having regard to the advice in policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

**INFORMATIVE:**

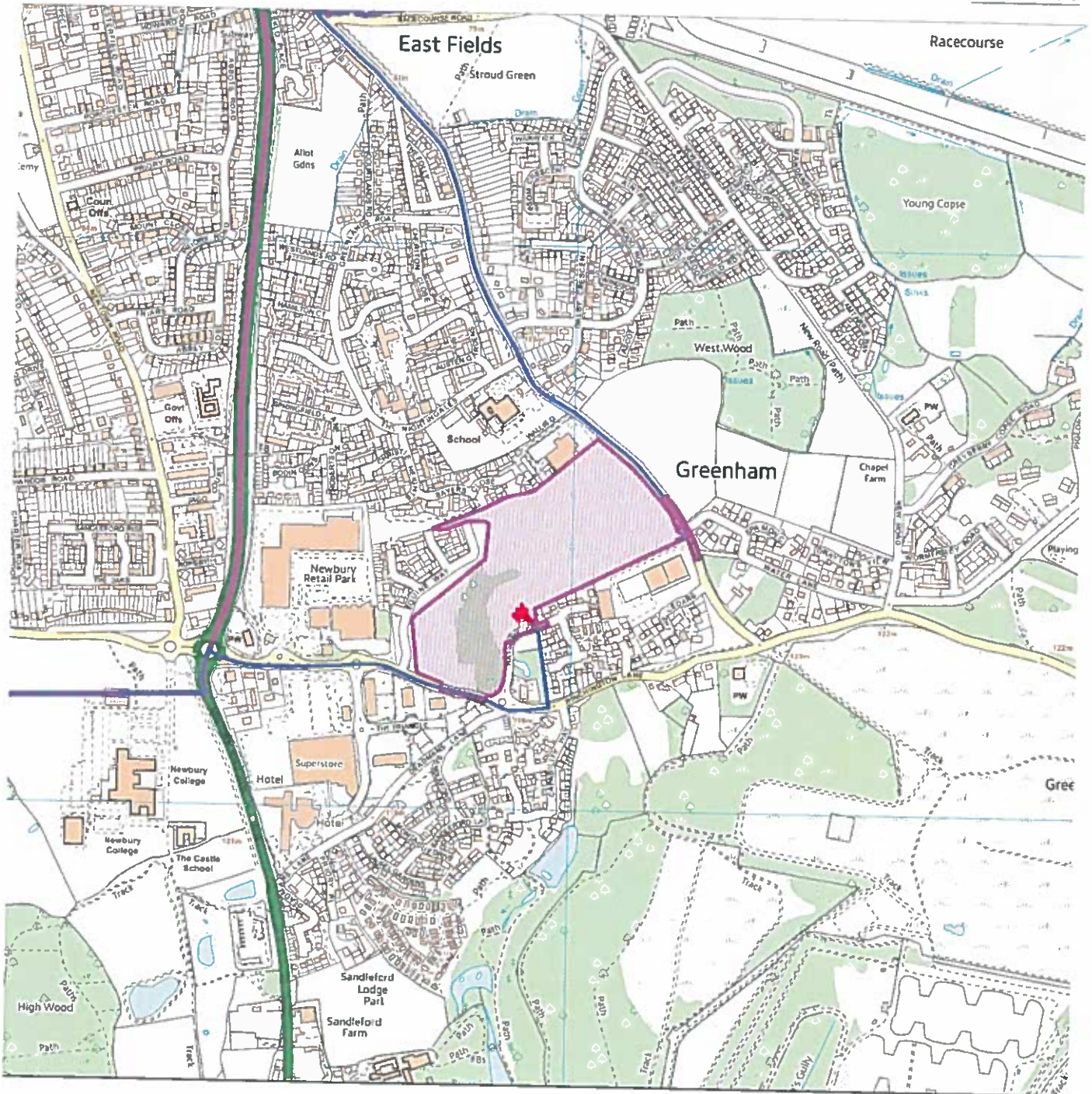
- 1 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has 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 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 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the \*\*\*\*. You are advised to ensure that you have all the necessary documents before development starts on site.

DC



17/01096/OUTMAJ

Land to the North of Pinchington Lane, Greenham



Map Centre Coordinates :

Scale : 1:10027

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	27 July 2017
SLA Number	0100024151

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# Agenda Item 4.(2)

Item No	Application and Parish	No.	8/13 Week Date	Proposal, Location and Applicant
(2)	17/01235/COMIND Beedon Parish Council		28.07.2017	Erection of a free range egg laying unit. Plantation Farmhouse, Beedon Common Miss Hayworth

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/01235/COMIND>

**Recommendation Summary:**                    **The Head of Development and Planning be authorised to REFUSE the application as submitted.**

**Ward Member(s):**                                Councillor Clive Hooker

**Reason for Committee determination:**                    Called in by Councillor Hooker - This is an existing free range egg producing business that needs to expand to keep the business viable.

This opportunity will provide additional employment in the area and give the son of the business owner the opportunity to take on the new enterprise and contribute to the continued success of the farm for the future.

Two existing egg production buildings and associated runs exist on the farm and are in close proximity to the proposed, these are hardly visible from high viewpoints due to sympathetic landscaping and tree planting, the same will apply to the proposed development.

**Committee Site Visit:**                                3<sup>rd</sup> August 2017

<b>Contact Officer Details</b>	
<b>Name:</b>	Catherine Ireland
<b>Job Title:</b>	Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	Catherine.Ireland@westberks.gov.uk

### 1. SITE HISTORY

- 16/02057/COMIND - Erection of a free range egg laying unit - Invalid
- 16/02238/COMIND - Erection of a free range egg laying unit - Invalid
- 16/02744/COMIND - Erection of a free range egg laying unit - Refused 01.03.2017

### 2. PUBLICITY OF APPLICATION

Site Notice Expired: 13.06.2017

Neighbour Notification Expired: 01.06.2017

Advertised in the Newbury Weekly News: 18.05.2017

### 3. CONSULTATIONS AND REPRESENTATIONS

<b>Beedon Parish Council</b>	<ul style="list-style-type: none"><li>• No comments will be submitted as two members of Beedon Parish Council are associated with this business.</li></ul>
<b>Chieveley Parish Council</b>	<ul style="list-style-type: none"><li>• Concerns were raised regarding significant issues with respect to visual impacts in the AONB and the Parish Council agreed that appropriate weight needs to be applied to policies to protect the character and quality of the AONB.</li><li>• The Parish Council noted the District Council's reasons for refusal of planning application 16/02744/COMIND.</li><li>• Landscaping a concern and assurance nuisances controlled by environmental health required i.e. odours and vermin.</li><li>• The Parish Council request a condition that the applicant has the responsibility to repair or meet the costs of repairs to footpath BEED 16/1 where the road crosses the path should it become damaged or in poor condition due to heavy goods vehicles using the access road. As the footpath crosses over the access road appropriate warning signs should be erected to warn pedestrians of vehicular movement in this location.</li></ul>
<b>Highways</b>	<p><b>No Objection</b> - subject to condition and informatives. Comments:</p> <ul style="list-style-type: none"><li>• Any additional vehicle movements should be minimal according to the Design Statement.</li></ul>
<b>Environmental Health</b>	<ul style="list-style-type: none"><li>• Satisfied that noise and odour from the proposed development is unlikely to impact on neighbours.</li></ul>
<b>Archaeological Officer</b>	<ul style="list-style-type: none"><li>• Although there is some cropmark evidence for archaeological activity in the vicinity, there are no know sites within the development area and evidence suggests that there will be no major impact on any features of archaeological significance. Do not, therefore, believe that any archaeological assessment or programme of investigation and recording will be necessary in relation to the current proposal.</li></ul>
<b>SUDs</b>	<p>Comments:</p> <ul style="list-style-type: none"><li>• Location-wise the silt traps are adequate, although think there are going to be issues with the development, it would be useful to have the size of these units too for completeness. These should be of a 'decent size' and much bigger than 250mm diameter domestic type preformed plastic units.</li><li>• Having read the EA letter [submitted regarding application 16/02744/COMIND], agree with their views and despite them not submitting a subsequent comment, suggest the inclusion of</li></ul>

	<p>appropriately worded conditions as expect the same concerns will apply. The Conditions should:</p> <ul style="list-style-type: none"> <li>a) seek details of the collection, storage and spreading over the land of the waste from the development once in operation; and</li> <li>b) require a construction method statement dealing with pollution risks during construction.</li> </ul>
<p><b>Public Rights of Way Officer</b></p>	<p><b>No objection</b> - subject to condition and informatives Comments:</p> <ul style="list-style-type: none"> <li>• The proposed development is located on Beedon Common, which is criss-crossed by a number of PROWs. Indeed the site itself is constrained on all sides by Public Footpaths and a Bridleway. The block plan shows the range fence will not obstruct any PROW. The proposed site access (for HGV use) crosses Beedon Footpath 16.</li> <li>• The LVIA acknowledges that PROWs are highly sensitive visual receptors. They are used by the public mostly for leisure purposes as a means of accessing and enjoying the countryside. Changes to the environment through which PROWs pass may therefore be keenly felt.</li> <li>• The LVIA indicates that the local topography may help reduce the visual impact of the proposed scheme. There is also a commitment to native screening planting, and this will also contribute to a reduction in the potential impact. It is also true to say that the countryside through which these PROWs pass is working agricultural land and members of the public would not be surprised to see a new (albeit larger) agricultural building consistent with this business expansion. The building is also to be rendered appropriately.</li> </ul>
<p><b>Rambler's</b></p>	<p><b>Part objector and supporter</b> Comments:</p> <ul style="list-style-type: none"> <li>• We note that the Boundary for the development has been changed from an earlier application to avoid crossing footpaths to the North and East of the Unit which we welcome. However the access road also does cross footpath BEED/16/1 to the South of the development which does not get mentioned in the access statement. We believe this could present a hazard to footpath users and would request that suitable warning signs be added for the benefit of HGV drivers and pedestrians.</li> </ul>
<p><b>Ecological Officer</b></p>	<p>Previous comments from 16/02744/COMIND apply:</p> <ul style="list-style-type: none"> <li>• The new facility will be situated within an area of existing arable farmland which is unlikely to be of intrinsic ecological value. The proposals would not therefore result in any significant impact to valuable ecological features and it is not considered that an ecological assessment is necessary.</li> <li>• The proposed tree planting to the north of the facility is useful if it will utilise a range of locally-relevant native species and is managed accordingly. It is noted that the arboricultural consultee has suggested that a landscaping plan/strategy is secured by condition the Ecological Officer would echo these comments [Case officer note - further details were submitted with this application and the Tree Officer's recommended condition has changed accordingly].</li> </ul>

<p><b>Tree Officer</b></p>	<p><b>No objection</b> - subject to condition  Comments:  <ul style="list-style-type: none"> <li>There are no significant trees that will be adversely affected by the proposals, the proposed landscaping scheme to enclose the egg laying unit will screen it from the properties in the north west in the medium to long term. For the woodland the species they have chosen is mainly oak and field maple (60%), with additional species of crab apple, cherry and white willow, which will provide a suitable screening.</li> </ul> </p>
<p><b>Ministry of Defence</b></p>	<p><b>No safeguarding objections</b>  Comments:  <ul style="list-style-type: none"> <li>The application relates to a site outside of Ministry of Defence safeguarding areas. Therefore no safeguarding objections to this proposal.</li> </ul> </p>
<p><b>Natural England</b></p>	<p><b>North Wessex Downs Area of Outstanding Natural Beauty (AONB) - Refer to AONB Board</b>  The proposed development is for a site within a nationally designated landscape namely the North Wessex Downs AONB. <b>Natural England advises that great weight be given to the advice given by the AONB board</b> in guiding your decision. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, should be considered as an extremely valuable contribution to the planning decision.  Natural England would like to make the following comments:</p> <ul style="list-style-type: none"> <li>The proposal site sits within the AONB in a rural, secluded and undeveloped location within an area of downland with woodland, a landscape recognised as one of the Special Qualities of the North Wessex Downs within the AONB management plan (2014-2019).The development of a significantly larger egg laying unit at this location with greater levels of noise from the birds and increased vehicle movements would undoubtedly impact upon the rural, tranquil setting.</li> <li>The proposed screening does not follow the present historic field patterns and hedge lines, thus it could draw the viewer's eye to the egg laying unit rather than taking the focus away from it consequently not fulfilling its purpose.</li> <li>Although the locations of certain listed buildings in close proximity to the proposal site are included in the LVIA, no viewpoints looking towards the proposal site from these buildings (or vice versa) have been included. The historic environment is recognised as one the special qualities of the AONB, and consequently it is Natural England's opinion that it has not been given appropriate consideration.</li> <li>Users of the public right of way (PROW) footpaths surrounding the site, would experience sequential views of the development thus altering the scenic beauty of the area. In addition, Natural England notes that the views selected for the LVIA do not represent the potential impacts to PROW users from long distance viewpoints.</li> </ul> <p><b>Ashridge Wood &amp; Snelsmore Common Sites of Special Scientific Interest (SSSIs) - No Objection</b></p> <ul style="list-style-type: none"> <li>Based on the air quality assessment submitted, Natural</li> </ul>

	<p>England considers that the proposed development will not have significant adverse impacts on Ashridge Wood &amp; Snelsmore Common SSSIs and has no objection.</p> <p>General advice on landscape, agricultural land and soils, protected species, priority habitats and species, ancient woodland and veteran trees, environmental enhancement, access and recreation, rights of way, access land, Coastal access and National Trails and biodiversity provided.</p>
<b>North Wessex Downs AONB</b>	<p><b>Objection</b> Comments:</p> <ul style="list-style-type: none"> <li>• The proposed development comprises a visual intrusion into the landscape which is not in keeping with the local landscape character and would result in harm to the special qualities of the AONB.</li> <li>• The scale and type of development proposed amounts to an extended industrialisation of the open farmed landscape which typifies the 'Brightwalton Downs' Landscape Character Area. The AONB Management Plan identifies that a key issue for the 'Downland with Woodland' landscape, which includes the Brightwalton Downs, is "... to maintain the remote, secluded and relatively undeveloped character of these wooded downs". The proposed development conflicts with this objective and is thus considered neither to conserve nor to enhance the natural beauty of the North Wessex Downs AONB. It therefore does not align with the purposes of the AONB as set out in statute and elaborated in the Management Plan.</li> <li>• We remain of the view that the proposed screening mitigation will appear incongruous in the landscape, out of character with the historic pattern and form of field boundaries and, based on the 'Mitigation Planting' landscape visuals presented, rather similar in character to the block of plantation woodland adjacent to the existing egg laying units.</li> <li>• Consequently we maintain our objection to the proposed development.</li> </ul>
<b>Conservation Officer</b>	<ul style="list-style-type: none"> <li>• Whilst it is noted that Building Conservation comments were not requested on the previously refused application numbered 16/02704/COMIND, and whilst there are no designated heritage assets in close proximity to the application site (and therefore directly affected by the proposals), would support the opinions of Natural England and West Berkshire Council's Landscape Advisor that further assessment of wider views is required. Given the relatively open character of the AONB, such an assessment is essential to ascertain whether or not there are any such impacts arises.</li> </ul>
<b>Access Officer, Thames Water Utilities, Waste Management, BBOWT, Environment Agency</b>	No response received
<b>Representations</b>	Comments summarised as follows.

1 no. letter of support received:

- Demand for free range eggs is increasing, investment at farms like Beedon Common will be key to them continuing to meet ever increasing demand.
- It is important that more egg production is developed in the region to utilise returning delivery vehicles.
- Securing reliable sources is harder than you may think, and so support Lucy Hayworth's plans to increase Free Range production.

11 no. of letters of objection received:

Impact on AONB & Landscape

- Industrial building of this size and scale would be significantly harmful to the rural character of the site and area. Out of keeping in a green field in an AONB. In the unspoiled Beedon Common Valley in NWD AONB.
- Due to positioning unit would be very visible across a large area of otherwise unspoilt countryside.
- Very large, requires additional space for access. Due to location would have a major impact on appearance of the valley and views from properties and PROW users. Should be protected by NWD AONB, who have already objected.
- Size and location wholly inappropriate in an AONB.
- NWD AONB - test the development against the AONB management plan and core policies - contravenes these criteria.
- The Beedon Common area is relatively unspoiled and should be protected against such development. It is one of the few valleys in the area without a metalled road and is very peaceful.
- Two egg units have been built within the last ten years or so - progressive deterioration of the AONB in this area. When will the progressive building of industrial units stop?
- Large industrial scale out of keeping in a green field site and an AONB.
- Destruction of much loved and inspiring view.
- Plans seem to have been drawn up with no concern for the AONB. Does not reference the relevant sections of the North West [sic] Downs Landscape Character Assessment. Does not take account of the local AONB strategy conservation points.
- Area needs to be protected and preserved for residents and users of footpaths and bridleways.
- Loss of green space.

LVIA

- The photographs included do not fully detail the impact the site will have on the area. Feel that the LVIA is biased towards the developer and applicant and does not truly reflect the impact on the AONB or local residents. Feel that the suggestion that the development would not be out of character with its surroundings is incorrect as the building stands alone.
- The consultants clearly set out to justify the large industrial building, and not to protect this unspoiled valley.
- Photographs from positions of no significance.
- The view that '*the proposed scheme would not be out of character with its surroundings*', is unfounded and biased in favour of the development.



- Lacks objectivity.
- Omissions in the LVIA and disagree with the conclusions made within it.

#### Impact on neighbouring properties

- Impact on residential properties - social, environmental and financial.
- Visibility from neighbouring properties - would deter future buyers and devalue properties. Would be visible until trees have matured.
- Increase in vermin infestations, rats. Thatched properties would be at risk. If residents are infested is it fair to expect them to finance their own pest control?
- Chicken droppings and ammonia, smell and flies.
- Chickens in close proximity to residential boundaries will encourage pets to escape and potentially kill chickens - cause stress. Having to put up higher, solid fencing would be out of keeping and impact environmentally, financially and on view. How would this be addressed to ensure residents would not incur further financial penalties?
- Studies state that there will be little environmental impact from noise, smell light etc. - the only way these factors can be totally avoided is by not proceeding at all. Environmental impact reports state that impact will probably be low level - will only be proven once in operation and that will be too late. How loud would 7 large industrial fans be on a hot summer's day or night?
- Peaceful area - noise travels. Restrictions should be set on when automated feeding hoppers, fans and conveyor belts are to be used.
- Estimated noise and odour levels (reports are only an estimate) and vermin would increase. Increase infestations.
- Some neighbouring properties will be significantly impacted - imperative that their concerns are taken into account.
- Closer to properties on Beedon Common than previous two units.

#### Location

- The simulated views show what a "blot" on the landscape the development would be from a northern viewpoint. More sensitive site selection would avoid these issues and be hidden from all public rights of way.
- Would have less impact on eastern side of Beedon Common Farm - no residential properties apart from the farmhouse and access road - would reduce light and noise pollution.
- Would be better sited within the curtilage of the existing farm - less impact on local properties and the locality and would not further spoil the open fields along the valley.
- Eastern or southern side of Beedon Common Farm would have far less of an impact as there are no residential properties other than the main farmhouse and access road.
- Wrong development in the wrong place.

#### Public Rights of Way

- Will impact on views from footpaths and bridleway, in particular that running north to south to Beedon Common from the ridge

above.

- The footpath running south to north from Rossett Cottage to the Common will look directly onto the huge building and associated hard standing to the east. The footpath running west to east from the garden of Rossett Cottage will be crossed by the access road - should be taken into account.
- Will take years for the building to be properly screened to reduce the impact on the AONB and the green field site. During this time the building will be clearly visible from footpaths around this beautiful valley and also from the residential properties adjacent to the site.
- After 20 years of tree growth, the building may be shielded but will still be highly visible from most of the footpaths and bridleways in the valley.

#### Ecology

- Concerned about the effect on local wildlife from the extensive electric fencing to enclose the site. There should be measures in place to allow small mammals especially hedgehogs to pass through. Concerned that the electric fencing will force other wildlife through the garden of Rossett Cottage - cannot fully protect as the footpath runs through it.
- The proposed building and chickens would jeopardise the birds that are found in the area.
- There will be significant impacts on wildlife, bird bio-diversity and local environment from this progressive industrial development within an important and unspoiled valley.

#### Traffic

- Roads to Beedon Common not built for large HGV lorries. HGVs already come down small tracks onto the Common and get stuck.
- Has the council done a true feasibility study of the impact on the surrounding area - who is going to maintain the track and roads when damaged.

#### Other

- "Thin end of the wedge" - concerned this development will result in more along the valley. Creeping industrialisation.
- Little change in this application. Refusal should stand.
- Concern over light pollution - restrictions should be set on use of outside lighting.
- Impact on the valley.
- Concerned about the long term issues that this may raise. What will happen if, or when, these buildings [egg units] are regarded as redundant, or no longer needed as agricultural buildings. A change of use could bring significant impact to the Beedon Common Area.
- Concerned that within local institutions called upon to comment on such developments that there is a lack of leadership and passion for protecting the local landscape.
- The new tree belt should not be used to justify the building of the unit: will take 15 years to grow and provide visual shield intended. Out of keeping - will enhance the incongruity of the development and its inappropriate siting. Will not provide an effective visual shield from medium to longer distance public

	<p>rights of way view-points, which are entirely missing from the applicant's LVIA. Inadequate in view of the time needed to grow and impossibility of guaranteeing their long term survival.</p> <ul style="list-style-type: none"> <li>• Concerned whether the development would increase the risk of flooding; live at the bottom of the hill immediately below the proposed site where a large amount of concrete is going to be poured.</li> <li>• Concerned about noise, smell, pollution and extra heavy good vehicles.</li> </ul>
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**4. POLICY CONSIDERATIONS**

- 4.1 The statutory development plan 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 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
  - National Planning Practice Guidance (NPPG)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
  - CS 10: Rural Economy
  - CS 13: Transport
  - CS 14: Design Principles
  - CS 16: Flooding
  - CS 17: Biodiversity and Geodiversity
  - CS 18: Green Infrastructure
  - CS 19: Historic Environment and Landscape Character
- 4.4 The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:
- TRANS1: Meeting the Transport Needs of New development.
  - OVS5: Environmental Nuisance and Pollution Control.
  - OVS.6: Noise Pollution
- 4.5 The following Housing Site Allocations Development Plan document policies carry full weight and are relevant to this application:
- C1: Location of New Housing in the Countryside
- 4.6 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
  - OVS.6: Noise Pollution
  - TRANS.1: Meeting the Transport Needs of New Development

- 4.7 Other material considerations for this application include:
- The National Planning Policy Framework (March 2012) (NPPF)
  - Planning Practice Guidance
  - The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

## **5. DESCRIPTION OF DEVELOPMENT**

- 5.1 This application seeks outline planning permission for the erection of a free range egg laying unit, as well as associated egg collection and packing facilities, two feed bins and external hard standings and concrete aprons. It is proposed that the building would operate a multi-tier system and would accommodate 16,000 hens.
- 5.2 The application site is located in open countryside outside of any defined settlement boundary, approximately 0.8km north of Chieveley and 1.3km south east of Peasmore. It is within the North Wessex Downs AONB, and is bordered on all sides by public rights of way.
- 5.3 To the south of the site are two existing free range egg laying units which were granted planning permission in 1999 and 2002, in addition to a mobile building. Combined these house 20,700 hens, of which 1,900 are located in the mobile unit, which is to be removed as part of this scheme.
- 5.4 There are several, scattered neighbouring properties in the area, with the largest collection being located to the north west of the site, where there are six properties.
- 5.5 The proposed building would be situated along the southern boundary of the site, in front of an existing border of trees that screen the existing units. From here the site undulates and slopes gently away to the North West. The site is currently very open, with views into the site from the many public rights of way in the area.
- 5.3 The building would be 91 metres long, and between 19 and 20 metres wide (the width will be confirmed in the update) and would have a dual pitched roof, with the height to the ridge being approximately 5.7 metres, and to the eaves, approximately 3.05 metres. Seven vents would be included along the ridge of the building, and would increase the maximum height of the building to approximately 6.1 metres. The west elevation would contain three sets of double doors whilst the east elevation would contain one pair of double doors and one single doorway. The south elevation would not have any openings, but the north elevation would have 16 pop holes which would open at 8am daily and close at 9pm or dusk.
- 5.4 Approximately 1560m<sup>2</sup> of floorspace would be provided as a bird area, and would include a scratch area and perchery as well as nest boxes. At the eastern end of the building approximately 171m<sup>2</sup> of floorspace would provide a control room and egg packing area.
- 5.5 It is proposed that the building would be clad in polyester coated profile sheeting in juniper green on the walls and dark grey on the roof, with black ventilation chimneys.
- 5.6 Access to the public highway would be created by extending the current access to the existing units to the south, into the site, crossing over public right of way BEED/16/1.

## **6.0 CONSIDERATION OF THE APPLICATION**

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

- 6.1 The principle of the development
- 6.2 Design and the impact on the character of the area and the North Wessex Downs AONB (NWD AONB)

- 6.3 Neighbouring amenity
- 6.4 Highway safety
- 6.5 Public rights of way
- 6.6 Trees
- 6.7 Flooding and drainage
- 6.8 Ecology
- 6.9 The assessment of sustainable development
- 6.10 Community Infrastructure Levy

## **6.1 The Principle of Development**

- 6.1.1 The spatial strategy for West Berkshire district is set out in Core Strategy policy ADPP1, which is clear that development should follow the existing settlement pattern. The policy goes on to state that within open countryside, where this site is located, only appropriate limited development will be allowed which is focused on addressing identified needs and maintaining a strong rural economy.
- 6.1.2 Planning Policy ADPP5 of the WBCS re-emphasises Policy ADPP1. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) in which this site is situated. Policy ADPP5 permits development preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open Downland of the AONB. It seeks to conserve and enhance the character of the area, ensuring that any development responds positively to the local context.
- 6.1.3 The use of the land for an agricultural business is considered an acceptable use in principle on this site. This application however, is for a substantial building within a sensitive, designated landscape. There needs to be a balance between the requirements for physical developments within the site, the ability of the business to operate effectively and the protection of the NWD AONB and local amenities.
- 6.1.4 The impact on the character of the area including the AONB is considered in detail below. In summary however, whilst landscaping is proposed to shield the building from views in to the site, this is not considered sufficient to mitigate the adverse impact caused by the proposal, as it would break up an existing open landscape.
- 6.1.5 The development is therefore not considered to accord with the context of the surrounding rural area. The significant mass and siting of the building proposed does not fit in to the landscape of the site or the surrounding area to the north of the site.
- 6.1.6 In view of the above the principle of development is therefore unacceptable.

## **6.2 The Impact on the Character of the area including The North Wessex AONB**

- 6.2.1 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.2.2 The criteria contained within the policy state that development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.
- 6.2.3 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional components of its character as a whole. Particular regard will be given to the sensitivity of

the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Proposals for development should be informed by and respond to features identified in various settlement character studies including the Quality Design West Berkshire Supplementary Planning Document, and community documents which have been adopted by the council such as Parish Plans and Town Design Statements. Paragraph 115 of the NPPF places great weight to conserving the landscape and scenic beauty in AONBs, which is also reiterated by Core Strategy Policy ADPP5.

- 6.2.4 The proposed development, whilst set in an agricultural landscape, and adjacent to existing free range egg laying units, is considered to have an unacceptable impact on the NWD AONB. The existing units are on a parcel of land distinctly separated by planting from the proposed site and are located on land that is more level and less overlooked. The proposed site however is undulating and exposed in character by comparison. As a result the existing units are considered to have a lesser impact on the AONB than that which is proposed under this application.
- 6.2.5 The mass of the proposed building is considered to have a harmful impact on the AONB; at 91 metres long it would spread across the top of the site and would be viewed from many points along the public rights of way that surround the site.
- 6.2.6 Natural England have been consulted and have commented, stating that the development of a significantly larger egg laying unit at this location would impact upon the rural, tranquil setting. They also commented that the proposed screening does not follow the present historic field patterns and hedge lines, and could therefore draw the viewer's eye to the egg laying unit rather than taking the focus away; consequently it would not be fulfilling its purpose.
- 6.2.7 Natural England also commented that users of the public right of way (PROW) footpaths surrounding the site would experience sequential views of the development thus altering the scenic beauty of the area.
- 6.2.8 The North Wessex Downs AONB Planning Advisor has been consulted on this application and maintained their objection from the previously refused application, 16/02744/COMIND. They considered that the proposed development comprises a visual intrusion into the landscape which is not in keeping with the local landscape character and would result in harm to the special qualities of the AONB.
- 6.2.9 The scale and type of development proposed amounts to extended industrialisation of the open farmed landscape which typifies the "Brightwalton Downs" Landscape Character Area <sup>1</sup>. The AONB Management Plan identifies that a key issue for the 'Downland with Woodland' landscape, which includes the Brightwalton Downs, is "... *to maintain the remote, secluded and relatively undeveloped character of these wooded downs*". The proposed development conflicts with this objective and is thus considered neither to conserve nor to enhance the natural beauty of the NWD AONB. It therefore does not align with the purposes of the AONB as set out in statute and elaborated in the Management Plan.
- 6.2.10 The NWD AONB remain of the view that the proposed screening mitigation will appear incongruous in the landscape, out of character with the historic pattern and form of field boundaries and, based on the 'Mitigation Planting' landscape visuals presented, rather similar in character to the block of plantation woodland adjacent to the existing egg laying units.

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<sup>1</sup> North Wessex Downs AONB Integrated Landscape Character Assessment (2002) Technical Report pp 91-95.  
[http://www.northwessexdowns.org.uk/uploads/File\\_Management/Publications/Landscape/LCA\\_Chapters/Landscape%20Character%20Assessment%205%20-%20DOWNLAND%20WITH%20WOODLAND.pdf](http://www.northwessexdowns.org.uk/uploads/File_Management/Publications/Landscape/LCA_Chapters/Landscape%20Character%20Assessment%205%20-%20DOWNLAND%20WITH%20WOODLAND.pdf)

- 6.2.11 Consequently the NWD AONB maintain their previous objection, previously disagreeing with the Landscape Visual Impact Assessment (LVIA) submitted, as they believe that the potential harm is not minor to moderate, but at least moderate to major, and would therefore have a significant impact.
- 6.2.12 To the east of view point 4 in the LVIA, is an open, sweeping view of the site and open landscape beyond. The AONB Officer states that this is a highly valued vista which would have a high sensitivity to change and therefore a significant impact would be caused by the introduction of a new building and subsequent planting mitigation.
- 6.2.13 Whilst it is acknowledged that planting is proposed around the proposed building, it is considered that due to the open nature of the site and landscape in this area, the planting of such a large area of trees would appear contrived and out of place. Also, the sloping nature of the site means that the planting would be at a lower level than the proposed building and so would take longer to grow to conceal the development.
- 6.2.14 It is acknowledged that whilst mitigation planting could be secured by condition, the AONB Officer considers that it would take up to 15 years to achieve its purpose of screening the development, and would therefore not be an appropriate method of minimising harm. The AONB Officer also noted that the trees could be removed in the future, as they could not be secured by condition indefinitely. However a condition securing their retention and replacement where necessary could be attached to any permission granted.
- 6.2.15 The submitted landscape and visual impact assessment has been assessed and has been found to not fully represent the visual impact of the development with further work required before the full extent of the visual effects can be considered. It was also considered that the proposed woodland relates poorly to the field pattern and would emphasise the perception of poorly located development.
- 6.2.16 The AONB Officer also states that the viewpoints provided within the Landscape Visual Impact Assessment are considered close distance, with no long distance viewpoints considered. Natural England also commented that the LVIA views do not represent the potential impacts to PROW users from long distance viewpoints. They also stated that whilst the locations of certain listed buildings in close proximity to the site are included within the LVIA, no viewpoints from these have been included. As the historic environment is recognised as one of the special qualities of the AONB, Natural England were of the opinion that it has not been given appropriate consideration.
- 6.2.17 The Council's Conservation Officer was subsequently consulted and supported the comments of Natural England and the Council's Landscape Adviser, that further assessment of wider views is required. Given the relatively open character of the AONB, such an assessment is essential to ascertain whether or not there are any such impacts arises.
- 6.2.18 Therefore it is concluded that the LVIA is considered insufficient to fully assess the impact on the NWD AONB.
- 6.2.19 Taking the above policies into account, the development is not considered to accord with the character and appearance of the surrounding area. The mass of the proposed building and the proposed landscaping in addition to the proposed siting is considered to harm the character of the surrounding open countryside and the NWD AONB.
- 6.2.20 The proposal will also require the removal of part of the tree belt screening the existing poultry units to create an access point. It is considered that this removal will also enable further views through from the public rights of way to the existing units and increase the level of adverse visual impact.

6.2.21 In view of the above, the development is not in accordance with the character and appearance of the area and AONB and is contrary to Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026, The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 and advice contained within the NPPF.

### **6.3 Neighbouring Amenity**

6.3.1 The proposed development is sufficiently distant from nearby dwellings, such that it would not impact on neighbouring amenity in terms of sunlight, daylight, overlooking or loss of privacy.

6.3.2 A plant noise assessment and a dispersion modelling study have been submitted as part of this application. These were reviewed by the Council's Environmental Health Officer who was satisfied that the noise and odour from the proposed development is unlikely to impact on neighbours. They raised no objections to the application.

6.3.3 It is therefore concluded that there would be no adverse impact on neighbouring amenity and the application accords with WBCS Policy 14 and WBDLP Saved Policies 2007 OVS.5 and OVS.6.

### **6.4 Highway Safety**

6.4.1 The proposal would be accessed via an existing route off of the highway which currently serves existing chicken units. This would be extended to the new unit.

6.4.2 In the design and access statement it is stated that the proposal would generate an additional 76 commercial traffic movements per annum.

6.4.3 When consulted the Council's Highways Officer had no objection subject to a condition ensuring that parking and turning is in accord with the plans. They concluded that any additional vehicle movements should be minimal. Therefore the proposal is considered acceptable in accordance with development plan policies on highway safety.

### **6.5 Public Rights of Way**

6.5.1 Policy CS 18 of the Core Strategy covers green infrastructure, which is defined as including Public Rights of Ways. It states that the District's green infrastructure will be protected and enhanced and that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted unless in exceptional cases a suitable replacement is proposed.

6.5.2 The proposed development is located on Beedon Common, which is criss-crossed by a number of public rights of way. Indeed the site itself is constrained on all sides by Public Footpaths and a Bridleway. The block plan shows the range fence will not obstruct any PROW. The proposed site access (for HGV use) crosses Beedon Footpath 16.

6.5.3 The public rights of way are used by the public mostly for leisure purposes as a means of accessing and enjoying the countryside. Changes to the environment through which PROWs pass may therefore be keenly felt.



- 6.5.4 The Public Rights of Way Officer noted that the LVIA indicates that the local topography may help reduce the visual impact of the proposed scheme and that there is also a commitment to native screening planting which will also contribute to a reduction in the potential impact. They also commented that the countryside through which the public rights of way pass is working agricultural land and members of the public would not be surprised to see a new, albeit larger, agricultural building consistent with this business expansion. They also felt that the building is to be rendered appropriately.
- 6.5.5 The Public Rights of Way Officer raised no objections to the proposal subject to a condition securing warning signage for drivers and pedestrians using Beedon Footpath 16.
- 6.5.6 However, it is acknowledged that whilst this is an agricultural building in an agricultural landscape, the building's location and significant size would result in an unacceptable level of harm to the AONB. In addition, the nature of the planting would introduce a feature that would not be in keeping with character of the with the open field landscape.
- 6.5.7 As previously noted, the proposal would be seen from many viewpoints along the public rights of way that surround the site, and would therefore have an adverse impact on the visual enjoyment of users of the public rights of way. This would be contrary to WBCS Policy CS 18 as green infrastructure would not be protected or enhanced.

## **6.6 Trees**

- 6.6.1 The Tree Officer was consulted on this application and concluded that there are no significant trees that will be adversely affected by the proposals and that the proposed landscaping scheme to enclose the egg laying unit would screen it from the properties in the north west in the medium to long term. The woodland the species they have chosen are mainly oak and field maple (60%), with additional species of crab apple, cherry and white willow, which will provide a suitable screening.
- 6.6.2 No objection was raised by the Tree Officer subject to a condition to ensure that all landscape works are completed in accordance with the submitted details and that any trees, shrubs or hedges which die within five years are replaced within the next planting season.

## **6.7 Flooding and Drainage**

- 6.7.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Policy CS16 of the Core Strategy strictly applies a sequential approach across the district. The application site is not within flood zones 2 or 3, nor is it within a critical drainage area. It is however within a groundwater source protection zone and the Environment Agency have been consulted accordingly.
- 6.7.2 When consulted Land Drainage requested that silt traps be added to the soakaways. As they anticipated issues with the development, for completeness, requested the size of the units. The silt traps would prevent silt or pollution entering the SuDS features and would prolong the life of the drainage system. These have been shown on the submitted plans and a condition could be attached if planning permission were to be granted to secure the details requested and to ensure that these are implemented in accordance with the details submitted.
- 6.7.3 Whilst the Environment Agency did not supply a consultation response for this application, they did comment on the previous, similar application, raising no objection. However they offered advice relating to ground water protection, as the site is located in a Source Protection Zone III (SP3), an area that requires protection from pollution. They also stated

that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

- 6.7.4 The Land Drainage engineer recommended conditions to secure details of the collection, storage and spreading over the land of the waste from the development once in operation and to secure a construction method statement dealing with pollution risks during construction.

## **6.8 Ecology**

- 6.8.1 Policy CS 17 of the WBCS states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced.

- 6.8.2 The Ecological Officer concluded that the new facility will be situated within an area of existing arable farmland which is unlikely to be of intrinsic ecological value. The proposals would not therefore result in any significant impact to valuable ecological features and an ecological assessment was not considered necessary.

- 6.8.3 The Ecological Officer commented that the tree planting to the north of the facility is useful if it is to utilise a range of locally-relevant native species and is managed accordingly.

## **6.9 Assessment of Sustainable Development**

- 6.9.1 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.

- 6.9.2 The proposal has the potential for economic benefit. However this is outweighed by the impact that the unit would have on the environment in terms of adverse visual impact on the AONB and social aspects in terms of adverse impact on the public rights of way network. The environmental considerations have been assessed in terms of design, amenity and impact on the character and appearance of the area and AONB and for the reasons given above are considered unacceptable. Social considerations overlap those of environmental in terms of amenity. As these have also been found unacceptable the development is considered to not constitute sustainable development.

## **6.10 Community Infrastructure Levy**

- 6.10.1 This application does not propose the creation of floor space that would be CIL liable.

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

- 7.1 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the local planning authority (LPA) must adopt a screening opinion as to whether the proposal constitutes Environmental Impact Assessment Development and therefore whether an Environmental Impact Assessment is required as part of the application.

- 7.2 A screening opinion has been adopted because the proposed development is considered to fall within Section 1(c) of Schedule 2 of the EIA Regulations, and the development exceeds the applicable criteria, and the site is located within a sensitive area. The LPA does not consider the proposed development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such, the LPA concludes that the proposal is not EIA development, and therefore EIA is not required.

7.3 The proposal was re-assessed as part of this application due to comments included within the Landscape and Visual Impact Assessment, but it was concluded that the original screening opinion issued under application 16/02744/COMIND was correct.

## 8. CONCLUSION

8.1 Having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application is contrary to development plan policies in respect of the impact on the North Wessex Downs AONB and green infrastructure.

## 9. RECOMMENDATION

### **The Head of Development and Planning be authorised to REFUSE Planning Permission:-**

9.1 The location and built form of the proposed development would have an adverse visual impact and detrimentally alter the character of the site and the setting of the North Wessex Downs Area of Outstanding Natural Beauty. The siting of the proposed building on top of land which is undulating, open and exposed in character is visually prominent and part of a sensitive rural landscape. The substantial scale, size and massing of the building, at 91 metres long, would introduce an overly dominant structure into the landscape. The building would be visible beyond the site and from public rights of way, conflicting with the aims of the public right of way network and the amenity of its users. Insufficient justification has been submitted with the application to demonstrate that the visual harm identified can be suitably and appropriately mitigated. The LVIA received with the application requires further work to assess the impact of the proposal on further viewpoints, including from listed buildings and Peasemore Conservation Area.

9.2 As such the proposed development is contrary to the principle of development and impact on the character of the area under policies ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, the North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 and advice contained within the NPPF, by being inappropriate in location and scale and failing to respond positively to local context or conserve the existing landscape character and setting of the North Wessex Downs Area of Outstanding Natural Beauty.

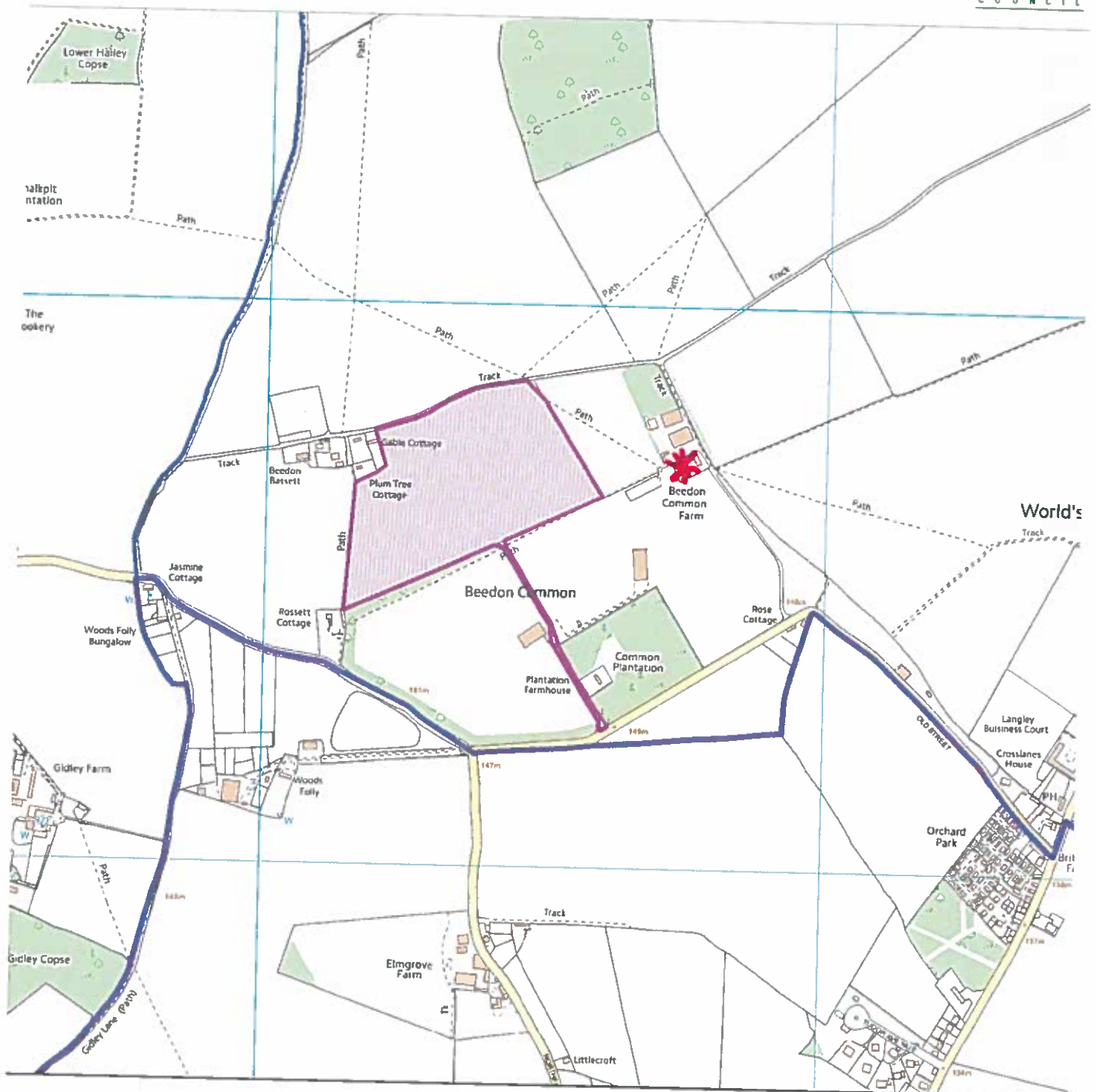
9.3 Informative: In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also 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.

DC

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17/01235/COMIND

Plantation Farmhouse, Beedon Common, Newbury

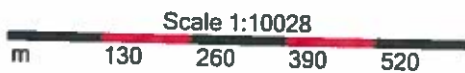


Map Centre Coordinates :

Scale : 1:10027

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	27 July 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
LECKHAMSPTEAD 16/02508/FULD  Pins Ref 3168319	Woodside Wantage Road Leckhampstead Mr and Mrs Savill	Replacement of existing dwelling and associated buildings, change of use of part of the land from agricultural to residential and the change of use of part of the land from residential to agricultural.	Delegated Refusal	Dismissed 27.7.17
COLD ASH 15/01949/OUTMAJ  Pins Ref 3144193	Land West Of Heath Lane And North Of Bowling Green Road, Thatcham Croudace Strategic	Outline planning application for up to 265 residential dwellings (Class C3) with associated vehicular, pedestrian and cycle accesses, public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland, trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan - Matters to be considered - Access.	Refusal	Dismissed 27.7.17
HUNGERFORD 16/00787/FULD  PINS Ref 3160689	Station Yard Station Road Hungerford  Rowlands Construction	Erection of 8 no. dwellings with associated new bin/cycle store, access road, landscaping and parking on land at Station Yard.	Refusal	Allowed 28.7.17
EAST ILSLEY 16/03088/FULMAJ  Pins Ref 3171827	Land West Of High Street East Ilsley Manor Oak Homes	Development of 10 new dwellings (6 market and 4 affordable).	Del Refusal	Withdrawn 28.7.17

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COLD ASH 15/01949/ OUTMAJ  Pins Ref 3144193	Land West Of Heath Lane And North Of Bowling Green Road, Thatcham. Croudace Strategic	Outline planning application for up to 265 residential dwellings (Class C3) with associated vehicular, pedestrian and cycle accesses, public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland, trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan - Matters to be considered - Access.	Refusal	Dismissed 27.7.17
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**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
 APPEAL MADE BY CROUDACE HOMES LTD LAND AT HENWICK PARK, WEST OF HEATH  
 LANE AND NORTH OF BOWLING GREEN ROAD, THATCHAM, BERKSHIRE  
 APPLICATION REF: 15/01949/OUTMAJ**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Chase MDC, Dip Arch, RIBA, MRTPI, who held a public local inquiry between 15 November and 7 December 2016 into your client's appeal against the decision of West Berkshire Council ("the Council") to refuse your client's application for planning permission for up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas; provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.

2. On 1 April 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed and outline planning permission be granted subject to the conditions set out in Annex 3 of the Inspector's Report (IR).

4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation, dismisses the appeal and refuses planning permission. A copy of the IR is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

**Procedural matters**

5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. The Council do not resist the substitution and have notified local residents of the new scheme, giving them time for responses.

6. The Secretary of State does not consider that the reduced scheme of 225 houses raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal. He is satisfied that no interests have thereby been prejudiced and has determined the appeal on that basis.

**Matters arising since the close of the inquiry**

7. Following the close of the original inquiry, the Secretary of State received representations from the Council which were sent to the Planning Inspectorate on 10 April 2017. These included information on an updated five year housing land supply (HLS) and the Inspector's Report for the Housing Site Allocations Development Plan Document (DPD) dated 6 April 2017 which was due to be adopted on 9 May 2017. The Secretary of State also received representations from your company on behalf of your clients on 23 March 2017 and Barton Willmore on 29 March 2017.

8. On 3 May 2017 the Secretary of State wrote to the parties to afford them the opportunity to comment on the additional information referred to in paragraph 7 above. The Secretary of State has

taken the representations received into account in reaching his decision. A list of representations received is at Annex A.

9. On 9 May 2017 the Housing Site Allocations DPD was formally adopted by West Berkshire Council.

10. On 17 May 2017, the Secretary of State wrote to the parties to afford them the opportunity to comment on the implications, if any, of the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG which was handed down on 10 May 2017. These representations were re-circulated to the main parties who were invited to comment on the representations of other parties. These additional representations were re-circulated. A list of representations received is at Annex A.

11. Copies of all the correspondence referred to above can be obtained upon request to the address at the bottom of the first page of this letter.

### **Policy and statutory considerations**

12. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

13. In this case the development plan consists of saved policies from the West Berkshire District Local Plan (2002); the Core Strategy (2012); and the Housing Site Allocations DPD which was adopted on 9 May 2017. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR175. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

### **Main issues**

14. The Secretary of State agrees with the Inspector that the main issues are those set out at IR 146-147, taking account of the subsequent adoption of the Site Allocations DPD.

#### *Housing Land Supply Assessment of Need*

15. The Secretary of State has carefully considered the Inspector's analysis of assessment of need at IR150, including the finding that the Strategic Housing Market Assessment (SHMA) assessed a need of 665 dwellings per annum (dpa) in West Berkshire.

16. With regard to the demographic assessment, for the reasons given at IR151, the Secretary of State agrees that the similarity of outcome between different methodologies diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic need. For the reasons given at IR152-153, the Secretary of State agrees that it has not been shown that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in respect of demographic assessment.

17. He further agrees, for the reasons set out by the Inspector, that the evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration (IR154).

18. The Secretary of State, for the reasons given at IR155-158, agrees that the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, he agrees that the alternative evidence does not prove that the SHMA is wrong on the source and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account.

19. For the reasons set out by the Inspector at IR159, the Secretary of State agrees the SHMA assesses need throughout the Housing Market Area, and it is not counter to the Guidance if appropriate adjustments are made between authorities.

20. The Secretary of State agrees, for the reasons given at IR160-161, that the proposed uplift in response to market signals does not seem unreasonably low.

21. With regard to affordable housing, the Secretary of State, for the reasons set out by the Inspector at IR162-164, agrees that the Council has addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on those grounds.

22. For the reasons given at IR165-166, the Secretary of State agrees with the Inspector that with regard to the report to Government of the Local Plans Expert Group (LPEG), it is not possible to give substantial weight to the relevant LPEG proposals.

#### *Conclusions on Housing Need*

23. The Secretary of State agrees that while the SHMA has not been tested at a Local Plan Examination, there were opportunities for third party involvement while it was being drawn up. He further concludes that the representations of the appellant fall short of proving that the SHMA is fundamentally flawed in its methodology or results. While some of the data is now of some age, he concludes, in agreement with the Inspector, that any variation is not of such significance as to invalidate the results. The Secretary of State thus agrees with Inspector's conclusions at IR167-168 that there are grounds to consider that 665 dpa is an adequately realistic measure of the objectively assessed need in West Berkshire, and he has used this as his starting figure.

#### *Land Supply*

##### *The Buffer*

24. The Secretary of State has carefully considered the Inspector's analysis of the buffer at IR169-172 and carefully considered the Inspector's conclusion that there are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. However, the Secretary of State disagrees with the Inspector's conclusions. In coming to this conclusion, the Secretary of State has had regard to report into the West Berkshire Housing Site allocations DPD and the DPD Inspector's conclusions (DPD IR134) that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The Secretary of State also concludes that while there has been an undersupply in 6 of the past ten years, this has been in part due to the influence of the recession. As such he finds that a 5% buffer is appropriate.

25. It is common ground between the parties that there is a shortfall of 417 dwellings. As such the Secretary of State concludes that net housing need is 3,742  $[(665 \times 5) + 417]$ , to which he adds a 5% buffer, to give an overall housing need of 3,929 units.

#### *Deliverable Housing Land*

26. The Secretary of State has carefully considered the Inspector's analysis of deliverable housing land at IR 173-179. With regard to Sandleford Park, the Secretary of State has considered the Inspector's conclusions, and had regard to the representations of the parties, and agrees with the Inspector that it should be removed from the figures for deliverable sites given doubts as to whether it will deliver within the 5 year period.

27. The Secretary of State has gone on to consider the Core Strategy site at Newbury Racecourse (IR175). Given the revised trajectory of February 2017 from the developer, and noting that units on the site are selling well and that development is now under way on the third phase of the site, the Secretary of State concludes that it is realistic to deduct only 102 sites from the delivery figures, to give a total of 873 dwellings at the site.

28. With regard to the J&P Motors site, the Secretary of State notes that there is no indication of any legal impediment to the use of the land for housing, there is an implemented planning permission, and there is recent evidence of the involvement of the developer (IR176). As such he agrees with the Inspector that this site will deliver housing within the five year period. With regard to the Lakeside site in Theale, the Secretary of State disagrees with the Inspector, given the uncertainty as to whether the

site will begin to deliver within the five year period, he has excluded the site from his calculations, disagreeing with the Inspector.

29. The Secretary of State has also excluded 160 units on land off Faraday and Kelvin Road from his calculations, given that the lease situation means that it is not certain that the site will deliver within the five year period.

30. The Secretary of State has had regard to the Inspector's analysis at IR178 on the Market Street site, and notes that the s106 Agreement has now been signed and planning permission granted. For that reason, and for the reasons set out by the Inspector, that delivery of 232 units from this site within 5 years is not an unreasonable expectation. He further agrees, for the reasons set out by the Inspector, that there is not a substantial reason to exclude the Pound Lane Depot site from his calculations.

31. The Secretary of State has had regard to representations concerning the Land adjacent to Hilltop site. However, given that planning permission has now been granted following appeal, he concludes that it is reasonable that 200 units will be delivered within the five year period.

32. With regard to Land adjacent Pondhouse Farm; Land at Poplar Farm; 72 Purley Rise; and Field between A340 and The Green; and Land adjacent to Lynch Lane, the Secretary of State has taken into account representations on reducing the figure of deliverable dwellings, and those representations of the Council (Annex 2) stating that the sites are available, and early delivery is expected.

33. With regard to South East Newbury (2); and South East Newbury (3), the Secretary of State has had regard to the representations on reducing the figure of deliverable dwellings, and the representations of the Council stating that the sites are available, and delivery is expected in the later phase of NEW047.

34. The Secretary of State has also had regard to the Inspector's analysis of DPD allocations at IR177. In addition he has had regard to the fact that the DPD has now been adopted. The Secretary of State has taken into account the DPD Inspector's conclusions that that the housing supply situation is satisfactorily monitored and that there are no reasons...to conclude that there is any significant threat to the delivery of housing in West Berkshire. For those reasons, and those given by the Inspector, he concludes that there is insufficient evidence to conclude that these sites will not deliver within the five year period.

35. As such the Secretary of State concludes that 873 dwellings can be taken into account at Core strategy sites (Newbury Racecourse), and 1,076 from DPD allocated sites. He includes 443 dwellings at permitted sites under 10 units, and 1,175 dwellings at larger permitted sites. He includes 279 sites without planning permission, and 261 units on sites allocated through the prior approval process. To this figure he adds a windfall allowance of 192 dwellings.

#### *Conclusion on housing land supply*

36. The Secretary of State thus concludes that the Council can deliver a total of 4,299 dwellings within the five year period. Setting this against a 5 year requirement of 3,929 dwellings, as set out above, the Secretary of State concludes that there is a surplus of 370 dwellings, or a 5 year supply of 5.47 years.

37. As such, for the reasons set out above the Secretary of State disagrees with the Inspector and concludes that in his judgement the local planning authority can now demonstrate a 5 year supply of deliverable housing sites.

#### *Development Plan Policy*

##### *Whether the proposal complies with the development plan*

38. The Secretary of State has gone on to consider the Inspector's discussion regarding the development plan (IR181-186) in the context of the Council now being able to demonstrate a 5 year HLS.

39. The Secretary of State has had regard to Core Strategy Policy CS1 and considers that the proposal does not comply with any of the identified 4 categories of land. The appeal site is not one of the sites which has been chosen in the Site Allocations DPD. However, the Secretary of State considers that the wording is not wholly prohibitive of development outside these categories (IR182).

40. The Secretary of State agrees with the Inspector at IR183 that the location of the appeal site would meet a number of the criteria in Core Strategy Policy ADPP1. For the reasons given at IR178, the Secretary of State agrees with the Inspector that the land falls below the settlement hierarchy. As the appeal site lies within land composed of agricultural fields with the characteristics of open countryside, the proposal is subject to the final bullet point of Core Strategy Policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The Secretary of State therefore agrees with the Inspector that the proposal would not comply with this aspect of the development plan (IR184).

41. The Secretary of State has given careful consideration to the Inspector's discussion regarding Core Strategy Policy ADPP3 at IR185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period. For the reasons given at IR185, the Secretary of State agrees with the Inspector's conclusion that 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level.

42. The Secretary of State agrees with the Inspector at IR186 that Policy C1 in the Site Allocations DPD includes a presumption against new residential development outside settlement boundaries.

#### *The weight to be attributed to policies*

##### *The Site Allocations DPD*

43. The Secretary of State has carefully considered the Inspector's comments at IR190, and agrees that the relevant policies for the supply of housing are CS1, ADPP1, ADPP3 and C1.

44. The Secretary of State has given careful consideration to the Inspector's analysis at IR188-190, but disagrees with his conclusions. He agrees that the intention to protect rural areas by restricting development outside settlement boundaries is not inconsistent with the Framework. He further agrees that the site allocations DPD amends the settlement boundaries to allow more land for housing. While he agrees that the DPD is based on the Core Strategy, which was not based on an objective assessment of need, he notes that Policy CS1 treats housing numbers as a minimum, allowing for their review and update over time to reflect housing need. He thus concludes, in the context of the Council demonstrating a 5 year housing land supply, that the housing policies of the Local Plan are consistent with the Framework and that the application of paragraph 14 of the Framework is not triggered.

45. For the reasons given at IR191, the Secretary of State agrees that the proposal would be in conflict with policies ADPP1 and C1.

#### *Other Matters*

46. For the reasons given at IR193-194, the Secretary of State agrees with the Inspector that there is no reason to conclude that the land cannot be satisfactorily drained, and that a planning condition would enable scrutiny of the details of the scheme.

47. For the reasons given at IR195-196, the Secretary of State agrees with the Inspector that there is no indication that the development would have a harmful effect on the setting of the Area of Outstanding Natural Beauty. He further agrees with the Inspector that the scheme would avoid an unduly harmful visual impact.

48. For the reasons given at IR197, the Secretary of State agrees with the Inspector that there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground. He further agrees that the evidence does not prove that the housing could not be adequately served by local facilities and infrastructure. He further agrees that the scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm.

49. The Secretary of State agrees with the Inspector's conclusion at IR198 that these matters raised at IR193-197, and the other matters raised.

### **Planning conditions**

50. The Secretary of State has given consideration to the Inspector's analysis at IR140-144, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

### **Planning obligations**

51. Having had regard to the Inspector's analysis at IR199-200, the planning obligation dated 2 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR 199-200 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

### **Planning balance and overall conclusion**

52. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Strategy policies CS1, CS 14, CS19, ADPP1, ADPP3 and DPD Policy C1, and is therefore not in accordance with the development plan overall. The Secretary of State concludes that, as the Council can demonstrate a 5 year housing land supply, the application of paragraph 14 of the NPPF is not triggered, and as such the proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.

53. The Secretary of State considers that the addition of up to 225 homes in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth, and he affords this benefit moderate weight. He also finds that the development would contribute to local investment during the construction phase, and a market for local goods and services thereafter, to which he affords moderate weight. Up to 90 affordable homes would meet a need for lower cost housing in the area, which attracts significant weight. The Secretary of State also considers that there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space, to which he grants moderate weight.

54. The Secretary of State considers that there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. He also finds that the additional development would provide the opportunity for greater investment in local infrastructure, and he affords this benefit moderate weight.

55. Against this the Secretary of state weighs the conflict with policies CS1, ADPP1, ADPP3 and DPD Policy C1, and he affords this conflict substantial weight in the context of a 5 year housing land supply and a now made DPD.

56. The Secretary of State also weighs against the proposal the replacement of agricultural land with suburban development which would lead to a change in character of the land. However, the Secretary of State considers that the impact of this change would be limited, not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting of either Thatcham or Cold Ash. As such he gives this conflict moderate weight.

57. Having regard to the conflict with the development plan as a whole and taking account of the policy set out in paragraph 196 of the Framework, and the other harms, the Secretary of State therefore concludes that there are no material considerations sufficient to indicate that the proposal should be determined other than in accordance with the development plan. He concludes that the appeal should be dismissed and planning permission refused.

#### **Formal decision**

58. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for up to 225 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.

#### **Right to challenge the decision**

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

60. A copy of this letter has been sent to West Berkshire Council and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Philip Barber*

Authorised by Secretary

DC

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LECKHAMSPTEAD 16/02508/FULD  Pins Ref 3168319	Woodside Wantage Road Leckhampstead	Replacement of existing dwelling and associated buildings, change of use of part of the land from agricultural to residential and the change of use of part of the land from residential to agricultural.	Dele Ref.	Dismissed 27.7.17
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### Procedural matter

The West Berkshire Site Allocations Plan was adopted in May 2017, after the making of the appeal. The Inspector did not seek the parties' views on this, as it does not alter his conclusions.

### Costs application

An application for an award of costs was made by the appellants against West Berkshire Council. This will be the subject of a separate Decision.

### Main Issue

The main issue is the effect of the proposal on the character and appearance of the surrounding countryside, which is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

### Reasons

#### *Character and appearance*

The site forms agricultural land, mostly occupied by a wooden barn, to the rear of a modest sized bungalow and outbuildings, sited close to the road frontage. It is proposed to demolish the existing buildings and to return the land to agricultural use, whilst erecting a new two storey dwelling in a slightly smaller sized curtilage to the rear.

The site lies within the AONB, not far from the outer limits of Leckhampstead. The level of the land rises gradually from the road, and trees line the northern and western boundaries of the site, whilst open fields with some sparse intervening planting lie to the south of the site. The existing bungalow has a functional design and is typical of farm workers' accommodation built in the latter part of the 20th century.

The site lies in the open countryside, where West Berkshire Core Strategy (CS) Policy Area Delivery Plan Policy AADP 1 says that only limited development will be allowed focussing on addressing identified needs and maintaining a strong economy. CS Policy AADP 5 deals with the AONB, and takes a measured approach towards development within the AONB, but, amongst a number of detailed provisions, requires development to conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland.

Saved West Berkshire Local Plan Policy ENV23 allows the replacement of existing dwellings in the countryside, subject to criteria being met. One of these is that the dwelling is not disproportionate in size to the dwelling being replaced. The Council's Supplementary Planning Document (SPD) *Replacement Dwelling and Extensions to Dwellings in the Countryside* says that additional volume will not normally be allowed for the removal of existing outbuildings which are not part of the original dwelling. It goes on to say that where permanent and substantial outbuildings are to be removed, their effects will be considered. In this case, the outbuildings are well screened, and make little impact on the appearance of the site, and thus he considered that they should not be counted in the volume allowance.

Whilst the floorspace of the proposed dwelling would not be disproportionate to that of the existing dwelling, the Council's undisputed assessment is that the volume of the replacement would be about double that of the existing dwelling.

The proposed replacement dwelling would not be located on the existing site; it is acknowledged by the Council that the current siting suffers from poor surface water drainage and flooding, which in turn has an adverse impact on the operation of a septic tank. Instead it is proposed to locate the new dwelling some 50m to the rear, on the site of a large dilapidated agricultural building. A replacement barn has been approved on nearby land to the north, which is well screened by belts of trees.

In terms of residential curtilage, it is proposed that the existing curtilage be returned to agricultural use and that the proposed curtilage would be smaller than that of the existing dwelling. This could be achieved by the imposition of conditions, and the Inspector considered that there would be no net harm arising from this part of the proposal and that there would be no conflict with Policy C8 which deals with extensions to residential curtilages, and aims to protect local character.

The dwelling would also be sited on higher land in relation to the road, so that, potentially, it would be more intrusive in the landscape. It would also require some excavation to cut the dwelling into the sloping landform. The appellants suggest that the fall across the site of the proposed dwelling would be about 1m. However, there is no measured survey drawing to substantiate this, and the submitted drawing number 2477/06 suggests that an excavation would be required as deep as 3.23m.

Whilst floorspace is a good indicator as to size, height and volume are also relevant considerations and to his mind the doubling of the volume of a dwelling is disproportionate. However, more importantly in this case is the impact of the proposed dwelling on the landscape of the AONB. The existing bungalow is unobtrusive, and benefits from screening by roadside hedges. The outbuildings to the rear are largely screened from public views by the bungalow and planting. Buildings sited fairly close to the road are generally more characteristic of the scattered built development in this part of countryside.

The proposed replacement would be located well away from the road, in a more exposed and more uncharacteristic location. It would be sited on rising land and would have two storeys, which would make it far more noticeable in the landscape compared with the bungalow, and would have large feature chimneys which would accentuate its height. It would sit on an excavated plot, which would create an engineered landform; the proposal provides no details of how the earth banks would be retained, but it is likely that whatever treatment is proposed, it would appear as a man-made feature, at odds with the natural landscape. In taking all of these things together, and taking into account the potential for landscaping to help screen the dwelling, the Inspector considered that the proposal would fail to conserve the landscape and scenic beauty of the AONB.

He had regard to the houses at Egypt Hill, to the south of the appeal site, which are fairly prominent in the landscape. The Inspector did not know the full planning circumstances which led to their approval, but they do not stand in an isolated position, but are an obvious extension to the village of Leckhampstead, which readily distinguishes that development from that now proposed. He saw on his visit that there was some variety in the design and size of houses in the area, and he found that the design of the dwelling would fit in with the diversity of designs in the area, and thus he did not consider that the proposal would be unsatisfactory for this reason. However, it does not alter his strong concern about the effect on the AONB, which attracts great weight in view of its highest status of protection.

The disadvantages of the current dwelling in terms of its poor physical condition, its exposure to roadside noise and its susceptibility to drainage problems do not outweigh the harm that he had found.

The Inspector therefore concluded on the main issue that the proposal would result in significant harm to character and appearance of the area, and would fail to conserve the landscape and scenic beauty of the AONB. It would also conflict with saved Policy ENV.23 to which he had referred above, as well as with West Berkshire Core Strategy Policies CS14 and CS19, both of which include aims to protect character and landscape, and with Policy AADP 5 which specifically deals with the AONB. It would also conflict with Policy CS 3 of the West Berkshire Site Allocations Plan which deals with design of housing in the countryside and requires proposals to have regard to local building and landscape character. Policy CS 1 deals with housing in the countryside, but relates to infill development which is not relevant here. The proposal would also conflict with the SPD to which I have referred above.

## **Conclusion**

The Inspector concluded that the conflict with the policies to which he had referred above is sufficiently serious to amount to a conflict with the development plan as a whole, and thus, for the reasons given above, the appeal should be dismissed.

DC

Pins Ref 3160689	Station Yard, Station Road, Hungerford, RG17 0DY	Construction of 8 dwellings with associated new bin/cycle store, access road, landscaping and parking.	Dele. Refusal	Allowed 28.07.2017
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### **Preliminary Matters**

The Hearing was adjourned on 3 May in order that matters relating to the access to the site could be clarified and, where possible, differences resolved between the appellant and the Council. Additional documents were produced which resulted in a number of matters being agreed by the Council such that the only remaining highways/access issue that remained unresolved is that discussed below.

The Inspector undertook unaccompanied site visits prior to both sitting days and it was agreed at the Hearing that there was no need to undertake an accompanied visit.

### **Main Issues**

The main issues in this appeal are;

- The effects of the proposal in relation to the loss of employment/industrial land
- Whether the proposed access is acceptable
- The suitability of the means to provide for affordable housing.

### **Reasons**

#### ***Loss of employment/industrial land***

The appeal site is within a Protected Employment Area (PEA) as set out in Policy CS9 of the Core Strategy. In addition Policy ADPP5 relating to Economy identifies PEAs in Hungerford as providing important employment opportunities. The Council refers to Berkshire Functional Economic Market Area Study (FEMA) and the Economic Development Needs Assessment (EDNA) both of 2016. The FEMA indicates that the need for B1(c)/B2 (industrial) floorspace during the period 2013 to 2036 is likely to decline and that demand for B1(a) and (b) (offices) would continue to some degree and that the centres which are likely to be a focus for such provision are Newbury and Theale, due to access to the existing office stock and proximity to the M4. The EDNA also recognises that this has an effect on the quality of office provision and that the ability of areas such as Hungerford to attract higher value occupiers is limited.

The appellant refers to planning permission granted at the appeal site for the construction of a 3 storey office (B1) building in 2009 and renewed in 2012. This permission has since lapsed. The appellant provides some evidence from local agents that indicates that the site has been marketed since 2011. They state that 47 expressions of interest were received. However, none of these parties were able to formulate a viable scheme and no-one progressed with the development. Additional evidence was presented at the Hearing which indicated that the likely level of rent achievable would be insufficient to support development of the site for the approved scheme.

From what had been presented, it seemed to the Inspector that Hungerford is not considered to be the best nor a particularly attractive location for offices, either by the local authority or from information within the EDNA. Whilst some likely demand is indicated, the clear signal from the appellants' attempts to develop the site is that the scheme of offices for the site is highly unlikely to be progressed on economic grounds. In this context, the site may be seen as an under-used resource which is within an accessible location. Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. It adds that, in such circumstances, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. In this context, the Inspector considered that the protection of the site for employment generating uses is very unlikely to lead to its development for such a use and would mean that the site would remain undeveloped and would make little or no meaningful contribution to the town. Therefore, its protection under the above policies is outweighed by these other matters and he considered that the principle of the proposed development is acceptable.

***Whether the proposed access is acceptable***

The access for the appeal site is taken from Station Road and then crosses the Station car park, before entering the main part of the appeal site. The appellant has a right to an access over the car park of not less than 15 feet in width (also expressed as 4.572 m). It is evident that the existing access is narrower than this at certain points, including a short section of about 3.4m in width. The Council points out that the route of the access and its width at its junction with Station Road is less than that advised in Manual for Streets. The Council also considers that the route for pedestrians entering the site is not ideal where it would be necessary to cross a section of the existing car park. It should be noted that throughout the discussions the possibility of the development of the site for offices (as had previously been granted) was referred to as a fall-back position. That planning permission has now lapsed and is not currently capable of implementation. However, the Council did not seek to argue that such a scheme would be unacceptable now and, taking account of its stance at the appeal, it seems highly likely that the Council would not oppose such a scheme if it were to come forward.

The Inspector observed the access to the car park as well as vehicles passing through it at both of his visits and he noted the flow of pedestrians entering and leaving the car park. Although he accepted that he witnessed only a limited window of activity, at no time did he observe any conflict between vehicles or pedestrians, even at the identified narrow sections. Additionally, he did not observe any vehicles having to wait on the adjacent highway which may give cause for concerns in relation to the proximity of the nearby rail crossing. The Council were unable to provide any evidence of any observed problems in any of these respects (although he did acknowledge that as the site is private land the likelihood of a formal report of accidents is unlikely).

The Inspector observed that cars were consistently driven at very modest speeds within the car park, no doubt due to drivers being aware that other cars and pedestrians are present. In addition, the pedestrian route was well used by people entering and leaving the car park.

The appellants have indicated that the appeal scheme would be likely to give rise to considerably fewer vehicle and pedestrian movements than the previously permitted

office scheme. This was not disputed by the Council, although they did point out that the flow from the appeal scheme in the morning and the evening would be likely to run in the opposite direction to the use of the car park by commuters. Whilst this may well be the case, the very modest numbers of vehicles likely to be generated by the proposal within the morning and evening peaks would not be sufficient to render the scheme unsafe in this respect.

In the Inspector's view, it is highly pertinent that the uncontested vehicle and pedestrian movements from the proposal would be significantly below what would be likely from an office/commercial use of the site. In this sense it seems clear to him that the proposal would have a very marginal effect on vehicle and pedestrian flows which, firstly, would not be of the same magnitude as the office scheme and, secondly, would be so little that he found that they would have no unacceptable effect on the flow and safety of vehicles or pedestrians in and around the appeal site. Therefore, he found no conflict with Policy CS13 of the Core Strategy.

### **Other Matters**

A considerable part of the Hearing was taken up in discussion about the Council's housing land supply position, which was disputed by the appellant and the Council. The Inspector determined that the proposal is acceptable, as set out above, due to the likely futility in seeking to protect the appeal site for employment uses. This view has been taken, initially in isolation of the housing land supply situation. The Inspector's view is that, even if the Council can demonstrate a suitable supply of housing land, the proposal is still acceptable as the protection afforded by the above policies is outweighed by the lack of likelihood of a commercial development going ahead. Alternatively, if the Council could not demonstrate a suitable supply of housing land, his conclusion would be reinforced. In these circumstances it is not necessary for him to conclude whether the Council can demonstrate a suitable supply of housing land as it would have no bearing on his decision.

The appellant has submitted a Unilateral Undertaking (UU) which relates to firstly, the provision of a turning area on land outside the appeal site but within the appellant's ownership and, secondly to provisions for affordable housing. The Council is satisfied that the provisions relating to the turning area are acceptable and, for his part, he considered that it is necessary and acceptable. The dispute regarding the affordable housing contribution relates to the point at which the payment is required. The UU provides for the Affordable Housing Contribution to be paid to the Council upon "practical completion" (defined in the UU as the issuing of a final certificate or a completion certificate under the Building Regulations) of the 8th dwelling. The Council's concern is that the developer could complete 7 dwellings and leave the 8th unfinished so that a final or completion certificate cannot be issued (but allegedly capable of letting out the property) and so avoid the need to make the payment.

The Planning Practice Guidance (PPG) makes reference to provisions for affordable housing in rural areas (including within AONBs as is the case here) for, amongst other things, the justification for an affordable housing contribution for small schemes. The Inspector was satisfied that this applies in this case, and is not disputed by the parties. The PPG states that, in these circumstances payment is commuted until after completion of the scheme. The guidance in the PPG would appear to be unambiguous and he found the scenario which is set out by the Council to be an unlikely one and does not give rise to a realistic fear that the sum will remain unpaid if the development goes

ahead. Therefore, the Inspector took account of this part of the UU which he considered complies with the CIL Regulations.

### **Conditions**

The Inspector had regard to the advice in the PPG in considering the need for and acceptability of conditions in relation to the proposed development. The Council and the appellant have set out a schedule of conditions which were largely agreed at the Hearing. A condition requiring compliance with the approved drawings is necessary so that the development is undertaken in its consented form. So that the proposal has a satisfactory appearance within its setting conditions relating to landscaping, hard surfacing, means of enclosure, materials for the buildings and exterior lighting are necessary and reasonable.

Future residents will need to be provided with the approved car parking provision, cycle stores and refuse/recycling stores in a timely manner and he included conditions to require these matters are provided prior to first occupation of the first dwelling. In order to protect future residents from external noise, a condition requiring sound insulation is included.

Taking account of the previous uses of the site, he included a condition which puts in place a requirement to implement an agreed scheme of remediation should contamination be found on the site. So that the proposal is not exposed to a risk from flooding and so that its effects on surrounding land are acceptable in this regard a scheme of sustainable drainage is necessary. Taking account of the location of the site and the surrounding land use, he included a requirement for a construction method statement so that the implementation of the scheme does not give rise to unreasonable disturbance in the area. Finally, taking account of the relatively modest sized gardens, he agreed that it is justifiable to remove permitted development rights for additions and extensions to the dwellings.

### **Decision**

The appeal is allowed and planning permission is granted for the construction of 8 dwellings with associated new bin/cycle store, access road, landscaping and parking at Station Yard, Station Road, Hungerford, Berkshire RG17 0DY in accordance with the terms of the application, Ref 16/00787/FULD, dated 17 March 2016, subject to the conditions set out in Schedule 1 of this decision.

DC