

Notice of Meeting



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Western Area Planning Committee Wednesday 20 September 2017 at 6.30pm

in the Council Chamber Council Offices
Market Street Newbury

Members Interests

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

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

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

Any queries relating to the Committee should be directed to Jo Reeves on (01635) 519486 Email: joanna.reeves@westberks.gov.uk

Date of despatch of Agenda: Tuesday 12 September 2017



Agenda - Western Area Planning Committee to be held on Wednesday, 20 September 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 - 16
To approve as a correct record the Minutes of the meeting of this Committee held on 30 August 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: 17/01833/FULEXT - Land at former Oakes Bros site, Station Yard, Hungerford** 17 - 28
Proposal: Erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop.
Location: Land at former Oakes Bros site, Station Yard, Hungerford.
Applicant: Oakes Bros Limited.
Recommendation: **The Head of Development and Planning be authorised to REFUSE planning permission.**
- Items for Information**
5. **Appeal Decisions relating to Western Area Planning Committee** 29 - 46
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.



Agenda - Western Area Planning Committee to be held on Wednesday, 20 September 2017 (continued)

Background Papers

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

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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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, 30 AUGUST 2017

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

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer), Paul Goddard (Team Leader - Highways Development Control) and Matthew Shepherd (Planning Officer)

Apologies for inability to attend the meeting: Councillor Hilary Cole and Councillor Billy Drummond

Councillor(s) Absent: Councillor Virginia von Celsing

PART I

19. Minutes

The Minutes of the meeting held on 9 August 2017 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:-

Page 5, Also Present: remove Rachel Craggs.

Page 6, penultimate bullet, first line: 'covenant' should read 'covenant'.

Page 8, Point 16, first and second lines: 'covenant' should read 'covenant'.

Page 9, Point 22, first line: 'his' should read 'this'.

Page 9, Point 22, second line: 'Councillor Cole' should read 'Councillor Hilary Cole'.

Page 10, Section 3, first line: remove 'or'.

Page 11, Section 8, second line: 'has' should read 'have'.

Page 11, Section 9(e) first line: remove '1.'.

Page 11, Section 9(i), first and second line: 'Exeedance' should read 'excedence'.

20. Declarations of Interest

Councillors Howard Bairstow, Jeff Beck, Adrian Edwards and Anthony Pick declared an interest in Agenda Item 4(1), but reported that, as their interest was a 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 Paul Bryant declared an interest in Agenda Item 4(2), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

21. Schedule of Planning Applications

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(1) **Application No. and Parish: 17/01808/OUTD, Garden land at No. 5 Normay Rise, Newbury, Berkshire**

(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 its 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.

Councillor Howard Bairstow declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of Newbury Town Council but not its Planning and Highways Committee. 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.

Councillors Howard Bairstow, Adrian Edwards and Anthony Pick declared that they had been lobbied on Agenda Item 4(1).)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/01808/OUTD in respect of an outline application for the erection of a dwelling with integral garage.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The application had been brought to Committee as it had received in excess of 10 objections. The Update Sheet included an additional condition that recommended the removal of permitted development rights for the construction of dormer windows in the roof of the dwelling. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers consequently recommended that the Committee grant outline planning permission.
3. In accordance with the Council's Constitution, Councillor Adrian Edwards, Ward Member addressed the Committee on this application.
4. Councillor Edwards in addressing the Committee raised the following points:
 - The current property was a substantial house with a generous amount of garden, typical of the other houses in Normay Rise.
 - The garden was adjacent to Willowmead Close, which had houses and gardens of a similar size.
 - The development would overlook the existing house at 5 Normay Rise as it would be built on a significant slope.
 - Newbury Town Council's Town Design Statement published in 2005 was referred to in the planning officer's report. It stated that one of the principles of the Statement was to conserve the garden suburb character of the area and this application did not meet this principle.
 - However the planning officer did not quote the reference to Normay Rise on Page 60 of the Statement or sections 5.1 and 5.4 on Page 63 which stated that the 'garden suburbs' enhanced the gateway into Newbury and should be preserved.
 - The development would compromise the street scene by reducing the garden size making it cramped.
 - It was overdevelopment and would create a precedent for other residents to build in their gardens.

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- He asked the Committee to refuse the outline application.
5. Councillor Paul Bryant sought clarification of the need for the additional condition in the Update Report, related to removal of the permitted development rights for the construction of dormer windows. Matthew Shepherd advised that it was included to protect the privacy and amenity of neighbouring properties and it would not be possible to include this condition when the reserved matters application was received.
 6. Councillor Pick noted that the total area of the site was 432 square metres and he asked what size the amenity spaces would be for the existing and new dwellings. Matthew Shepherd replied that he was not currently in possession of this detail, as it would not be available until the reserved matters were received.
 7. Councillor Pick further queried the comment from the Tree Officer in the fourth paragraph on Page 25, which implied that the Officer had a concern with the application. Matthew Shepherd responded that the Tree Officer had recommended the inclusion of a condition covering this and consequently did not have any objections to the application.
 8. At the request of the Chairman, Paul Goddard provided a comment from a highways perspective. He advised that there had been concerns from residents about the closeness of the new development to the junction at Normay Rise. However, as access would be onto a lightly trafficked cul-de-sac, he did not have any objections to the development and he was satisfied that parking for three vehicles could be accommodated when the reserved matters were received.
 9. Councillor Garth Simpson stated that although he had been unable to attend the site visit last week, he had visited it subsequently. He had originally been in agreement with the proposal as the width of the garden was similar to that at 2 Normay Rise. However, he had since changed his mind due to the slope and the assumption that the building line should correspond with the other dwellings, which would result in the amenity space at the back of the property being small. In addition, the argument given by Councillor Edwards that this development would set a precedent was a powerful one and he did not wish to see the garden suburb design being degraded.
 10. Councillor Clive Hooker interjected that the size of the amenity space had been discussed at the site meeting and it appeared to be sufficient.
 11. Derek Carnegie added that the applicant would be aware that the land had to be used effectively and would ensure there was sufficient amenity space, even if it resulted in reducing the size of the dwelling. In addition, the Planning Inspector was not likely to agree that a dwelling could not fit on the site. He also noted that despite Councillor Edwards' reference to the Newbury Town Design Statement, Newbury Town Council had not objected to the application.
 12. Councillor Bryant expressed his dislike of this sort of development, which removed the setting and the environment from the donor property. However he accepted Derek Carnegie's point that the Planning Inspector was likely to grant permission at appeal.
 13. Councillor Beck remarked that a considerable amount of effort had been put into the development of the Newbury Town Design Statement, which had been designed to preserve Newbury for future residents. He also had a concern about the Tree Officer's comments and taking account of the considerable slope and the blatant garden grabbing, he proposed that planning permission was refused. His reasons for this were that the development would destroy the integrity of the surrounding estate,

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the occupiers of the donor dwelling would be overlooked, no comments had been received from the Drainage Officer and a previous application at 12 Normay Rise had been refused.

14. Councillor Hooker commented that the presumption was to approve the application as it was within the settlement boundary, the amenity space was acceptable and so was the car parking and turning. Therefore, a refusal was likely to be overturned at appeal.
15. Councillor Edwards advised that an objection had not been received from Newbury Town Council because the proposed objection did not receive a seconder.
16. Councillor Pick reiterated he was not satisfied that sufficient amenity space would be available.
17. Derek Carnegie again stressed that the size of the dwelling would have to be reduced to ensure there was sufficient amenity space or the later application would be refused.
18. Councillor Pick noted that the appeal against the refusal to grant planning permission for a similar development at 12 Normay Rise had not been overturned at appeal.
19. Councillor Dennis Benneyworth reflected that although he did not like the proposed development, he had taken note of the officers' comments in relation to the Planning Inspector.
20. The Chairman invited the Committee to vote on the proposal of Councillor Beck to refuse the application, which was seconded by Councillor Edwards and at the vote the motion was carried by 5 votes to 4.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

1. Character of the Area

The proposal is to subdivide an existing garden area and erect a new dwelling at the land adjacent to 5 Normay Rise. The development would, by virtue of form, scale and siting, result in cramped overdevelopment of the plot which fails to respect the established residential character and visual and spatial characteristics of the locality. The development would materially harm the street scene. Furthermore the proposed rear garden areas for the existing and new dwellings do not meet current recommended standards set out in the Quality Design SPD. These small gardens are not in character with the surrounding area which emphasises that the dwelling represents overdevelopment of the site.

The proposal is therefore contrary to Development Plan Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, advice contained in West Berkshire Council Supplementary Planning Document (SPD) Quality Design: Part 2 Residential Development; advice contained within the NPPF and guidance set out in the Newbury Town Design Statement (2005).

2. Private Amenity Space

The private amenity space for the proposed dwelling would fall short of the amount of space which future occupiers might reasonably expect for them to enjoy their property.

The proposal is therefore contrary to Development Plan Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of West Berkshire District Local Plan Saved Policies 2007; advice contained in West Berkshire Council Supplementary Planning Document (SPD) Quality Design: Part 2 Residential Development; advice

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contained within the NPPF and guidance set out in the Newbury Town Design Statement (2005).

3. **Overlooking**

The proposal is to subdivide an existing garden area and erect a new dwelling at the land adjacent to 5 Normay Rise. The siting is such that given existing the close proximity and sloping nature of the site the development is likely to result in direct overlooking of 5 Normay Rise Private Amenity Space. This would be detrimental to the level of amenity that these dwellings currently and should reasonably expect to enjoy.

This is contrary to policies ADPP1 and CS 14 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF which seek to ensure new development does not adversely affect the amenities of adjoining land uses and occupiers.

4. **Lack of Information SUD**

The application fails to address the need for information in regards to the impact it will have on the Sustainable Drainage Qualities of the site and the Area. As such the Local Planning Authority is unable to confirm whether or not the proposed development would increase flood risk on and off site. The proposal therefore fails to comply with Policy CS16 of the West Berkshire District Local Plan 2006-2026, July 2012 and the guidance within the National Planning Policy Framework.

(2) Application No. and Parish: 17/00939/FUL The Barn Highwood Farm, Long Lane, Shaw, Newbury, Berkshire

(Councillor Paul Bryant declared that he had had discussion with the applicant in relation to Agenda Item 4(2).)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/00939/FUL in respect of change of use of a section of orchard land to garden use, erection of an oak framed car port and turning area.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The application had been brought to Committee following a Ward Member call-in by Councillor Paul Bryant. In conclusion the report detailed that the proposal was unacceptable, as it was contrary to Policies C6 and C8 and insufficient evidence had been provided by the applicant to suggest otherwise. Officers consequently recommended the Committee refuse planning permission.
3. In accordance with the Council's Constitution, Bjian Mohandes, Applicant and Councillor Paul Bryant, Ward Member addressed the Committee on this application.
4. Bjian Mohandes in addressing the Committee raised the following points:
 - He and his wife had lived at Highwood Farm since 1995 and had kept and maintained the 'Orchard' as a garden.
 - They applied for a certificate of lawfulness in December 2013 but it was refused on the grounds that insufficient evidence had been submitted to show that the land had been used as garden land for a continuous period of 10 years.
 - In September 2015 they reapplied but were refused for the same reason.
 - Following a meeting with the planning service, they were advised to apply through a planning application, which it was suggested might be more successful if the area was reduced to half the orchard.

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- Their current planning application for half of the orchard was based on the planning service's belief that it was a one bedroom property. Consequently, as it was a larger property, they were advised to re-apply for advice if they wanted to update the property details under a new pre-planning application.
 - Following discussions with Councillor Bryant, he had suggested that they should further reduce the area to make the application more acceptable and they had also taken on board other suggestions from planning officers.
 - Therefore, they had tried to accommodate all the suggestions that had been made and believed the application should be approved for the following reasons. It did not negatively impact on the bridleway, it was in harmony with the other structures, it was not visible from the road and it reduced the risks associated with lack of parking space and access by emergency services.
5. Councillor James Cole questioned whether the curtilage was higher at the rear of the property and Mr Mohandes confirmed it was, which was why they were unable to create a parking area in this location.
 6. Councillor Anthony Pick noted that a photograph of the elevations of the car port was not available.
 7. Councillor Garth Simpson enquired about the purpose of the existing derelict building and Mr Mohandes explained they would use this for relaxation.
 8. Councillor Paul Bryant in addressing the Committee raised the following points:
 - If the land was within the curtilage of the dwelling it would be approved. Consequently the applicants were only requesting that the curtilage was extended a short distance into the countryside, which was not within an Area of Outstanding Beauty.
 - He noted that planning was subjective and that each application should be assessed on its own merits. He therefore asked the Committee where the harm would be in approving it.
 - The development was proposed on part of an old orchard that was not useful as agricultural land and any construction built on it would be well screened.
 - The amount of land included in the application had been reduced to increase the likelihood of approval being granted.
 - He was able to cite a number of examples where curtilages had been extended including one onto a railway line, so he questioned why the same could not apply in this case.
 - It would be possible to include a condition requiring substantial vegetation along the side of the site.
 - In conclusion, he argued that the merits of the application should be taken into account. The garage would be well screened, the orchard could not be returned to agricultural land and it was difficult to set a precedent, since there were few similar cases.
 9. Councillor Clive Hooker enquired whether the example provided of the curtilage being extended over a railway line had been in order to build a garage. Councillor Bryant confirmed it had been to extend the garden.

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10. Councillor Pick referred to Policy C8 and enquired whether the main clause and all the sub clauses had to be satisfied. Matthew Shepherd responded that as the application did not fulfil all the clauses, it was contrary to Policy C8.
11. Councillor Cole noted that the original request had been for a substantial increase in the curtilage, which would have made a difference, however this was much reduced. He therefore asked if it was very different from the curtilage at the adjoining property. Matthew Shepherd confirmed that the application would require an extension of the curtilage to the north of the property. Councillor Cole clarified that he was asking for the total area and Matthew Shepherd replied that he did not have this information.
12. Councillor Howard Bairstow asked whether it was an active orchard and Matthew Shepherd confirmed that in planning law it was orchard land, however it was not currently being used as an orchard. Councillor Bairstow noted therefore, that the application would not be removing productive land from the countryside.
13. Paul Goddard confirmed there would not be an increase in traffic from the site, but he had assumed the parking would be at the front of the dwelling and as this was not the case, he enquired where it would be situated. Matthew Shepherd clarified that it would be further round the site and Paul Goddard concluded that he was satisfied there was sufficient parking on the site.
14. Councillor Hooker drew attention to the fact there would be a pinch point down the side of the house by the bridleway to enable access to the car port. Consequently he was concerned about a conflict with access to the car port and horse riders using the bridleway. Paul Goddard assured him that he did not have any concerns as the area was wide enough for both types of traffic. Matthew Shepherd confirmed that no objections had been received from the Public Rights of Way (PROW) Officer about this either.
15. Councillor Simpson noted that there could be a choke point for PROW users if there were a number of cars parked in this vicinity. Paul Goddard agreed that this could occur, however he had to assess the parking provision on current parking standards, which he had done.
16. Councillor Hooker requested clarification as to whether it would be possible to park three cars at the front of the property and Paul Goddard confirmed that this was the case.
17. Councillor Pick observed that the Committee had heard the land had been used for 10 years and was not classified as agricultural land. He added that he did not have a problem with the planning application and proposed the Committee should grant approval, contrary to officers' recommendation. This was seconded by Councillor Bairstow.
18. Councillor Simpson reflected that the barn had been converted to provide a four bedroom property, the land was very contoured to the west and the practicalities of parking vehicles to the south or north of the barn would detract from the property. He therefore sympathised with the applicants as they had developed an attractive dwelling and he was supportive of the proposed application.
19. Councillor Jeff Beck agreed with Councillor Bryant's assertion that there would be no harm in approving the application. However he expressed disappointment that there were no drawings in the pack showing the car port, although the report did state that the design was acceptable. Matthew Shepherd advised that a drawing of the car port was available to the meeting and this was shown to the Committee.

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20. Councillor Cole noted that the building was practical and in keeping with the environment. It would also clean up the area that was currently being used for storage; however he would have objected if the increase in the curtilage had been larger.
21. Councillor Adrian Edwards expressed concern about setting a precedent if the application was approved and he asked what effect it would have on the neighbouring properties. Derek Carnegie reiterated that refusal was recommended as Policy C8 stated curtilages should not be extended unless they provided parking for highway safety and this application did not do this.
22. Councillor Bryant asked for a condition to be included to ensure that the hedgerow between the development and the PROW provided sufficient screening.
23. The Chairman invited the Committee to vote on the proposal of Councillor Pick to approve the application, which was seconded by Councillor Bairstow and at the vote the motion was carried with one abstention.

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

Conditions

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
 - Site layout plan drawing number 1 date submitted 12th July 2017 via email to case officer showing the red line outline of the application site.
 - Red line plan, drawing number 2 date submitted 12th July 2017 via email to case officer showing the red line outline of the application site
 - Drawing titled "Dimensions of Construction of garage and porches for Three Bay model with annotations" Drawing number not present. Date stamped 2nd May 2017.

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

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP 1, 2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).

4. The garage hereby permitted shall be used solely for purposes ancillary to the use of the existing dwellings known as The Barn Highwood Farm hereby permitted. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garage, nor shall they be used for additional bedroom accommodation or for any form of human habitation.

Reason: In the interests of amenity and the creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This

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condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

5. Notwithstanding the details submitted with the application no development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials. The approved boundary treatments shall thereafter be retained.

Reason: To ensure that the boundary treatments and materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), C 6 and C 8 of the West Berkshire Housing Site Allocations Development Plan Document (November 2015), and Supplementary Planning Guidance Quality Design (June 2006).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the area of land detailed in the Site layout plan drawing number 1 date submitted 12th July 2017 via email to case officer showing the red line outline of the application site.

Reason: To protect the rural character of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), C 6 and C 8 of the West Berkshire Housing Site Allocations Development Plan Document (November 2015), and Supplementary Planning Guidance Quality Design (June 2006).

7. No external lighting of the hereby permitted Oak Framed Garage shall be installed on the site without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. 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 (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), C 6 and C 8 of the West Berkshire Housing Site Allocations Development Plan Document (November 2015), and Supplementary Planning Guidance Quality Design (June 2006).

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

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

9. Notwithstanding details already submitted, no further development shall take place (including site clearance and any other preparatory works) until full details of both

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hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and 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 within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

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

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

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

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

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

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

12. 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.

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13. No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:
- Show where any spoil to remain on the site will be deposited,
 - Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels),
 - Include measures to remove the spoil from the site.
 - Include a timescale for the spoil removal and associated works.

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

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

14. Details of floor levels in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority before development commences, and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

- The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
- The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.
- For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the **Customer Call Centre** on: 01635 519111

WESTERN AREA PLANNING COMMITTEE - 30 AUGUST 2017 - MINUTES

- 4 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development which improves the economic, social and environmental conditions of the area.
- 5 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
- 6 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 7 The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.
- 8 The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site and should give way to pedestrians, cyclists and equestrians at all times.
- 9 Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.
- 10 The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.
- 11 No alteration of the surface of the Public Right of Way must take place without the prior written permission of the Rights of Way Officer.

22. 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 7.52 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	17/01833/FULEXT Hungerford Town Council.	25 th September 2017	Erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop. Land at former Oakes Bros site, Station Yard, Hungerford. Oakes Bros Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/01833/FULEXT>

Ward Member(s):

Councillor Hewer
Councillor Podger

Reason for Committee determination:

Councillor Podger has called the application in should the officer recommendation be to refuse.

Committee Site Visit:

14 September 2017.

Recommendation.

The Head of Development and Planning be authorised to REFUSE planning permission.

Contact Officer Details

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

1. Site History

12/02732/FUL. Change of use from industrial to temporary car park for 96 vehicles. Expired February 2016 but remains in use. Officer comment – not considered expedient to enforce. Application 16/00787/FULD. Erection of 8 dwellings on car park. Refused but allowed at appeal on 28 July 2017. [NB - not on application site but in Station Yard].

2. Publicity of Application

Site notice displayed 7th July 2017. Expiry 28th July 2017.
Advertised as a departure on 6th July 2017.

3. Consultations and Representations

Hungerford Town Council

Support.

Highways

Objection. The application would involve the loss of 21 car parking spaces on the site frontage within the network Rail car park. In addition the existing pedestrian routes in to the town centre are poor

Education

CIL will be sufficient to offset any additional impact from new residents on local schools.

SuDS

Concerns raised in regard to on and off site drainage being worsened. Amended plans submitted. Comments awaited.

Planning Policy

Objection. The scheme is residential and so as the site lies on a protected employment site under policy CS9, the development is contrary to this policy. In addition the Council has in excess of a 5 year housing land supply. No objection to the coffee shop.

Housing

Support. This is a brown field site in the town where the Council would expect 30% of the units to be for affordable purposes i.e. 9 in number - s106 required to achieve this.

Environmental Health

Two principal issues correspond to the site. The first is noise [from the rail line and the Tavern] the second is possible land contamination. These can both be resolved by appropriate conditions.

Network Rail.

Objection. The application if approved will include land in the ownership of Network Rail and this matter has not been resolved with the applicant – i.e. loss of car parking land to the frontage.

Tree Officer

No objections. Conditional permission. Impact on local tree accepted as is the proposed landscape scheme.

Environment Agency	No objections. Conditional permission.
Fire and Rescue Service	No further hydrants needed.
Thames Water	Conditional permission is recommended. Regarding waste drainage, and no piling. [Pre conditions].
Waste Services	Suitable waste collection/storage facilities are available on the site as is access recently demonstrated by the appeal on the Yard further to the east for 8 dwellings. Conditional permission.
Conservation	The application site lies outside but adjacent the town conservation area. The proposed elevations are generally considered to be acceptable, although there will be some impact on the “ambulance” site to the east should the extant permitted scheme for 6 flats be built out on that site. Impact on Railway Tavern to the west is accepted. No objections.
Natural England	No objection re. any impact on SSSI or protected species. However, as the site lies in the AONB, the advice in paras 115 and 116 of the NPPF must be taken into account.
Archaeology.	No objections to the site itself being developed but the historical context of the two adjacent non listed but historic buildings i.e. the Railway Tavern and the Old Police Station should be taken into account.
Economic Development Officer.	Objection. The application would entail the loss of protected employment land. In addition the parking loss would impact upon local businesses operating at Station Yard as well.
Transport Policy	Do not object to the loss of the car park, but do object to the loss of the Network Rail parking spaces on the site frontage.
Public representations	6 objections received. Would place Crofton House [to the south] into darkness and would not be acceptable. Impact on local businesses in the Yard area not acceptable. Impact of additional residents on the Town infrastructure and facilities. Loss of very useful car parking in the Yard area. Loss of employment land. Buildings too large. Access to the site is very poor. Safety? The junction of the Station Road with Park Street should be improved. Poor design of buildings and impact on local conservation area - harm and integrity. In addition 2 letters of objection sent on behalf of the applicants / developers for the allocated housing site to the south of the town. Objections based upon loss of employment land, to approve would be contrary to policy CS9 in the DP, and policy ADPP5, the Council has an adequate Housing land supply, noise will impact upon local residents, scheme too bulky. The marketing of the site has been flawed, the situation on this site is very different from the appeal decision elsewhere on Station Yard for 8 dwellings [allowed] and is the site deliverable given the outstanding objection from Network Rail? The design is poor and the loss of the car park is of local concern to business.

One letter of comment - If the application is approved please address the car parking loss issue.

4. Policy Considerations

National Planning Policy Framework 2012.
National Planning Practice Guidance 2014.
West Berkshire Core Strategy 2006 to 2026.
Policies ADPP5, CS9, CS14, CS19 .
West Berkshire District Local Plan 1991 to 2006. Policy OVS6.

5 Description of development.

- 5.1.1 The application site comprises an existing temporary car park operated by the applicants on a private commercial basis. It has capacity for up to 96 vehicles and is well used during the working week for local employees and commuters. The site itself is 0.3 ha in extent and roughly square in shape. It lies in the Station Yard employment area immediately to the south of the railway station, and to the east of the Railway Tavern. It lies to the north of the former Police Station and Crofton House a scheme of flats. To the east of the application site lies the former ambulance station which has an extant permission for 6 flats. The site itself lies adjacent to, but not in the Town Conservation Area, and also lies in the North Wessex Downs AONB, which washes over the identified settlement boundary of Hungerford as identified under policy C1 in the now adopted HSADPD of May 2017. Finally, the site lies in a protected employment area [PEA] under policy CS9 in the Core Strategy.
- 5.1.2 Members will have noted from the site visit that the levels in the area have a considerable height difference: the land to the south is some 5/6 m higher than that on the car park itself, with some significant trees on the existing southern boundary.
- 5.1.3 The applicant is proposing to redevelop the site for 30 flats [9 of which are to be affordable] over a maximum of 5 floors. There is to be associated landscaping, with a new ground floor coffee shop on the eastern frontage. On the ground floor will be 27 parking spaces [undercroft] and a further 6 on the site frontage. On each of the next 3 floors there will be 10 flats, and 2 of which will be duplex, so having another 5th floor to the east – flats 22 and 23. There will be communal bin storage and cycle storage provided, with vehicle access obtained via Station Yard onto Station Road to the west. There will be some external amenity space of 893m² in addition.
- 5.1.4 In terms of elevational treatment, the proposal has an “interesting” curved roof form with a varied palette of external facing materials including brickwork, vertical timber cladding, metal cladding panels, and render, the precise nature and colour of which will be agreed at discharge of conditions stage should the application be approved. The maximum height of the building when taken from the north perimeter will be 16m and the full frontage width of 47m. The depth of the site is 45m bringing the site forward building line further to the north than existing built form in the vicinity. Finally the application would comprise a net density of 100 dwellings per ha if built out.
- 5.1.5 The Council, on 29th September 2016, wrote to the applicant’s agent in regard to a pre application enquiry on the site for 31 flats under reference 16/00026/preapp. In addition under the Environmental Impact Assessment Regulations of 2017, the Council informed the applicants on the 7th July 2017 that NO environmental statement was required to be submitted for the development in question. The application has also been formally advertised as a departure from the Development Plan as it involves non-employment generating development on a protected employment site. This was done on 6th July 2017.

6 Consideration of the application.

- 6.1.1 The application will be considered under the following issues; design, massing and scale, planning policy position, access and car parking and other issues.
- 6.1.2 **Design, massing and scale.** As noted above the application site lies immediately to the north and east of the town conservation area. Accordingly, any new development here must fully respect the setting and value of that conservation area, without detriment, if it is to accord with policy CS19 in the Core Strategy and the advice on respecting designated heritage assets as noted in the NPPF. Para 137 of the latter notes that proposals that enhance or better reveal the significance of such areas should be treated favourably. In addition, CS19 replicates this advice in principle. Firstly, it is recognised that whilst the existing car park forms a highly useful function in the local context of pressured parking capacity, its visual appearance is relatively very poor and does little to enhance the conservation area; it merely provides a feeling of openness in an otherwise built up area. On the other hand it is concluded by officers that the introduction of this new built form will obviously remove this open character, but given the design and massing, will not harm the overall balance and setting of the local urban context and indeed could potentially improve that visual appearance. Whilst design is of course a subjective matter to a degree, and the case officer appreciates that a contemporary appearance is not to all tastes, the degree of vertical articulation through the use of varying materials and roof form over 5 floors, is on balance, satisfactory.
- 6.1.3 Clearly the nature of the area will change considerably should the scheme proceed, but the area is already/will become more built up with the advent of the 8 dwellings to the east, which in itself is a dense scheme, although not of the same height. It is the physical relationship with adjoining buildings around the site which the Committee is required to carefully address, to see if the scheme is acceptable. Officers, including the Council conservation officer has accepted that this relationship is satisfactory, given the levels difference and the separation afforded by the new amenity space to the houses to the south, and the good separation to the Railway Tavern to the west; this is helped by the set down to 3 floors only of the scheme on the western side.
- 6.1.4 Some have commented upon the forward building line of the new scheme particularly in relation to the St Johns Ambulance Scheme to the east - by 14m. This is substantial. However, should this current application be approved it is quite conceivable that a fresh application for the latter can be considered in its new context: the planning history is a material consideration but does not carry so much weight as an implemented scheme. In addition the forward building line accords with the Railway Tavern to the west.
- 6.1.5 Accordingly, having regard to the advice in the NPPF, the advice in policy CS19, and the surrounding visual context, it is considered in terms of impact on the conservation area, the massing and scale is acceptable as is the design. However, the Council also needs to examine if the application is a major development in the AONB albeit in the settlement. If it were to be taken as major then the advice in para 116 of the NPPF would apply and exceptional reasons would be needed to permit the application. Officers have determined that it is NOT major development and thus the tests in para 115 applies: i.e. great weight needs to be given to any visual impact which might arise. It is "fortunate" that the application site is bounded by built form to all sides and has a very mature tree screen to the north in addition. Any wider visual impact on the AONB is thus minimal, and so the thrust of policy ADPP5 is met.

6.2. Planning Policy

- 6.2.1 Hungerford is defined as a Rural Service Centre in the Council Core Strategy. Policy ADPP1 notes that most development will be within these settlements, in conjunction with the urban areas and service villages. In addition, under bullet point 4 in policy ADPP5

relating to the AONB, it is noted that Hungerford will be the prime location for new housing. Next, policy CS1 relates to the delivery of new homes. This application site corresponds to the first bullet point, being brown field lying in a settlement. It's location is obviously highly sustainable. Next policy CS4 examines the type of housing to be delivered. More dense schemes can be delivered in town centres and this site is one such type. The density at about 100dwh is considerable, but the policy does allow for densities in excess of 50. This in turn makes efficient use of urban land. Policy CS6 seeks to ensure that affordable housing is delivered. If this application were to be approved it would need to combine 9 units as affordable to comply with this policy. The next policy is certainly the most contentious for both officers and the Committee to consider. CS9 seeks to conserve employment land over the Plan period, such that the Council is not placed in a position where fresh allocations of employment land are made on green field sites, in order to supply enough jobs for an increasing population. It is clear that the planning policy objection is based on this very point.

- 6.2.2 Officers, in advising the Committee are required to take into account other factors which might sway this policy position. The first is that the site has been marketed for some considerable time for employment purposes to no avail. The only material interest according to the submitted marketing report has been for housing. Secondly para 22 in the NPPF makes it clear that planning authorities should avoid the long term protection of employment sites where there is little prospect of a site being used for that purpose. Thirdly, a recent appeal decision at Station Yard for the approval of 8 dwellings on land to the east of the application site was published in July this year. [16/00787/fuld refers]. The Inspector at that appeal specifically mentions the advice in para 22 in his letter, in para 7, and thought the site would remain undeveloped in the future, so making no meaningful contribution to the towns economy. The test for the Council is whether this very recent and relevant appeal decision should be brought to bear on this application site—which is for a much larger scheme. On balance, given the Governments continuing advocacy of pressing for more homes, especially in sustainable locations, the application will not be recommended for rejection on the basis of policy CS9, although should the application be refused, it is open to the Committee to add this reason for refusal should they wish to do so. This officer recommendation is **ONLY made on the basis that the specific PEA at Station yard should not continue to be protected**; it does not relate to other employment areas in the Town such as Charnham Park which continue to serve a very valuable economic function.
- 6.2.3 Next, policy CS11 considers the hierarchy of centres in the District. Hungerford is identified as a Town Centre second down in the overall range. Policies seek to sustain the vitality and viability of such centres. The inclusion of the coffee shop in the scheme is considered to be a useful adjunct to the application, which will assist such diversification and be helpful in social terms. It is considered to accord with CS11 on this basis. Policy CS13 considers access and transport, which will be examined later in this report. Policy CS14 considers design which has already been examined. Policy CS17 considers ecological and biodiversity issues: the applicants have submitted a phase 1 ecological assessment, which has concluded that no species or sites of special ecological value relate to the application site. Policy CS19 considers the historic environment, which has been examined earlier in the section on design.
- 6.2.4 Officers now conclude that the application scheme conforms to all policies in the Core Strategy, apart from CS9 for the reasons identified. Members are reminded in this context that should they conclude in approving the application, it will have to be taken to District Planning Committee since it would comprise a departure from the Development Plan.

6.3. Access and parking

6.3.1 The applicants' highway consultants have projected traffic generation for the previous, current and proposed use is as shown within the table below:

	Previous use – agricultural business		Current use – temporary car park		Proposed use – 30 flats	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
AM peak 08.00 to 09.00 hours	11	11	30	0	2	6
PM peak 17.00 to 18.00 hours	11	11	0	30	6	4

The applicants therefore suggest that the proposed use will result in a reduction in traffic generation. Highway officers agree with this to an extent as it is possible that many commuters that use the temporary car park will seek parking elsewhere within Hungerford and will therefore still travel to and from Hungerford. There is also concern that the traffic projection for the previous agricultural business maybe somewhat excessive. Overall highway officers conclude that there is likely to be a reduction in traffic but not as much as has been claimed.

6.3.2 The proposal complies with Councils new car parking standards, and highway Officers are generally content with the overall layout of the site internally. However there is a concern that the layout will affect the car parking opposite as the proposal will narrow the aisle width fronting the spaces rendering them difficult to use. An aisle width of six metres is required, but this will be narrowed significantly

6.3.3 Highway Officers have concerns regarding the loss of the RCP Parking Ltd temporary car park approved with planning application 12/01229/FUL, because it is likely that the car parking will be displaced elsewhere within Hungerford as commuters would have got used to using the car park. However as this car park is temporary, it may be difficult to object to its loss but highway officers will be keen to cooperate with Network Rail and GWR in seeking a longer term solution for additional parking for Hungerford Station.

6.3.4 While it may be difficult to object to the loss of the temporary car park, highway officers have a significant concern that this proposal will result in the loss of 21 car parking spaces from the Network Rail car park managed by APCOA Parking (UK) Ltd. This is considered unacceptable, as the station car park is heavily used and serves a wide rural area. As with the temporary car park, the loss of this car parking is likely to result in parking displacement to other locations within Hungerford town centre where there often already is parking congestion. The loss of these parking spaces is also contrary to all aims of encouraging use of the train as a sustainable alternative of travel to the private car. If anything levels of car parking at Hungerford train station should be increased to encourage more travel by train in line with all local and national policies.

6.3.5 A further concern that highway officers have is the somewhat poor pedestrian routes to and from the site up to and across Station Road, along with no convenient place to cross Station Road itself. Routes into Hungerford town centre are also often poor. The route via Park Street is disjointed in some locations along Park Street with footways being narrow without any dropped kerbing around the Park Street / Station Road / Fairview Road crossroads. The footpath and route through the car park alongside the railway line has limited or no overlooking from dwellings that would reduce the possibility of crime, and finally the route through the Tesco car park lacks footways and involves crossing the level crossing that could be difficult for anyone that is disabled. Highway officers consider it essential to ensure a safe pedestrian route to and from the site and to encourage walking as a sustainable mode of travel.

6.3.6 In conclusion highway officers therefore recommend refusal of this planning application due to the loss of the 21 car parking spaces within the APCOA Parking (UK) Ltd car park and the lack of convenient and safe pedestrian routes to and from the site

6.4 Other issues.

6.4.1 One of the environmental factors which need to be taken into account on this site is the affect of noise on future occupants from the rail line to the north. Policy OVS6 in the Saved Local Plan makes it clear that applicants and the Council must take this into full account prior to determining applications. The application site at its closest point lies just 20m from the rail line. Accordingly the applicant has submitted a detailed acoustic report, which has concluded that if appropriate conditions are applied to the most sensitive fenestration on the north elevation, such a double glazing with windows that cannot be opened, the internal living environment will be acceptable. The Environmental Health [EH] officer has concurred with this. In addition, the same Report has analysed the potential for vibration impinging on the new scheme from the rail line. Again if proper building regulation approvals are applied, the rail line will not have a detrimental impact. Next, the proximity of the Railway Tavern to the west has been examined, particularly if noisy outdoor music events are occurring. Via the design of the floor plans in the western-most units, and the positioning of windows on the west elevation, this impact will be reduced satisfactorily and the EH officer has agreed. Finally, with respect to noise, the use of the cafe has been considered. This would be conditioned in regards to opening times so as not to impact on amenity, should the application be approved.

6.4.2 The Council requires all new dwellings to have at least a degree of external amenity space available for future residents. A total of just under 900m² is to be provided on the site, namely a communal garden area to the south and a hard paved area to the west. This is almost 30m² per flat which is considered to be acceptable. It is recognised however that the rear amenity space will be unfortunately rather dark with the new building to the north and the significant rise in levels to the south - but at least it is south facing.

6.4.3 In terms of CIL the application, if approved, would comprise a total net gain of circa 3735m² of new C3 space. This is currently charged @ £125/m². Taking out the 30% affordable housing, which is not CIL liable, this equates to a sum of approximately £327,000 under CIL. It is stressed that this figure is for illustrative purposes alone.

7.0 Conclusion

7.1.1 All planning applications are required to be determined in accord with the three principles of sustainability in the NPPF. In economic terms the application is neutral since if approved it will involve the loss of employment land and of course if refused that employment land will remain available for future users - although there is no guarantee that this would occur over the Plan period. The build out of the scheme would create local employment and the perhaps 60 new occupants in the flats will spend additional money in the local economy. In social terms the benefits are clear since 9 further affordable units would be created, with new activity being brought into Station Yard, with the advent of the coffee shop. In environmental terms the benefits are less apparent. Whilst officers have accepted the built form mass and scale of the new scheme in regard to the conservation area, the real problems will arise with the poor vehicular access to the site and the impact on car parking at the Yard, which will be detrimental to the area, for the reasons set out above in the Transport section. It is on this principal basis that the application is to be recommended for refusal, with the additional reason that no s106 obligation has been submitted, to agree the 9 affordable units.

7.1.2 Given the clear reasons on which a decision can be justified to reject the application, officers recommend that the application be rejected on the grounds identified below.

8. Recommendation.

The Head of Development and Planning be authorized to REFUSE Planning Permission for the following reasons:-

- 1 The applicant has failed to enter into a s 106 planning obligation, which would ensure that 9 affordable units would be provided on the application site. Given the significant local demand for such housing in the Hungerford Town, the absence of this planning gain is unacceptable having regard to the advice in policy CS6 in the West Berkshire Core Strategy of 2006 to 2026 and the advice on affordable housing in para 50 of the NPPF of 2012.
- 2 The proposal will result in the loss of car parking that is currently provided for commuters travelling by train. This will result in parking being displaced to other locations within Hungerford town centre where there often already is parking congestion. The loss of these parking spaces is also contrary to all aims of encouraging use of the train as a sustainable alternative of travel to the private car. It is therefore contrary to Government advice contained within the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire District Core Strategy 2006 to 2026 and the Local Transport Plan for West Berkshire 2011 - 2026.
- 3 The application fails to provide convenient and safe pedestrian routes towards and across Station Road and into Hungerford town centre. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework (March 2012), Policies CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 to 2026 and the Local Transport Plan for West Berkshire 2011 - 2026.

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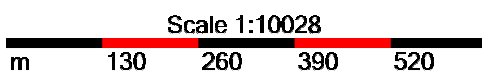
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	07 September 2017
SLA Number	0100024151



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Agenda Item 5.

APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
NEWBURY 15/03456/OUTMAJ PINS REF3153899	Land South Of Garden Close Lane Newbury Gladman Developments Ltd	Outline planning permission for up to 85 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Andover Road and associated ancillary works. Matters to be considered: Access.	Del Refusal	Dismissed 22.8.17

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Pins Ref 3153899	Land South of Garden Close Lane, Newbury, Berkshire, RG14 6P	Up to 85 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Andover Road and associated ancillary work.	Dele. Refusal	Dismissed. 22.08.2017
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Procedural Matters

The application has been made in outline, with full details in relation to access. Layout, scale, appearance and landscaping are to be considered at a later date as reserved matters. However, a development framework plan and an indicative masterplan have been provided, along with other indicative photomontages, to which the Inspector had regard.

The Council's fourth reason for refusal set out within the decision notice relates to the proposed relocation of the hedgerow along Andover Road. However, the Council has since revised its position in relation to this reason for refusal and has signed an Arboricultural Statement of Common Ground (SOCG), which the Council confirmed at the Inquiry, overcomes the reason for refusal. There was no evidence before the Inspector to suggest that he should take a different view and therefore he had not considered this matter further in his decision.

After the close of the Inquiry, the Council provided copies of two recovered appeal decisions from the Secretary of State (the SoS) (APP/W0340/W/15/3141449 & APP/W0340/W/16/3144193, dated 27 July 2017) and a High Court Judgement: Wokingham Borough Council v Secretary of State for Communities and Local Government and Cooper Estates Strategic Land Limited EWHC 1863 (Admin), dated 20 July 2017. The Inspector had regard to these, where relevant, within his decision. Further, in the interests of natural justice, the appellant was given the opportunity to provide comments on the documents and he had also had regard to the representations that he had received.

Main Issues

As a result of the evidence before him and the discussions undertaken at the Inquiry, the Inspector considered that the main issues of the appeal are: whether the Council can demonstrate a five year housing land supply; the effect of the proposal on the character and appearance of the area; and whether the proposal constitutes sustainable development, having regard to the Council's development plan and national policy.

Reasons

Housing land supply

Paragraph 47 of the National Planning Policy Framework (the Framework) sets out that local planning authorities should significantly boost the supply of housing. The appellant is of the view that the Council cannot demonstrate a five year housing land supply and consequently,

its policies for the supply of housing are out-of-date and the 'tilted balance' set out within Paragraph 14 of the Framework is engaged. The Council's housing need, necessary buffer and supply is challenged by the appellant.

Housing need

The West Berkshire Core Strategy (2012) (the CS) sets out a housing requirement of some 10,500 homes over the plan period, which equates to 525 dwellings per annum (dpa). However, this is based on the housing figures of the now revoked South East Plan. It is accepted by the Council that the housing requirement of the CS is out-of-date and should not be relied upon in terms of being able to demonstrate a five year housing land supply. The Council rely on the figure within the Strategic Housing Market Assessment (2016) (the SHMA), which it considers represents its full objectively assessed need (OAN).

The need for the SHMA was set out by the CS examining Inspector, who raised concerns about the housing requirement in the CS, following the publication of the Framework, during the examination. However, a proactive approach was taken and the examining Inspector set out that a two stage review of the Council's housing requirement was needed. The first step was to produce the SHMA, which the Council has done. The second stage is to revise the housing requirement should the SHMA indicate the Council's housing need was greater than that set out in the CS. The Inspector understood that this will be undertaken by the preparation of a new Local Plan, which following the recent adoption of the West Berkshire Housing Site Allocations (2017) (the HSA DPD), is underway.

The Council's SHMA was undertaken in association with the neighbouring authorities Bracknell Forest, Wokingham and Reading, known collectively as the Western Housing Market Area (HMA). The SHMA identified an OAN for West Berkshire of 665 dpa. This is the figure that the Council considers should be used to calculate the Council's housing land supply. The appellant contests this view and considers that West Berkshire's OAN is 723 dpa – 738 dpa.

Since the publication of the SHMA new household projections have been published. The Government's Planning Practice Guidance (the PPG) sets out that '*Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued*'. Whilst the Council still relies on the SHMA figure of 665 dpa, as part of its appeal evidence it has undertaken a 'sensitivity test' of the SHMA figure to come to a view as to whether there has been a meaningful change. This takes into account the latest household projections and other more recent data and forecasts.

The Housing Need SOCG states that whilst there are some differences in the approach to demographic led need, both parties' overall OAN figures are economic led and thus the demographic led projections on their own do not derive the ultimate OAN figure. Indeed, the appellant's evidence, sets out that their calculated demographic led OAN of between 548 and 562 dpa is very similar to the SHMA figure of 551 dpa, although they were arrived at by different methods. The Housing Need SOCG goes on to set out that the economic led need principally turns on the scale of economic growth, economic participation, double jobbing and commuting. Therefore, it is on these matters that the Inspector's decision will naturally focus.

The Council supplied to the Inquiry a note, which set out a sensitivity analysis, which amongst other things, applies the Council's assumptions on economic participation rates alongside the appellant's conclusions on the scale of employment growth. The appellant is of the view that the Office for Budget Responsibility (OBR) rates should be used. These apply nationally based assumptions. The Council has provided evidence to suggest that the OBR modelling assumptions on economic participation are too pessimistic. For example, they expect a fall in the employment rate of men between 20 - 54 which is inconsistent with past trends and what various economic forecasters expect. Indeed, the oral evidence given by Mr Ireland for the Council to the Inquiry and the latest Annual Population Survey points to employment rates for a range of age groups being noticeably higher than that assumed previously in the SHMA. The Inspector agreed that this is likely to require less economic driven migration to West Berkshire. The appellant has suggested that the more recent 2017 OBR rates are less pessimistic than the 2015 OBR rates. Whilst this may be the case, it is clear that the Council has considered the 2017 OBR rates within its evidence.

The Council has considered a range of sources and has interrogated dynamics and trends that are specific to West Berkshire, which, in the Inspector's view should be preferred. Given all of this, he was more persuaded by the Council's view on economic participation. Referring back to the Council's note this identified that if he was to prefer the Council's approach to economic participation, then the appellant's job growth assumptions (565 per annum) could be accommodated within an OAN of 665 dpa. This includes the use of either a 2011 Census commuting ratio (including a 4.3% adjustment for double jobbing) or the Council's preferred 2015 ratio of jobs to residents in employment at 0.79. This was not contested by the appellant at the Inquiry.

The Inspector acknowledged that the appellant sets out that a 4.3% adjustment for double jobbing is too high and favours a 3% adjustment. The appellant prefers this adjustment based on data from ONS (Reconciliation of estimates of jobs, March 2017). However, it is unclear whether this data relates to national trends or is specific to West Berkshire. Whilst the appellant's data may be more recent, the SHMA sets out that the double jobbing percentage was calculated at a local level using an average of 10 years of data to reconcile errors of margin within individual years. On this basis, he considered that the double-jobbing ratio set out within the SHMA should be preferred, as this takes into account local data over a prolonged period of time.

The Council's note is also based on 2014-based headship rates, with part return to trend adjustment towards 2008-based headship rates such that there is a 50% return to the 2008-based headship rates for those aged 25 - 34 and 35 - 44 by 2033. It was suggested that this was very similar to Mr Donagh's 'Blended 25 - 44 HFRs 50% Sensitivity' scenario. This was not challenged by the appellant and it is the scenario that has been preferred by the appellant's housing land supply witness.

In terms of the Council's preferred 2015 ratio of jobs to residents in employment of 0.79 (includes commuting and double jobbing), this is based on ONS job estimates of employment of 107,000 in 2015, with the Annual Population Survey (APS) showing 87,400 economically active residents with 84,500 in work. This suggests a ratio of residence-based people to jobs of 0.79. The Council also provided the same data from 2014, 2015 and 2016, which showed an average of 0.789. In response, the appellant provided a table that calculated commuting ratios using the APS and the Business Register and Employment Survey (BRES). Whilst these showed varied results, the Council's response to the appellant's table sets out that the APS commuting ratio in Column 4 of the appellant's table compares the number of people

working, on a residence and work place basis, which is a reasonable basis to calculate a commuting ratio, but it does not include an adjustment for double jobbing. Further, the Council set out that the BRES calculations count persons employed and that it is widely accepted that these do not fully capture the self-employed. The appellant did not contest these views at the Inquiry.

Whilst not overly decisive given his other findings and while he acknowledged that there has been some criticisms from the appellant with regard to its reliability, the Inspector considered that the Council's preferred 2015 ratio of jobs to residents in employment of 0.79, shows a strong indication that less housing could be needed to support job growth in West Berkshire, than previously anticipated by the SHMA and the SHMA figure of 665 dpa could be a conservative one. The only scenario in the Council's note that goes above 665 dpa, relates to the Cambridge Economics 2016 forecast and the 2011 census commuting ratio and 4.3% double jobbing adjustment. This would result in an OAN of 673 dpa, which he did not consider to be materially different to a figure of 665 dpa.

In terms of market signal indicators, it is agreed between the parties that these are worsening. However, the Council has set out that its figure of 665 dpa represents an uplift of 70% on top of the 2014 based household projections. The Inspector was not convinced by the evidence, including the Council's current affordable housing situation, that a greater uplift is necessary and he considered that a 70% uplift would provide a strong response to affordability issues in West Berkshire. Further, the appellant has provided, at Table 8.1 of Mr Donagh's proof of evidence, a table that shows alternative market signal approaches in West Berkshire. This includes, figures suggested by the Local Plans Expert Group (685 dpa), the Barker Review (912 dpa), the National Housing & Planning Advice Unit (479 dpa) and Redfern Review, November 2016 (557 dpa). These show a fairly wide variation. However, if for example an average of these figures is taken, the figure would be 658 dpa. This is a figure very similar to the Council's OAN of 665 dpa and provides some additional comfort that a greater uplift above 665 dpa is not necessary to address affordability issues.

The appellant has been critical of the 'Bracknell Forest Adjustment' made within the SHMA. However, the Inspector was mindful that the Council's updated calculations provided for the purposes of this appeal, did not include such an adjustment.

On balance, he considered that the weight of evidence suggests that the SHMA figure of 665 dpa remains an appropriate figure and he was not convinced by the new evidence provided to this appeal that there has been any meaningful change in the housing situation of the Council. The Inspector concluded that the figure of 665 dpa should therefore be preferred to assess the Council's five year housing land supply.

He acknowledged that the Inspector of the Hilltop Inquiry stated at Paragraph 17 that '*The balance of evidence before the Inquiry suggested that the FOAN should be higher than that used by the Council*'. However, the Inspector in that case did not reach any further conclusions and he was mindful that he had different evidence before him in relation to this appeal. This does therefore not affect his own findings. Further, the Inspector had been made aware of two more recent appeal decisions that were recovered by the SoS for developments in West Berkshire. In both cases, the SoS agreed with the Inspector's view that the SHMA OAN figure of 665 dpa remains an appropriate OAN for the Council. Whilst he acknowledged that there would have been different evidence provided in those appeals, the overall findings, nonetheless, add weight to his own.

On a related matter, both parties have referred to the Local Plans Expert Group methodology for assessing housing need. However, both parties agree in the SOCG that this should be given little weight, as the Government has not formally responded to the suggested methodology. The Inspector agreed with this view.

Buffer and shortfall

The appellant contends that the Council has a consistent record of under delivery of housing and should therefore provide a 20% buffer, as set out in Paragraph 47 of the Framework. The appellant also maintains that the SHMA OAN figure should be used to calculate any under delivery from 2013/14. However, the Council confirmed at the Inquiry that it only knew what the SHMA figure (665 dpa) was in autumn 2015, which is half way through the 2015/16 monitoring year. Given this, the Inspector considered that up until 2016/17, any past under delivery in terms of the buffer should be considered against the Core Strategy housing requirement of 525 dpa. In his view, it would be unfair to measure any under delivery from 2013/14 to 2015/16 against a figure that the Council simply was not aware of, or was only aware of for the second half of the year, in terms of 2015/16.

For the period 2006/07 to 2015/16, which is the last 10 year period where actual completions are known, the Council has over delivered in 5 years and under delivered in 5 years. Looking at Mrs Peddie's Table 2 of her proof of evidence, it can be seen that the Council has, in total over the entire 10 year period (2006/07 to 2015/16), only marginally under delivered. The majority of under delivery was through the recessionary period 2009/10 to 2011/12, which was a very difficult period for housing delivery nationwide. Despite the views of the appellant, the Inspector considered that this should be taken into account.

Given all of this, he considered that the Council is not a persistent under deliverer of housing and a 5% buffer should apply. The Manns Hill Inspector considered similar evidence from the same housing land supply witnesses for both parties and at Paragraph 34 of the appeal decision found *'...Over the past 10 years 2006/07-2015/16 delivery was above the requirement in 5 years and below the requirement in the other 5 years. This assessment is somewhat distorted by factors such as the 2014/15 below-target outcome as a result of over 100 demolitions (largely on one site in preparation for redevelopment now close to completion) which reduced the annual net completion figure. Taking account of the peaks and troughs of the housing market cycle over a particularly difficult period, I do not consider that this represents a record of persistent under delivery. An additional buffer of 5% should therefore be applied...'*

In addition, the recent recovered appeal decisions also considered this matter. In both cases, the SoS concluded that the authority was not a persistent under deliverer of housing and a 5% buffer was appropriate. The appellant has suggested that the SoS did not disagree with the Inspector's conclusion that performance should be assessed against the requirement of 525 dpa up to 2012/13 and then the SHMA OAN of 665 thereafter. However, the SoS states that he *'disagrees with the Inspector's conclusions'* on the buffer. It is unclear from the SoS reports whether this includes the figures against which performance should be assessed or not. On that basis, the Inspector could take the matter no further.

The appellant has also pointed out that the SoS in coming to his conclusion, has had regard to the report of the West Berkshire Housing Site Allocations DPD and the DPD Inspector's conclusions 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

appellant suggests that significant new evidence is now available that was not before the SoS, in the form of the Council's acceptance that 77 dwellings should be removed from allocation HSA4 as part of their supply calculations. The Inspector did not consider this to be significant new evidence and the slippage of one site does not indicate that there is a significant threat to the delivery of housing in West Berkshire. The SoS also took the view that the recession should be taken into account. Consequently, he considered that these factors did not alter his own findings and the overall conclusion of the SoS was that the Council is a 5% buffer authority and this supports and adds weight to his own conclusion.

The Council has provided an estimated completion figure of 520 dwellings for 2016/17. Against the SHMA figure of 665 dpa, this would represent an under delivery of 145 dwellings. However, whilst the estimated completion figure has been agreed as an appropriate figure to base the calculation of the 5 year housing land supply on, it is, nonetheless, an estimated figure and could be subject to change. Notwithstanding this, even if the figure turns out to be accurate, it would not be sufficient to alter his findings that a 5% buffer should apply.

Both parties agree that the shortfall should be made up during the next 5 years, known as the Sedgefield method. Having regard to his findings above in terms of housing need, this, including the shortfall and a 5% buffer, gives an overall housing requirement over the five year period 1 April 2017 to 31 March 2022 of 4081 dwellings.

Supply

Turning to matters of supply, at the close of the Inquiry the Council maintained that it can demonstrate a supply of 4386 dwellings over the five year period, whereas, the appellant is of the view that the deliverable supply is 3714 dwellings. The difference in these figures relates to disagreements over the delivery of numerous sites within the five year period. The Inspector dealt with these in turn.

Dealing firstly with sites with planning permission, the Framework at Footnote 11 identifies that *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans'*.

The site known as J&P Motors has planning permission for 37 dwellings and remains extant as it has been partly implemented. An application has been made to modify the Section 106 agreement in terms of affordable housing. He understood that Palady Developments Ltd will purchase the site should the deed of variation to the Section 106 be agreed. At this point in time there is no evidence to suggest that the modification to the Section 106 agreement will not be granted and the Council set out at the Inquiry that it is expected to be agreed very shortly. In addition, the Council has provided emails as recently as 7 June 2017 that show the site is still being pursued subject to the Section 106 agreement modification being agreed and that it is hoped that development will start towards the end of this year. Despite the current use and the long running planning history of the site, the Inspector could see no reason to believe that the site will not deliver 37 dwellings in the next five year period.

Land to the rear of 1-15 The Broadway has outline permission for 72 dwellings and is currently in use as a car park. At the Inquiry, the Council provided a recent email exchange with an agent for the site who has confirmed that the landowners intend to be on site to commence the development within 18 to 24 months. The emails also set out that a reserved application will imminently be submitted for the only reserved matter: landscaping. The Inspector could see no reason to consider that the site will not deliver 72 dwellings as suggested by the Council.

The appellant has not disputed that the site at Firlands Farm will deliver housing within the next five years. However, the appellant is of the view that commencement on the site is delayed from that suggested by the Council, which should result in the removal of 30 dwellings based on the appellant's assumptions on lead in times. At the current time the site benefits from outline planning permission for 90 dwellings, which was granted at appeal. To date no reserved matters applications have been submitted. Given this, he considered that it is unlikely that the site will deliver 30 dwellings in 2018/19 and he agreed with the appellant that the development is delayed by a year. On this basis, he considered that the first completions are likely to occur in 2019/20. However, having regard to the site's projection in the Council's Five Year Housing Land Supply Update April 2017, the delivery of the site could slip by one year and 90 dwellings could still be delivered by 2021/22. Consequently, the Inspector considered that no dwellings should be removed from the supply for this site.

11-15 Bartholomew Street benefits from planning permission for 47 flats. Part of the site is currently in active use in the form of an Iceland supermarket. However, at the Inquiry, the Council set out that the site owners have sought pre-application discussions on an alternative scheme for retirement homes. This indicated to the Inspector that the permitted scheme is not being pursued by the current landowners and is therefore unlikely to be delivered. Whilst an alternative scheme could be delivered in the next 5 years, this is very uncertain given the current stage of discussions. Having regard to Footnote 11 of the Framework, he considered that 47 dwellings should be removed from the Council's supply.

The other sites in dispute relate to those allocated within the HSA DPD. The PPG states *'Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years'*. The same paragraph of the PPG then goes on to set out *'However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out'*.

The Inspector had been made aware that at a recent Inquiry the Council conceded that HSA DPD allocations HSA1, HSA1420 and HSA15 would not be delivered within the next five years. However, he agreed with the Council that there has been a significant change since the previous Inquiry, insofar that the HSA DPD has now been adopted. It is evident that some landowners may have been waiting for the adoption of the HSA DPD before preparing and submitting planning applications. The email from the agent representing the landowner of HSA19 (Inquiry Document 25) is a clear example of this.

HSA DPD allocation HSA1 is for 15 dwellings and there is a recent email from the agent acting for the landowner that shows there is every intention to deliver within the five year period. The Council anticipate the 15 dwellings being delivered in 2020/21. However, this could slip a year

and still be deliverable in the next five years. On this basis, the Inspector could see no reason to consider that the site will not be delivered in the next five years.

Turning to HSA14 and HSA15, the appellant has set out that delivery of new dwellings on HSA14 by 2019/20 is unlikely and the Inspector agreed with that view. However, he believed if planning applications on HSA14 and HSA15 were submitted towards the end of this year, both sites could start delivering new dwellings in 2020/21. This would broadly accord with the appellant's suggestion of a three year lead in time from the point of a planning application to first completions on the site, which from the evidence that he had before him, he considered to be reasonable. There is a recent email from the landowner of both sites saying that work on the planning applications are underway and a twin tracked process to find a suitable developer is likely to occur. Consequently, the Inspector considered that HSA15 is capable of delivering 100 dwellings in the next five year period, as set out in the Council's Five Year Housing Land Supply April 2017 (Core Document 14.8). However, the Council project that HSA14 would deliver 30 dwellings in 2019/20, 40 dwellings in 2020/21 and 30 dwellings in 2021/22. As set out above, he considered that delivery in 2019/20 is unlikely and therefore the trajectory is likely to slip one year for HSA14 and 30 dwellings should be removed from the Council's supply.

The Council are of the view that HSA2 will deliver 100 new homes within the next five years, with 30 dwellings being delivered in 2019/20 and 70 dwellings in 2020/21. Given that a planning application has not yet been submitted, the Inspector agreed with the appellant that the first completions are unlikely to occur in 2019/20. However, it appears from the emails provided at the Inquiry in relation to the site that archaeological concerns have been suitably investigated and a planning application is due soon. Having regard to his above observations in relation to lead in times, the Inspector considered that the site could feasibly deliver 30 new dwellings in 2020/21 and 70 dwellings in 2021/22. This would still deliver 100 dwellings within the five year period, as anticipated by the Council. Whilst 70 dwellings in 2021/22 is above the build out rate of 30-50 dwellings per annum assumed by the appellant, he did not consider it to be unreasonable given that it is a large site. Further, the appellant has referred to evidence from Wokingham Borough Council that suggest for large sites where there is one developer, a rate of 48 to 88 homes annually could be expected. Consequently, he considered that the site could feasibly deliver 100 homes over the next five years.

The Council accepted at the Inquiry that there is likely to be some slippage to the delivery of HSA4 and subsequently removed 77 dwellings from its supply. The Council now consider that 30 dwellings would be delivered in 2020/21 and 50 dwellings in 2021/22. This broadly correlates with the views of the appellant, who considers that the site would deliver 20 dwellings in 2020/21 and 50 dwellings in 2021/22. The Inspector could see no reason to believe that a build out rate of 30 dwellings per annum could not be achieved in the first year. As a result, he considered that the site is capable of delivering 80 dwellings in the next five years.

The Council consider that HSA5, HSA11 and HSA19 will start delivering new dwellings in 2019/20. Given that there are currently no submitted planning applications and again having regard to his findings in terms of lead in times, he considered that delivery before 2020/21 is unlikely. He considered that the Council's trajectory for each of these sites in terms of numbers per annum to be reasonable and with a year's slippage on the trajectory, this would result in the removal of 70 dwellings from the Council's supply.

During the Inquiry, the Council confirmed the adoption of the Stratfield Mortimer Neighbourhood Plan. This includes a site allocation of 110 dwellings. The Council consider that it is realistic to include 60 dwellings within the five year supply. The appellant considers that the site would contribute 30 dwellings. The Council has provided a timetable for the delivery of the site that was provided by an agent for the site (Inquiry Document 26). This considers that all 110 units would be delivered by 2021/22. Whilst this may be overly optimistic, the Inspector considered that the Council's approach is appropriate and 60 dwellings should be counted towards the Council's supply.

In terms of prior approvals, the parties are very close in their views on this matter, with the Council calculating that 185 dwellings will be delivered in the 5 year period, with the appellant calculating 179 dwellings. For the purposes of the appeal, he had given the benefit of the doubt to the appellant and assumed 179 dwellings would be delivered, a removal of 6 dwellings. Shortly before the Inquiry, the Council set out that prior approvals granted at 19 & 19A High Street, Theale (10 units) and Lambourn, Nexus and Derby House, New Business Park (129 units) should also contribute to the Council's five year housing land supply. Incorporating a 10% non-implementation allowance this represents 125 dwellings, which is disputed by the appellant. This is on the basis that these prior approvals have been granted post the calculation base date of 1 April 2017 and there is no correlating position addressed in terms of completions and the requirement. Whilst he noted such concerns, the two prior approvals are, nonetheless, likely to provide new dwellings within the next five year period and in his view, they should count towards the Council's supply.

All other matters are agreed between the parties in terms of supply. Given all of these findings, the Inspector considered that 153 dwellings should be removed from the Council's supply and concluded from the evidence before him for this Inquiry, that the Council's supply for the period 1 April 2017 to 31 March 2022 is 4233 dwellings.

It should be noted that these findings are based on the evidence that was provided to the Inspector at the Inquiry and therefore may differ from the findings of other recent appeal decisions.

Housing land supply conclusion

The Inspector had found that the Council's suggested OAN of 665 dpa represents an appropriate figure to calculate the five year housing land supply. This figure, including the shortfall and a 5% buffer, gives an overall housing requirement over the five year period 1 April 2017 to 31 March 2022 of 4081 dwellings. The Council can demonstrate a supply of 4233 dwellings over the five year period, which equates to a supply of 5.2 years. As a result, the Inspector concluded that the Council can demonstrate a five year housing land supply.

Character and appearance

The appeal site is located on the eastern side of Andover Road and is currently an open agricultural field, with relatively mature vegetation on the western, southern and eastern boundaries. The topography of the land slopes noticeably to the south, away from the existing development associated with Newbury. The site lies adjacent to the settlement boundary of Newbury, where the site abuts existing residential properties along Andover Road, along with a dwelling within Garden Close Lane. Open countryside lies to the east and south and Andover Road runs along the western boundary. Beyond Andover Road to the west also lies open countryside. Enborne Row lies a short distance to the southwest of the appeal site. The

appeal site does not fall within an area that is the subject of any current landscape designation.

The site falls within the Berkshire Landscape Character Assessment (2003) (the BLCA) Landscape Type H: Woodland and Heathland Mosaic and Landscape Character Area (LCA) H2: Greenham. This is a large area, however, some of the key characteristics of this landscape type of most relevance to the appeal site include: being topographically varied with undulating hills and small valleys rising to mounded ridges; intimate lowland rural landscape; strong wooded context, including wooded valleys and copses; and arable land and pastures divided into a varied field pattern of irregular fields. The BLCA sets out that the landscape strategy for this area type is to conserve and where necessary restore the distinctive intimate and peaceful wooded landscape with its small scale mosaic pasture, arable farmland and parkland. Key management guidelines of the BLCA for this area also include: conserve and restore areas of pastureland; conserve and strengthen boundary elements and seek to prevent further loss of boundary hedgerows; conserve the rural character of roads; conserve the distinctive dispersed settlement character; and retain and enhance positive open views to the south within LCA H2.

Although LCA A4 (Upper Valley Enborne) excludes the appeal site, it does lie immediately to the south of the site. The BLCA sets out that the landscape strategy for this area is to conserve and restore the peaceful and intimate rural character. The Newbury District Landscape Character Assessment (1993) (the NDLC) identifies the appeal site lying within the Landscape Character Type 15: London Clay with Gravel Ridges. The most relevant key characteristics of this area is convex slopes and small incised valleys with streams. In a similar manner, the strategy for this area is to conserve and enhance.

Also of relevance is the Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire (2009), which was a study of small landscape parcels around the hinterland of Newbury. The appeal site lies within Local Landscape Character Area 15B: Wash Common Farmland. This identified the area as having a medium to high sensitivity to development. As a result of his own observations, the Inspector agreed with this assessment. Key sensitivities were noted as: complex topography of the south facing Enborne Valley slopes; the mosaic of quite small regular fields with tall hedgerows; long views of higher ground and lower tranquillity close to Newbury.

In addition, the Landscape Sensitivity Assessment of Potential Strategic Development Sites (2009) included the consideration of 13 areas as potential strategic development sites. The appeal site was included within a larger parcel of land. The study found that the housing at Enborne Row is clearly separated from the Wash Common area of Newbury and that any large scale development would subsume Enborne Row within Newbury and would have significant landscape impacts.

The proposal would result in the construction of up to 85 dwellings. The Development Framework Plan and Illustrative Masterplan show a single point of vehicular access from Andover Road, along with an additional footway access. The plans also show that lower density housing would be placed around the edges of the site, with higher density development towards the centre of the site and adjacent to the existing properties on Andover Road. The scheme would include open space, including a children's play area towards the south of the site. The Development Framework Plan also shows that the boundaries would be strengthened with additional planting. In order to provide suitable visibility splays much of the

existing hedgerow along Andover Road would need to be removed. The appellant is proposing to provide a new instant hedgerow that would be set further back from the road.

During his site visits, the Inspector spent a good amount of time observing the appeal site, particularly from the south, notably from the network of public footpaths. Whilst he accepted that the visual envelope of the appeal site is fairly limited, there are numerous opportunities, where views of the appeal site can be gained across the Enborne Valley. Whilst the appeal site is influenced to some degree by existing built development, this is largely on higher ground and the sloping open field of the appeal site can clearly be seen. When viewed from the south, the appeal site clearly forms part of the sloping valley side and contributes positively to the rural setting of Newbury. In his view, this makes the appeal site particularly sensitive to development. The appellant has provided some Photomontages (A, B and C), which give an indicative visual impression of the proposed development from the south. When viewed from these locations, it can be seen that despite the existing vegetation, the development would have the appearance of sprawling down the valley side, markedly urbanising the Enborne Valley and the rural landscape, to its detriment. Whilst additional planting is proposed along the southern boundary of the site and there would be an area of open space, this would not be sufficient to overcome such harm, as the residential dwellings and their roof tops would still be highly visible, as can be seen from the Photomontages showing an impression of how the scheme could appear after 10 years.

As set out above, much of the existing mature hedgerow along Andover Road would need to be removed to accommodate the vehicular access and associated visibility splays. Whilst an instant hedgerow could be planted, this would not screen the dwellings that would likely face onto Andover Road or the appearance of the vehicular access. Along with this, additional pavements would be provided along the site frontage. These features would all urbanise the existing largely rural and pleasant approach into Newbury.

There was much debate at the Inquiry as to whether the area constitutes a valued landscape in terms of Paragraph 109 of the Framework. The Inspector considered that the landscape is attractive, but he was not of the view that the immediate landscape is out of the ordinary, in the context of the wider area. Further, the appeal site and its surrounding area is to some degree influenced by existing development to the north. In addition, there are no conservation interests or perceptual associations or any aspect of recreational value associated with the appeal site. Therefore, although he considered that the landscape clearly has a reasonable level of value and is clearly highly valued by local people, he was not of the view that it benefits from the specific protection of Paragraph 109 of the Framework. Notwithstanding this, Paragraph 17 of the Framework sets out its core planning objectives, which includes recognising the intrinsic character and beauty of the countryside. The proposal would result in a significant level of built development sprawling down the valley side, causing significant harm to the existing rural character and appearance of the area.

In terms of coalescence, the proposal would largely fill an open area of land that separates Newbury from Enborne Row. Whilst the parties have calculated differing separation distances, it was clear from his site visit, that the proposed scheme and the most eastern extent of Enborne Row, which in visual terms is defined by a relatively new fence, would only be separated by a very small triangular piece of woodland and Andover Road. The Inspector considered that despite any existing filtered views of housing on Andover Road, the scheme would result in the unacceptable coalescence of Newbury and Enborne Row, which would be clearly evident from Andover Road. Enborne Row would lose its individual identity and would ultimately become part of Newbury.

The appellant has suggested that there is no specific policy protection against coalescence and there is no gap protection policy. Whilst this is the case, the supporting text of the West Berkshire Core Strategy (2012) (the CS) Policy CS19 refers to coalescence and the importance of the separate identities of settlements in West Berkshire. Further, Policy CS19 sets out that proposals for development should be informed by and respond to: (a) the distinctive character areas and key characteristics identified in relevant landscape character assessments. The Inspector had identified above that the BLCA sets out that one of the key development guidelines for the area in which the appeal site falls is to conserve the distinctive dispersed settlement character. The scheme would run directly in contrast to this aim. He was not of the view that the location of the much debated Newbury sign suggests that Enborne Row and Newbury are not separate or distinct settlements.

Dealing now with visual impacts, the appellant maintains that when walking the public footpath network to the south there are not many opportunities to observe the appeal site due to the mature vegetation. Whilst to some degree this is the case, where such views do exist, he observed that the eye is naturally drawn to the views across the Enborne Valley towards Newbury, which includes the appeal site. He considered that the scheme would therefore be visible when viewed from numerous locations along the public footpath network to the south and given his above observations, would cause visual harm to its users, who are sensitive receptors.

In addition, views would be gained of the proposal when in close proximity to the appeal site, particularly from existing residential properties along Andover Road and Garden Close Lane. Such views would alter significantly from an open field sloping down towards the rural valley bottom, to a significant suburban housing development. There would therefore also be visual impacts to the existing local residents and passers-by along Andover Road.

Turning to other related matters, the appellant has set out that the Council has allocated and granted planning permission for major housing developments within other areas of medium to high landscape sensitivity. Further, the appellant is also of the view that there are no easy sites left to develop around Newbury, due to a large number of designations, such as the Area of Outstanding Natural Beauty. The Inspector acknowledged these matters and accepted that as time moves forward increasingly difficult decisions will need to be made.

Notwithstanding this, he was mindful that the Framework advocates a plan-led approach and where housing sites in sensitive landscape areas have come forward in the past, it has largely been as part of a comprehensive plan-led strategy, such as the Sandleford Park allocation. Further, there are areas remaining to the north of Newbury that do not fall within the AONB and are of a lower landscape sensitivity than the area in which the appeal site falls. As part of his site visits, he viewed several site allocations or development sites to the north of Newbury and he considered that these areas have less landscape sensitivity than the areas to the south of Newbury.

The Inspector acknowledged that the delivery of housing at the Sandleford Park allocation has slipped and it is not anticipated that there will be any completions in the next five years. However, he had found that the Council can demonstrate a five year housing land supply against an appropriate OAN, without any contribution from Sandleford Park. Sandleford Park is therefore likely to make a major contribution to boosting the supply of housing in the medium to long term. He considered that the above matters undermine the appellant's

suggestion that sensitive sites that will cause landscape harm need to be released now in order for the Council to meet its housing needs.

Whilst the appeal site when considered and appraised as part of the HSA DPD was not ruled out on landscape grounds, he did not consider that this in any way affects his above findings.

The Inspector concluded on this main issue, for the reasons set out above, the proposal would cause significant harm to the character and appearance of the area and would fail to recognise the intrinsic character and beauty of the countryside. The proposal therefore runs contrary to Policies CS14 and CS19 of the CS and Paragraph 17 of the Framework. In summary, these policies seek to ensure that: new development respects and enhances the character and appearance of the area; the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced; and new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The identified harm in this regard, weighs heavily against the scheme.

Sustainable development?

The Council's spatial strategy

The Council's strategy for the delivery of new housing is set out by a number of policies within the CS and the HSA DPD. Policy CS1 of the CS sets out that the Council will need to deliver a minimum of 10,500 homes over the plan period (2006-2026). It is accepted by the Council that this housing requirement is out-of-date. The policy sets out 4 criteria by which new homes will be delivered. The proposal does not meet any of those listed. However, as worded, the Inspector considered that Policy CS1 is not entirely restrictive of development outside of these categories.

Policy ADPP1 of the CS sets out the Council's spatial strategy. This identifies that most development will be located within or adjacent to the settlements included within the settlement hierarchy. The policy sets out that West Berkshire's main urban areas will be the focus for most of the development and this includes Newbury. The appellant contends that because the site lies adjacent to Newbury, the site falls within the hierarchy and the scheme complies with Policy ADPP1. However, the last part of Policy ADPP1 introduces restraints on development outside of the settlement hierarchy, which includes open countryside.

The Council is of the view that, although the policy refers to the potential for development adjacent to a settlement, this must be considered in the context of Policy CS1, where such land would be allocated in a development plan document. The Inspector agreed with this view, namely because it distinguishes land adjoining a settlement from the settlement itself, and the District Settlement Hierarchy refers only to the settlement. As a consequence and despite its proximity to Newbury, he considered that the appeal site falls outside the settlement hierarchy and constitutes open countryside, particularly given it consists of an agricultural field. The final bullet point of Policy ADPP1 is therefore relevant, which only allows for limited development which addresses identified needs and maintains a strong rural economy. The proposal for 85 dwellings would not comply with this criterion and therefore conflicts with Policy ADPP1. Whilst he noted that there has been varying views on such matters in recent appeal decisions and he noted that at the Hilltop Inspector took a contrary view to his own, the most recent view on this matter relates to the two recovered appeals. In these cases, the SoS took a very similar view to his own and this again adds weight to his findings.

Policy ADPP2 of the CS identifies that Newbury will accommodate approximately 5,400 homes and that two large strategic allocations will deliver the majority of these homes at Newbury Racecourse and at Sandford Park. The policy also sets out that other development will come forward through existing commitments, infill development and the allocation of smaller extensions to the urban area in the HSA DPD. The proposal does not fit with any of these mechanisms. The appellant has suggested that sufficient homes have not been built or are unlikely to be built in Newbury. The Inspector acknowledged that the delivery of the Sandford Park Allocation has slipped. However, there is no indication that the site will not be delivered in the medium term and dwellings are being delivered at Newbury Racecourse. Further, the HSA DPD has recently been adopted and will also help to deliver new housing in Newbury. There is no evidence to suggest that the anticipated delivery from these sites has slipped to any great degree. In the context that the Council can demonstrate a five year housing land supply and given the above matters, there was no compelling evidence before him to suggest that the Council will not deliver sufficient homes in Newbury over the plan period in a plan-led manner.

The final policy of relevance in this regard, is Policy C1 of the HSA DPD, which relates to the location of new housing in the countryside. The policy sets out that there is a presumption against new residential development outside of settlement boundaries. There are exceptions to this, but the proposal does not meet any of those listed. The scheme therefore conflicts with Policy C1 of the HSA DPD.

As a result of these findings, he considered the scheme conflicts with Policies ADPP1 and ADPP2 of the CS and Policy C1 of the HSA DPD and does not comply with the Council's spatial strategy as set out in the development plan.

Weight to be afforded to the policies

The Inspector found that the Council can demonstrate a five year housing land supply. Consequently, in terms of Paragraph 49 of the Framework, and he considered that policies which relate to the supply of housing are not out-of-date. However, the appellant is of the view that the tilted balancing exercise set out in Paragraph 14 of the Framework is triggered, even if a five year housing land supply can be demonstrated, as the Council's policies that relate to the supply of housing and settlement boundaries are based on an out-of-date housing requirement.

It is common ground that the housing requirement of 10,500 dwellings within Policy CS1 of the CS is out-of-date and is not the Council's OAN. However, he was mindful that Policy CS1 sets out that the housing numbers are a minimum and importantly allows for its review over time to reflect updated housing needs. The Inspector had found that the Council can demonstrate a five year housing land supply against an appropriate OAN figure, even with the existing settlement boundaries in place. Given this, he considered that the Council's policies that relate to the supply of housing should not be considered out-of-date and therefore, the tilted balancing exercise in Paragraph 14 of the Framework and Policy NPPF of the CS is not engaged. This view is shared by the SoS in the two recently recovered appeal decisions, which add weight to his findings.

Turning to the policies' compliance with the Framework, the appellant has set out that Policy C1 of the HSA DPD is overly restrictive and is similar to Green Belt restrictions set out in the Framework. However, the Inspector considered the intention to protect the rural areas by restricting development outside defined settlement boundaries is not inconsistent with the

Framework, which recognises the inherent character and beauty of the countryside. Further, he was mindful that the HSA DPD and Policy C1 have only recently been found sound and adopted. One of the tests of soundness is the plan's consistency with national policy and the examining Inspector was content in the context of Newbury that Policy C1 was compliant with the Framework. Given the above, he saw no reason to take a different view. As a result, he considered that Policies CS1, ADPP1 and ADPP2 of the CS and Policy C1 of the HSA DPD are broadly consistent with the Framework and given his other findings should all be afforded significant weight.

Having regard to all of the above findings, the scheme conflicts with Policies ADPP1 and ADPP2 of the CS and Policy C1 of the HSA DPD, which carry significant weight. This also weighs heavily against the proposal.

Planning balance

It is accepted that there is a substantial need at the present time for affordable housing within West Berkshire and that the provision of 40% affordable housing would be a significant social benefit of the proposal. However, he was mindful that other housing schemes that would come forward through a plan-led approach would help to do the same, and it is highly likely that such developments would also be required to make provision for affordable housing. The same can also be said for the economic benefits of the scheme identified by the appellant. The Inspector considered that this, along with the presence of a five year housing land supply reduces the level of weight that can be afforded to the benefits of the housing. The appellant has set out that there would be benefits through the provision of new open space and through the CIL regime. However, he considered these to mitigate the impact of the proposal and therefore carry a neutral level of weight. Given all of the above, he considered that the social and economic benefits of the scheme, should collectively carry a moderate level of weight in favour of the scheme.

The Inspector accepted that in terms of access to local services and facilities, including public transport, the appeal site is relatively well located. However, he considered this to be a matter of neutral weight as it could be argued that this should be the case for all new development, particularly where the Council can demonstrate a five year housing land supply.

In conclusion on this main issue, the Inspector had found that the proposal would cause significant harm to the character and appearance of the area. Further, the appeal site is located outside of the existing settlement boundary of Newbury and does not comply with the Council's spatial strategy, which also weighs heavily against the scheme. The proposal would have social benefits through the provision of up to 85 new dwellings, including the provision of 40% affordable units. There would also be some associated economic benefits. The Inspector had found that the social and economic benefits of the proposed housing delivery should collectively carry a moderate level of weight in its favour.

On balance and weighing all of these factors against each other, he considered that the social and economic benefits of the scheme are not sufficient to outweigh the identified environmental harm and the associated development plan conflict. Overall, he concluded that the proposal does not comply with the development plan as a whole and does not constitute sustainable development in terms of the Framework.

Other matters

Interested parties have raised a large number of other concerns. However, as the Inspector was dismissing the appeal on other grounds, such matters do not alter his overall conclusion and have therefore not had a significant bearing on his decision.

Planning Obligations

The Council's third reason for refusal relates to the absence of a Section 106 agreement to secure necessary planning obligations. At the Inquiry the appellant provided a signed and dated Unilateral Undertaking (UU), which makes provision for affordable housing, the transfer of open space and a financial contribution for the recreational management of the Greenham and Crookham Common Site of Special Scientific Interest (SSSI).

The Council confirmed at the Inquiry that its third reason for refusal had been overcome. In addition, the appellant has contested the need to provide a financial contribution for the recreational management of the Greenham and Crookham Common SSSI. However, given that he was dismissing the appeal for other reasons, it is not necessary for him to consider these matters in any further detail.

Conclusion

For the reasons set out above and having regard to all other matters raised, the Inspector concluded that the proposal does not comply with the development plan as a whole and does not represent sustainable development in terms of the Framework. There are no material considerations which would warrant a decision other than in accordance with the development plan. The appeal is therefore dismissed.

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