

Notice of Meeting



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Western Area Planning Committee Wednesday 1 November 2017 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

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

Members Interests

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

Further information for members of the public

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

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

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

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

Email: planapps@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 1 November 2017
(continued)

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, 24 October 2017



Agenda - Western Area Planning Committee to be held on Wednesday, 1 November 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
-

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 12
To approve as a correct record the Minutes of the meeting of this Committee held on 20 September 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: 17/01445/FUL, The Lodge, High Elms, Aldworth Road, Compton, Newbury** 13 - 34
- Proposal:** Part retention of The Lodge to provide ancillary workshop and garaging to Walnut House
- Location:** The Lodge, High Elms, Aldworth Road, Compton, Newbury, RG20 6RD
- Applicant:** Mr Michael Milne
- Recommendation:** The Head of Development and Planning be authorised to **GRANT** conditional planning permission



Agenda - Western Area Planning Committee to be held on Wednesday, 1 November 2017
(continued)

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 35 - 46
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.

Background Papers

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

Andy Day
Head of Strategic Support

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



DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 SEPTEMBER 2017

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

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

Apologies for inability to attend the meeting: Councillor Virginia von Celsing

PART I

23. Minutes

The Minutes of the meeting held on 30 August 2017 were approved as a true and correct record and signed by the Chairman.

24. Declarations of Interest

Councillors Dennis Benneyworth and Paul Hewer declared an interest in Agenda Item 4 (1), 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.

Councillors Jeff Beck, Dennis Benneyworth, Jeanette Clifford, Hilary Cole, Billy Drummond, Paul Hewer, Clive Hooker, Anthony Pick and Garth Simpson declared that they had been lobbied on Agenda item 4 (1).

25. Schedule of Planning Applications

(1) Application No. and Parish: 17/01833/FULEXT - Land at former Oakes Bros site, Station Yard, Hungerford

(Councillor Dennis Benneyworth declared a personal interest in Agenda Item 4 (1) by virtue of the fact that he was a member of Hungerford Town Council that had previously considered this application but reported that he would consider the application afresh. 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.)

(Councillor Paul Hewer declared a personal interest by virtue of the fact that he had previously spoken in favour of development on the site but reported that he would consider this application on its own merits. 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 Jeff Beck, Dennis Benneyworth, Jeanette Clifford, Hilary Cole, Billy Drummond, Paul Hewer, Clive Hooker, Anthony Pick and Garth Simpson declared that they had been lobbied on this item.)

WESTERN AREA PLANNING COMMITTEE - 20 SEPTEMBER 2017 - MINUTES

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/01833/FULEXT in respect of the erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop.
2. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval was not justifiable. Officers strongly recommended the Committee refuse planning permission.
3. The Chairman invited Paul Goddard to explain his objections as the Highways Officer. Paul Goddard explained that the relevant section of the committee report began on page 23 of the agenda. The table of traffic figures had been taken from the transport statement submitted by the applicant and he advised that consideration of these figures should be taken with caution as outlined in the paragraph below the table. The site was currently occupied by 96 temporary parking spaces managed by RCP. While he could not object to this loss as the spaces were currently operating on an expired temporary permission, he would be concerned that drivers using those spaces would seek elsewhere in Hungerford to park. He did however object on grounds of the loss of 21 parking spaces on the Network Rail operated section of the car park. This was equivalent to one quarter of the spaces in the Network Rail car park which would be unacceptable and contrary to all local and national transport policies. The objection was supported by Network Rail and Great Western Railway. The applicant would need to make a submission to the Department of Transport should they wish to remove these parking spaces and Paul Goddard reported that Highways would join Great Western Railway and Network Rail in submitting objections.
4. Regarding the layout of the site, a pinch point of four metres wide would be created between the development and the current parking spaces opposite the site which was contrary to government guidance in Manual for Streets that states that there should be a six metres aisle. This would result in the spaces being difficult if not impossible to use and with drivers taking longer to park and holding up traffic.
5. A second reason for refusal was poor pedestrian routes onto and across Station Road. There was no designated route through the Network Rail car park. Crossing Station Road by the public house had very limited visibility and it was difficult to walk through the other side due to anti- pedestrian paving and station signage. The routes on into Hungerford town centre had issues including the Park Street / Station Road junction. He therefore concluded with a strong recommendation that on those grounds the application be refused.
6. In accordance with the Council's Constitution, Keith Knight and Carolann Farrell, Parish Council representatives and David Kerr and James Cleary, applicant/agent, addressed the Committee on this application.
7. Mr Knight and Mrs Farrell in addressing the committee made the following points:
 - The site had been vacant and marketed for sale since 2007. The former buildings were demolished in 2010 and the site had been used as a car park since 2012.
 - The area around the station was a gateway into Hungerford and the Town Council would like to see this area beautified.
 - The housing, including the nine affordable housing units, offered by the site was important to help the town grow.
 - Policy CS9 had not been updated for ten years and should be reviewed regularly.

WESTERN AREA PLANNING COMMITTEE - 20 SEPTEMBER 2017 - MINUTES

- There were other spaces available in the town for employment, including Charnham Park.
 - The 96 temporary parking spaces were cheap and attracting commuters from rural areas who would have otherwise parked elsewhere. The 21 spaces operated by Network Rail could be withdrawn at anytime by the freeholder. There was a car park operated by West Berkshire Council close to the site.
 - If the application was refused, could West Berkshire Council acquire the land by compulsory purchase in order to operate a car park?
 - There was a walkway to the town centre from the train station.
8. Councillor Anthony Pick enquired how many car parking spaces were available, excluding the 96 temporary spaces. Mr Knight responded that there were currently 80 spaces which would be reduced to 59 if the application was approved. There were also 104 spaces in the West Berkshire Council owned car park and parking was not a particular problem in Hungerford.
 9. Councillor Pick enquired what evidence was available to support the statement that the car park users were coming from remote areas. Mr Knight replied that the car park filled up by 8am and would not empty until after 6pm.
 10. Councillor Hilary Cole referred to Hungerford Town Council's regeneration brief and asked if this had been submitted to West Berkshire Council. Mrs Farrell answered that the document had been written before she or Mr Knight became members of Hungerford Town Council but her understanding was that Neighbourhood Development Plans had overtaken the former process in seeking adoption of the brief.
 11. Councillor Cole clarified that policy CS9 was a current policy and adopted in 2011.
 12. Councillor Paul Hewer enquired whether Great Western Railway or Network Rail had approached the applicant to purchase the site. Mr Knight responded that he did not know.
 13. Councillor Paul Bryant asked if there was a parking problem in Hungerford. Mrs Farrell replied that she did not believe so as the West Berkshire Council car park had 40 spaces available that afternoon. Mr Knight added that there was also parking available in the High Street and the town council did not usually receive complaints regarding parking.
 14. Councillor Bryant asked why the town council did not want commuters to use parking in the town. Mr Knight responded that they did not contribute to the town's economy.
 15. Councillor Jeanette Clifford asked if there was concern about the impact of the lost parking spaces. Mrs Farrell responded that the application would see a reduction in the traffic impact of the site as instead of 96 spaces there would be 33 residents' parking spaces.
 16. Councillor Clifford asked for details of the walkway. Mrs Farrell advised that there was a railing lined walkway which sided onto the walkway which emerged in the Cuttings and onto the High Street.
 17. Councillor Howard Bairstow noted that even if 40 cars used the vacant spaces in the West Berkshire Council car park, there would still be 77 vehicles seeking other parking spaces. He asked if there had been development in the neighbouring villages to Hungerford such that there was a greater need for commuter parking. Mrs Farrell responded that development had not been on a large scale.

WESTERN AREA PLANNING COMMITTEE - 20 SEPTEMBER 2017 - MINUTES

18. Mr Kerr and Mr Cleary, in addressing the Committee, raised the following points:
- The site needed regeneration and development as it had been vacant and on the market for ten years.
 - The site was a sustainable location and the design was interesting and acceptable to officers.
 - No objections had been submitted by education, environmental health or the tree officer.
 - The site was in employment land but surrounded by housing. Officers accepted that the site no longer needed protection as employment land.
 - The Highways and Drainage Officers had not communicated effectively during the application process and their objections were illogical.
 - The 96 parking spaces were operating on an expired consent and refusal on this basis would not be defensible. It was in the applicant's control to take back the spaces at any time.
 - There were no historic issues of flooding on the site and the application did propose a drainage solution but the Drainage Officer admitted he was not qualified to make an assessment of the proposal.
19. Councillor Jeff Beck asked for clarification of the ownership of the site. Mr Cleary responded that the applicant partly owned the land that Network Rail operated 21 parking spaces on. These spaces could be withdrawn at any time.
20. Councillor Hewer noted that Great Western Railway wanted to increase parking capacity at Hungerford railway station and asked whether they had ever offered to purchase the site. Mr Kerr confirmed that no offers had been made by Great Western Railway or Network Rail.
21. Councillor Pick recalled that the occupier of 5a Station Yard had expressed concern about the impact of the application on access to his business. Mr Cleary confirmed that the through route would not be impacted by the proposed development.
22. Councillor Bryant enquired whether, in light of the recent tragic event at Grenfell Tower in London, it was proposed to use sprinklers in the flats. Mr Cleary commented that he would be surprised if it was not and that matter would be considered at the detailed stage of the application.
23. Councillor Pick asked for a comment regarding the objection of a resident of Crofton House that the flats would overshadow Crofton House. Mr Cleary advised that the development would be on the north side of Crofton House so would not cause overshadowing and the highest part of the development's roof line would be lower than Crofton House.
24. Councillor Hewer speaking as Ward Member raised the following points:
- Pedestrian access would not be an issue because there was a walkway.
 - He had asked drivers who parked at the site where they lived and they were usually from neighbouring villages. They were clearly attracted by the low parking fee.
 - The loss of 21 spaces was the most important issue and there was plenty of other parking provision in the town.

WESTERN AREA PLANNING COMMITTEE - 20 SEPTEMBER 2017 - MINUTES

- He would like to see some development on the site but this might not be the right application.
25. Councillor Adrian Edwards asked where Councillor Hewer thought the current users of the car park would go. Councillor Hewer responded that he could not say that the West Berkshire Council car park was underused but there were some spaces available.
 26. Councillor Clifford asked whether residents of Hungerford viewed the use of the station by commuters as a bad thing. Councillor Hewer stated that they did not but they were being attracted to that particular car park by the low fee.
 27. Councillor Cole questioned why the Committee had been presented with an email of objection from Great Western Railway when usually the rules regarding late information were strict. She requested that in future any additional information be checked with officers from the Legal team.
 28. Councillor Pick asked for clarification regard the access to 5a Station Yard. Michael Butler responded by explaining that as a result of the recent appeal decision which granted permission for eight dwellings in Station Yard, officers could not recommend refusal of the application on the basis of potential conflict between residents and commercial traffic.
 29. Councillor Beck asked how many parking spaces would remain in the Network Rail car park should the application be approved. Paul Goddard responded that ownership of the site was not a planning matter, however 21 spaces that were currently available as part of the car park that Network Rail operated would be lost should the application be approved. The email from Great Western Railway was no different to his own advice.
 30. Councillor Bryant asked whether the site had been submitted under the call for sites as part of the next Local Plan. Derek Carnegie advised that he did not know but the protection of the site as employment land would need to be reviewed in light of the eight dwellings allowed nearby.
 31. Councillor Garth Simpson asked whether any assessment had been made of forecasted use of parking at the station, including the impact of the railway modernisation. Paul Goddard advised no assessment had been made but it was likely that demand for parking would increase as future housing sites would increase demand. Demand for parking in Hungerford had remained static while the 96 spaces had been available.
 32. Councillor Edwards asked why the Committee had heard that the West Berkshire Council car park was underused. Paul Goddard responded that he had sought advice from the Parking Manager who confirmed that demand had not changed.
 33. Councillor Hooker asked whether the applicant accepted that there would be a pinch point. Paul Goddard advised that the applicant had suggested the plans could be amended but these had not yet materialised and so he could not comment upon whether they would be satisfactory.
 34. In commencing the debate, Councillor Pick noted that the total capacity for parking near the railway station was 290 spaces. If approved, the application would cause a 40% reduction in available parking. If the town council was correct that spaces could be found elsewhere the proposed development would be a good way to redevelop the site. If they were incorrect there would be an issue. He was concerned by the absence of forward planning and consideration of the long term parking needs of Hungerford.

WESTERN AREA PLANNING COMMITTEE - 20 SEPTEMBER 2017 - MINUTES

35. Councillor Cole expressed the view that the Committee were going down a 'rat-hole' about parking when ultimately the application proposed residential housing on a site protected as employment land. She did not think that the development would enhance the gateway into Hungerford and while she understood the aspirations to improve it, there needed to be a cohesive plan. Forthcoming developments would increase the demand for parking at the railway station. Councillor Cole also expressed her disappointment that the applicant had chosen to make remarks in their presentation concerning officers' handling of the application when the Committee were required to make a decision on the quality of the application before them. In conclusion she proposed that the Committee accept officer's recommendation to refuse planning permission. The proposal was seconded by Councillor Anthony Pick.
36. Councillor Beck expressed the view that it would not be ideal to have housing so close to the railway. The loss of parking was a concern and in his experience the West Berkshire Council car park was always near full. He supported the officer's recommendation.
37. Councillor Bairstow noted that the site had been vacant for ten years and was unlikely to be attractive as a commercial site. Charnham Park was far preferable as a site for commercial use and the application before the Committee might be the best use of the site.
38. Councillor Bryant expressed the view that similar parking issues would arise should an application for a commercial building be submitted. The Council liked to think it was plan lead and he suggested that the best option would be to bring the site forward in the next iteration of the Local Plan. The access pinch point would also need to be solved.
39. The Chairman invited the committee to vote on Councillor Cole's proposal to accept the officer's recommendation to refuse planning permission, as seconded by Councillor Pick. At the vote the motion was carried.
40. Councillor Benneyworth asked that his abstention be recorded.

RESOLVED that the Head of Development and Planning be authorised 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

WESTERN AREA PLANNING COMMITTEE - 20 SEPTEMBER 2017 - MINUTES

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.

- 4 The applicant has failed to satisfy the Council that the new scheme can satisfactorily accommodate suitable on and off site drainage measures in order to avoid on and off site flooding. This is contrary to the advice in para 103 of the NPPF of 2012, and the advice in policy CS16 of the West Berkshire Core Strategy of 2006 to 2026. It is accordingly unacceptable.

26. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.00 pm and closed at 8.01 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No	Application and Parish	No.	8/13 week date	Proposal, Location and Applicant
(1)	17/01445/FUL Compton		3 rd August 2017 Extension of time 2 nd November 2017	Part retention of The Lodge to provide ancillary workshop and garaging to Walnut House. The Lodge, High Elms, Aldworth Road, Compton, Newbury, RG20 6RD Mr Michael Milne

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/01445/FUL>

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

Ward Member(s): Councillor Virginia von Celsing

Reason for Committee Determination: Ward Member call in - Virginia von Celsing if the officer is minded to approved the application. Call in reason:-

“The PC are objecting on the following grounds:
Permission was given for new house (outside settlement boundary in AONB) on condition that the original one was demolished - applicant said unfit for modern use. The application is to retain this building.”

Committee Site Visit: Thursday 26th October 2017.

Contact Officer Details

Name: Matthew Shepherd
Job Title: Planning Officer
Tel No: (01635) 519111
E-mail Address: matthew.shepherd@westberks.gov.uk

1. Site History

06/02584/CERTE. Use of land as a domestic garden. Approved 29.03.2007

09/01648/FUL. Demolition of existing dwelling and erection of new dwelling with garage. Refused 22.10.2009.

09/02244/FUL. Demolition of existing dwelling and erection of new dwelling with garage. Approved 29.12.2009.

10/03044/FUL. Demolition of existing dwelling and erection of new dwelling with garage. Approved 29.06.2011.

2. Publicity of Application

First Site Notice Expired: 13/07/2017

Amended Site Notice (after amended plans and proposal submitted): 02/10/2017

3. Consultations and Representations

Compton Parish Council: Objection to proposal. See Appendices for detailed comments. No comments received on amended documents consultation 18/10/2017.

Highways: I have no objection to this proposal subject to a condition ensuring that the accommodation is ancillary and is not a separate dwelling. No further comments made on what was previously said which still stood.

Ecology No objections

Environmental Health No objections - No objections to amended documents

North Wessex Downs AONB No response - No response to re-consultation

Archaeology No objections - No response to re-consultation 18/10/2017

Thames Water Utility No response 18/10/2017

Environments Agency No response 18/10/2017

Public Rights of Way No response 18/10/2017

Ramblers Association No response 18/10/2017

Waste Management The application raises no concerns with regard to the storage and collection of refuse and recycling. Existing arrangements will suffice for a potential additional dwelling.

Enforcement No comment

**Sustainable
Drainage Team
Natural England**

No response 18/10/2017

No objections - No further comment on re-consultation.

Planning Policy

Policy C1 of the HSA DPD sets out that residential development and redevelopment will be acceptable in principle within settlement boundaries and clarifies the circumstances where housing will be acceptable outside settlement boundaries. This proposed development is located outside the settlement boundary and while it is not considered that it falls under any of the circumstances where housing will be acceptable outside settlement boundaries, i.e. as set out in policies C2, C4, C5, C6 or C7; neither is it considered to be contrary to any policy within the development plan.

The specific circumstances of this proposed development are unique given the relevant planning history. Permission was previously granted for the demolition of 'The Lodge' and construction of 'Walnut House' (ref 10/03044/FUL) hence, given that 'The Lodge' is still standing, it is no longer in lawful use. Notwithstanding this, the building was previously in lawful use and has not materially changed since that time.

This specific circumstance was not envisaged when the HSA DPD was prepared.

However, given that 'The Lodge':

1. has not materially changed since it was in lawful use; and
2. is structurally sound and capable of conversion without substantial rebuilding, extension or alteration;

It is not considered that the proposed development is contrary to policies within the development plan. The proposal is not contrary to policies within the development plan.

Correspondence:

Objections raised in regards to

- Confusing over how permission can be sought on a building that should have been demolished as part of previous permission.
- Objection to the principle of the development as the dwelling should have been demolished
- The Milne's currently have two garages and numerous barn type storage/workshop structures in place on their existing lands which are totally separate to the Lodge.
- Walnut House has a very large basement area and two large spaces/bedrooms in the attics which we would respectfully like to suggest should be considered first with regards to their proposed needs/requirements re. workshops and storage/garaging items.

Total of 2 objections registered

No letters of support

4. Policy Considerations

4.1. The planning system is plan-led, which means that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The West Berkshire Development Plan comprises:

The West Berkshire Core Strategy 2006-2026
The West Berkshire District Local Plan 1991-2006 Saved Policies 2007
The West Berkshire Proposed Housing Site Allocations (DPD)
Supplementary Planning Documents and Guidance

4.2. In this instance, the following policies of the Development Plan are considered relevant to the proposal.

4.3. West Berkshire Core Strategy (2006-2026)

Area Delivery Plan Policy 1 Spatial Strategy
Area Delivery Plan Policy 5 North Wessex Downs AONB
CS 13 Transport
CS 14 Design Principles
CS 19 Historic Environment and Landscape Character

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

4.5. The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

TRANS 1 Meeting the Transport Needs of New Development
OVS.5 Environmental Nuisance and Pollution Control
OVS.6 Noise Pollution

4.6. The Core Strategy was adopted after the introduction of the NPPF and provides an up to date framework for development planning in West Berkshire which is consolidated by the West Berkshire Housing Site Allocations (DPD) (November 2015).

4.7. The West Berkshire Proposed Housing Site Allocations (DPD)

C 1 Location of New Housing in the Countryside
C 6 Extensions of Existing Dwellings with the Countryside
P 1 Parking Standards for New Residential Development

4.8. Supplementary Planning Guidance

Quality Design (June 2006)
House Extensions (July 2004)
Community Infrastructure Levy (CIL) Charging Schedule

4.9. Other Material Considerations

National Planning Policy Framework (March 2012)
Planning Practice Guidance (March 2014)

5. Description of Development

- 5.1. The original description of development was “The retention of The Lodge to provide ancillary accommodation to Walnut House including conversion to provide garaging and access.”
- 5.2. Following discussions and recommendations for a reduction of size of the proposal, an amended description of development was recommended for clarity. This was “The part retention of The Lodge to provide ancillary workshop and garaging to Walnut House.”
- 5.3. Walnut House was permitted as the result of application 10/03044/FUL. The proposal included the demolition of the existing dwelling. No condition was applied stipulating a time scale for the demolition of the property other than the standard 3 year commencement of development condition.
- 5.4. In this time the Local Authorities Enforcement team have been aware of the situation and have investigated breaches of planning consent. So far no enforcement notice has been served and upon receipt of this application the decision was taken that the Local Authority needed to determine this application as submitted.
- 5.5. The development is to retain around half the original property as ancillary carports and workshop. The development is 15 metres in length, 5.7 metres wide and 5 metres high (all measurements approximates). The development is outside of settlement boundary, set within a large residential curtilage, and within the North Wessex Downs Area of Outstanding Natural Beauty.

6. Consideration of the Proposal

- 6.1. The Principle of the Development and Extensions of Dwellings in the Countryside
- 6.2. The Impact on Neighbouring Amenity
- 6.3. The Impact on Highways Safety
- 6.4. The Impact on the Ecology of the Site

6.1. The Principle of Development and Extensions of Dwellings in the Countryside

- 6.1.1. The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy, the Saved Policies of the West Berkshire District Local Plan and the West Berkshire Housing Site Allocations Development Plan Document.
- 6.1.2. The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system and strongly emphasises the need to support sustainable economic growth. The first core planning principle set out in the NPPF is that planning should be genuinely plan led, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- 6.1.3. The Core Strategy was adopted after the introduction of the NPPF and provides an up to date framework for development planning in West Berkshire which is being consolidated by the preparation of the Housing Site Allocations DPD.
- 6.1.4. The proposed development at The Lodge, High Elms, Aldworth Road, Compton, lies outside any settlement boundary as defined within the West Berkshire Core Strategy (2006-2026) and West Berkshire HSADPD (November 2015).

- 6.1.5. Being outside of settlement boundaries the principle of development is not present. Proposals are still considered but are controlled to a greater extent, subject to the proposal being in accordance with development plan policies on design, impact on the character of the area, and impact on the amenity of neighbouring land uses.
- 6.1.6. Policy CS14 Design principles states how proposal should demonstrate a high quality design that respects and enhances the area and makes a positive contribution to the quality of life in West Berkshire. It should respond positively to the wider context it is placed in, not just the immediate area. CS19 Historic Environment and Landscape Character seeks proposals to respond appropriately in terms of location, scale, and design reflecting a holistic approach to the local distinctiveness, sensitivity, and diversity of locations.
- 6.1.7. Policy C 6 of the West Berkshire HSADPD (November 2015) states a presumption in favour of proposals for the extension of existing permanent dwellings. This is provided that they meet all four policy sections as set out.
- 6.1.8. The first is that the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling. The second, that there is no adverse impact on the setting, the space occupied within the plot boundary, on the local rural character, the historic interests of the building and its setting in the wider landscape. The third is that the materials are appropriate within the local architectural context. Lastly, that there is no significant harm to the living conditions currently enjoyed by residents of neighbouring properties.
- 6.1.9. The officer notes Planning Policies response in terms of raising no objections but also noting that the proposal does not fall under any circumstances noted in the countryside policies. The policy team noted that “the proposed development is located outside the settlement boundary and while it is not considered that it falls under any of the circumstances where housing will be acceptable outside settlement boundaries, i.e. as set out in policies C2, C4, C5, C6 or C7; neither is it considered to be contrary to any policy within the development plan.”
- 6.1.10 The case officer notes policies response, but raises that had the house been demolished, and the garage proposed as new, C 6 would apply. It is therefore relevant to the considerations of its retention and has been assessed against it accordingly.
- 6.1.11. The case officer has assessed the proposal against the policy criteria of C 6 as the ancillary garage would be considered an extension to the Walnut House. The scale of the enlargement is considered acceptable, the amended documents propose demolishing approx half the original building and converting the majority to a 3 bay carport with a small workshop attached. The built form is reduced on site. The scale of this building with its amendments is now considered subservient and of a scale that is acceptable as an ancillary outbuilding. The height of the development is retained at the same height as the original building; as such there is no increase in impact. The materials of the proposal are unclear but if similar materials can be used to the original building of ‘The Lodge’ the impact and change would be minimal and therefore would not pose harm to character of the area. This can be conditioned.
- 6.1.12 The development is not considered to have an adverse impact on the setting; space occupied or plot boundary or character of the area. This is due to the development demolishing around half of the original property; this is deemed an acceptable degree of development to be retained next to The Lodge. Although the original application required the full demolition as part of the description of development, it is considered that the part retention still results in the dwelling being replaced, but also provides an acceptable size ancillary building to Walnut house.

- 6.1.13 Due to it being retained in a cluster of buildings, connecting Walnut Lodge to other built form on site, the impact on the AONB and character of the area is not considered harmful. The proposed Laurel Hedge is not considered to be harmful to the wider landscape either.
- 6.1.14 The building is retained in its original location and does not pose an impact on neighbouring amenity. It is argued by the applicant that it will provide a shielding function to the rear amenity of Walnut House. No windows or roof lights are proposed and therefore no impact to neighbouring amenity is perceived.
- 6.1.15 In conclusion the proposal achieves the one for one swap of dwellings as required by the permission to construct the new dwelling on site. It does this through converting the dwelling to provide an ancillary outbuilding that is acceptable in policy terms. A condition will be applied for it to be retained as ancillary.
- 6.1.16 The proposal is therefore not contrary to policies within the development plan and strong material consideration dictates that the proposal is acceptable the proposed development is there in accordance with C1 and C 6 of the West Berkshire HSADPD, additionally it is also in accordance with ADDP 1, ADDP 5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6.2. The Impact on Neighbouring Amenity

- 6.2.1. The building is retained in its original location, this does not pose an impact on neighbouring amenity in terms of overbearing or overshadowing. The size and location of the development is considered an acceptable degree of development set next to Walnut House. It is argued by the applicant that it will provide a shielding function to the rear amenity of Walnut House.
- 6.2.2. No windows or roof lights are proposed and therefore no impact to neighbouring amenity is perceived from overlooking. The proposed Laurel Hedge will not provide an unacceptable impact on surrounding amenity.
- 6.2.3. The proposed development is not considered to have a negative impact on the neighbouring amenity and is considered in accordance with CS14 of the West Berkshire Core Strategy (2006-2026).

6.3. The Impact on Highway Safety

- 6.3.1 The highways department have been consulted on the proposal and are satisfied as to its impact on highways safety subject to a condition restricting its use as ancillary to the new dwelling. The case officer is therefore satisfied that there will be minimal impact and the proposal is in accordance with CS13 of the West Berkshire Core Strategy (2006-2026).

6.4. The Impact on the Ecology on the Site

- 6.4.1. The council's ecologist has reviewed the submitted bat reports and is satisfied as to their content and scope. The ecologist has recommended conditions. The proposed development is therefore considered in accordance with CS 17 of the West Berkshire Core Strategy (2006-2026).

7. Others Matters

- 7.1. The proposals assessment against the NPPF's presumption in favour of sustainable development. The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.

- 7.2. Being a proposed ancillary outbuilding the scheme has limited economic considerations beyond the immediate construction period. The Environmental considerations have been assessed in terms of design, amenity and impact on the area. Social considerations overlap those of the environmental in terms of amenity. Having assessed the application in terms of design, impact on the area and impact on neighbouring amenity the development is considered sustainable development. It achieves the original aims of the replacement dwelling permission on site and delivers a satisfactory outbuilding.
- 7.3. Paragraph 203 of the NPPF is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The NPPF goes on to state at paragraph 206 that conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. Conditions have been placed in regards to the
- Commencement of works
 - The approved plans
 - The materials will match as closely as possible
 - The building be retained for ancillary purposes
 - The parking be in accordance with plans submitted
 - The development will proceed in accordance with the recommendations in the Bat survey and mitigation report.
 - The demolition will be completed before first use
 - The landscaping in accordance with plans

The proposed floor space created is less than 100 square metres and therefore not liable for a CIL charge.

8. Conclusion

- 8.1. The proposal results in a one for one swap of dwellings in this location as originally intended when the new dwelling was permitted. This application achieves this through conversion of the original dwelling as ancillary accommodation to an acceptable, subservient size. The location, design, and impact on the surrounding areas are found to be to an acceptable degree of development in this location. The proposal is therefore considered in accordance with ADDP1, ADDP5, CS13, CS14, CS17, and C19. In addition it is also considered in accordance with C 1 and C 6 of the West Berkshire HSADPD. The proposal is recommended for conditional APPROVAL.

9. Full Recommendation

The Head of Development and Planning be authorised to grant Conditional APPROVAL of planning permission.

Conditions:-

1. Full planning permission time limit

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

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

2. Standard approved plans

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

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.
- Drawing untitled containing Site Plan. Drawing number 7106:1 C. Date stamped 8th September 2017. .

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

3. Materials as specified

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP 1, 5, 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. Residential annex use

The garage/workshop building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Walnut House. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADDP1, ADDP 5 of the West Berkshire Core Strategy (2006-2026) and C1 of the West Berkshire HSADPD.

5. Parking in Accordance with the Plans

The vehicle parking and/or turning space to be surfaced, marked out and provided in accordance with the approved plans. 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).

6. External lighting (separate application required)

No external lighting of the building of the garage/workshop building hereby permitted shall be installed 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 character of the area, and the Ecology of the site. 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 ADDP 5, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

7. Demolition

The approved garage/workshop ancillary building subject to this permission shall not be brought into use until demolition of the relevant parts of the building known as 'The Lodge' have been completed fully as shown in approved plans;

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

Demolition will be completed fully and all spoil removed from the site.

Reason: In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. Ecology

Development shall proceed in accordance with the ecological mitigation measures detailed within sections 4.0 to 5.0 of the BAT Survey and Mitigation Report September 2017 conducted by Aluco Ecology unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be implemented in full and the measures shall thereafter be retained.

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

9. Landscaping

All landscape works shall be carried out in accordance with the submitted plan

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

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

In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

INFORMATIVES

HI 3 Damage to footways, cycleways and verges

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

HI 4 Damage to the carriageway

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

Nesting Birds

Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

DC

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Our Ref: CP/AS/160801

7 July 2017

Mr D Aldis
Compton Parish Council
Wilkins Centre
Burrell Road
Compton
Newbury
Berkshire
RG20 6NP



Dear Mr Aldis

Re: Planning Application 17/01445/FUL for 'Retention of The Lodge to provide ancillary accommodation to Walnut House including conversion to provide garaging and access'

At: The Lodge, High Elms, Aldworth Road, Compton, Newbury, RG20 6RD

Fowler Architecture and Planning Ltd have been instructed by Compton Parish Council to review Planning Application reference 17/01445/FUL to form the basis of the Parish Council's response to West Berkshire Council.

As a matter of principle, serious doubts exist over whether a commencement to permission 10/03044/FUL, upon which the Applicant is reliant, has occurred lawfully.

It appears from the photographs supplied by the Agent that Walnut House has not been built in accordance with the approved plans, and does not itself, therefore, benefit from planning permission at this time in its current guise. In particular, a balcony exists to the southern elevation, as well as a canopy to the eastern elevation of the house. Even if the permission was lawfully commenced, condition 10 removed the Permitted Development rights meaning that permission would have been required for any extensions or alterations. It is recommended that a full measured building survey of the as-built structure is undertaken as this would allow a comparison of the building operations to be made with the approved plans.

Further concerns over the lawfulness of the commencement pertain to pre-conditions attached to the permission, namely Condition Nos. 5 and 8. Condition 5 required that *"a copy of the Natural England EPS License required is to be provided to the local planning authority prior to works commencing on site"* (my emphasis). It is understood that the Council's Principal Ecologist waived the right to examine this license prior to commencement, but the question of whether this waiver should be

held to discharge this condition in order to render development lawfully should be examined.

Condition 8 required the implementation and retention of tree protective fencing “*prior to any development works and... for the full duration of works*”. The Applicant’s photographs do not appear to show any tree protective fencing, and as the works are as yet incomplete given that The Lodge still stands, the fencing should still be in place. The Parish Council requests that evidence be provided that the tree protective fencing was ever implemented, otherwise a commencement to development could not have occurred lawfully.

It would appear that further unauthorised development appears to have taken place at the approach to the property.



This photograph, taken from the western access point on Aldworth Road, shows a separate driveway from the previous existing drive approaching The Lodge, instead approaching Walnut House. The separate driveway spur appears to have occurred outside of the extended garden curtilage found to be lawful in Application 06/02584/CERTE, and as such is *not* permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015, or by its predecessor Order.

Beyond these procedural matters, there are solid planning reasons as to why this application should be refused.

Given that The Lodge has been in use as a dwelling house in the past, it is clearly, at minimum, tantamount to a dwelling. The Lodge has all of the facilities required of a home, its own address, and now, as seen above, also has separate driveway access.

The works proposed by the Applicant to reduce the building's existing facilities are unlikely to be enforceable by the Council. A recent appeal decision (No. 3160603, following Application No. 16/00624/FULD) at High Elms North, very close to the Application Site, noted that the location "*is not well related to most necessary everyday services and is therefore isolated with respect to the increased need to travel by private vehicles due to its physical isolation from the settlement*". This site is an unsustainable and unsuitable location for an additional dwelling.

Taking at face value the Applicant's claims that their appreciation of the additional space offered by retaining both buildings only became apparent once the replacement dwelling was built, the scale of the additional space would not normally be considered appropriate for a house of this size, on a plot of this size.

What this application would entail when combined with the earlier approval is, ultimately, an addition of a building within the curtilage of an existing dwelling house (The Lodge), becoming further residential accommodation of a kind that would be considered wildly inappropriate under the terms of both the previous planning policy (formerly saved policy ENV.24 of the West Berkshire District Local Plan 1991-2006) and current Policy C6 of the Housing Site Allocations DPD, by virtue of its impact on the setting of the existing house, the overdevelopment of the plot and its complete lack of subservience.

The Applicant's Landscape and Visual Statement, notably, avoids the submission of close-up photographic evidence of the gap between Walnut House and The Lodge. While the approved design of Walnut House is acknowledged to have some merit, its design was formulated ostensibly with the intention of the removal of The Lodge. It seems from Site Photograph 2, in which the side canopy is visible, that there is in fact very little space between the two buildings, particularly at the point of the two sided bay windows - which, along with the canopy, has not been illustrated on the Applicant's block plan. As well as the visual incongruity, this will impact the amenity of future occupiers of Walnut House, could potentially hinder the ability to maintain the building later in its lifetime, and is inappropriate for a rural setting.

The Applicant's contention that the building would have a screening effect on domestic garden paraphernalia should hold little weight, given both that this was not considered an issue when granting the original application, and that the employment of a building of little architectural merit for this purpose would lack lustre in the face of traditional, natural screening methods, which would have been preferable had this been considered an issue. Furthermore, the Applicant's Design and Access Statement in support of Application No. 09/02244/FUL described The Lodge as a "*very poor existing building*".

The Applicant's proposition that the prevention of the site being split between two owners be controlled by condition has no firm basis, and would serve only as a gesture. To split the property into two planning units would require planning permission in any event, and thus this condition would be no more enforceable than

standard planning control. If you are minded to recommend the approval of this application, we request that this matter be in fact subject to a legal agreement, binding on the Applicant and his successors in title.

Furthermore, if you are minded to recommend approval for this application, notwithstanding the Applicant's representation to the contrary, the Parish Council consider that this application should be subject to the Community Infrastructure Levy (CIL). While, physically, The Lodge clearly exists, the Parish Council consider that it does not do so lawfully, and its retention or use has not been lawful since the occupation of Walnut House began. Since, therefore, this is a retrospective application, The Lodge should only be granted exemption from CIL liability if it was occupied lawfully for at least 6 months of the last 3 years.

In summary, the proposal would result in a development which, had it been proposed originally, could not have been granted planning permission when assessed under either currently or previously adopted policy criteria. The proposed retention of The Lodge is wholly inappropriate given the change that Walnut House has brought to the site, and there are no material considerations that weigh in its favour.

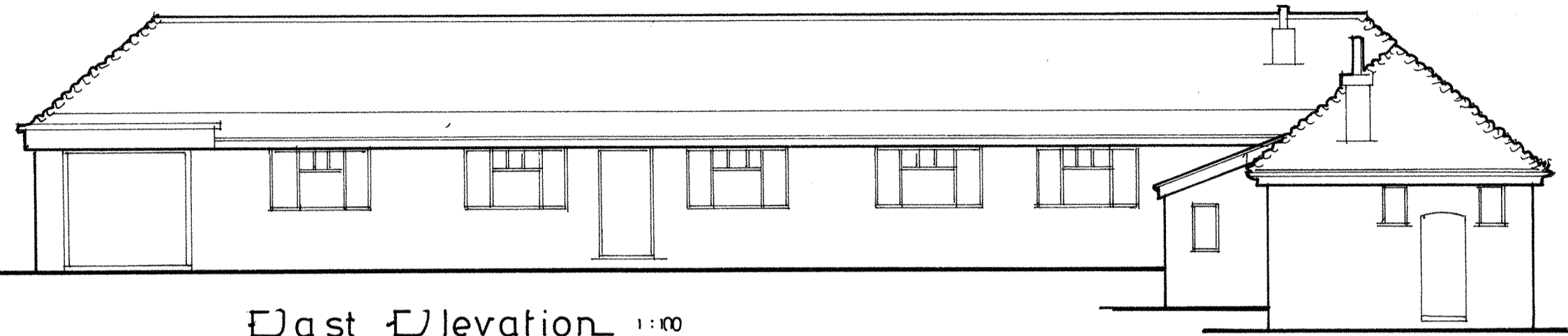
It is therefore evident that the application be refused for reasons including that the retention would be tantamount to the addition of a new dwelling in the countryside, contrary to Policy C1 of the West Berkshire Housing Site Allocations DPD and Paragraph 55 of the National Planning Policy Framework, that the relationship between the two buildings would be inappropriate for a permanent arrangement when assessed against the criteria of Policy C6 of the Housing Site Allocations DPD, and would be harmful to the character of the site and surrounding countryside, contrary to the objectives of Policy CS19 of the West Berkshire Core Strategy.

Even if the Council are minded to recommend approval in this case, it would not be proper to determine in favour of this application until full details are known. It is requested that a survey is undertaken of the full site, with a view to informing a revised block plan that accurately shows the interaction between the buildings, and also to aid your assessment of the lawfulness of development as has taken place against what was approved under permission 10/03044/FUL.

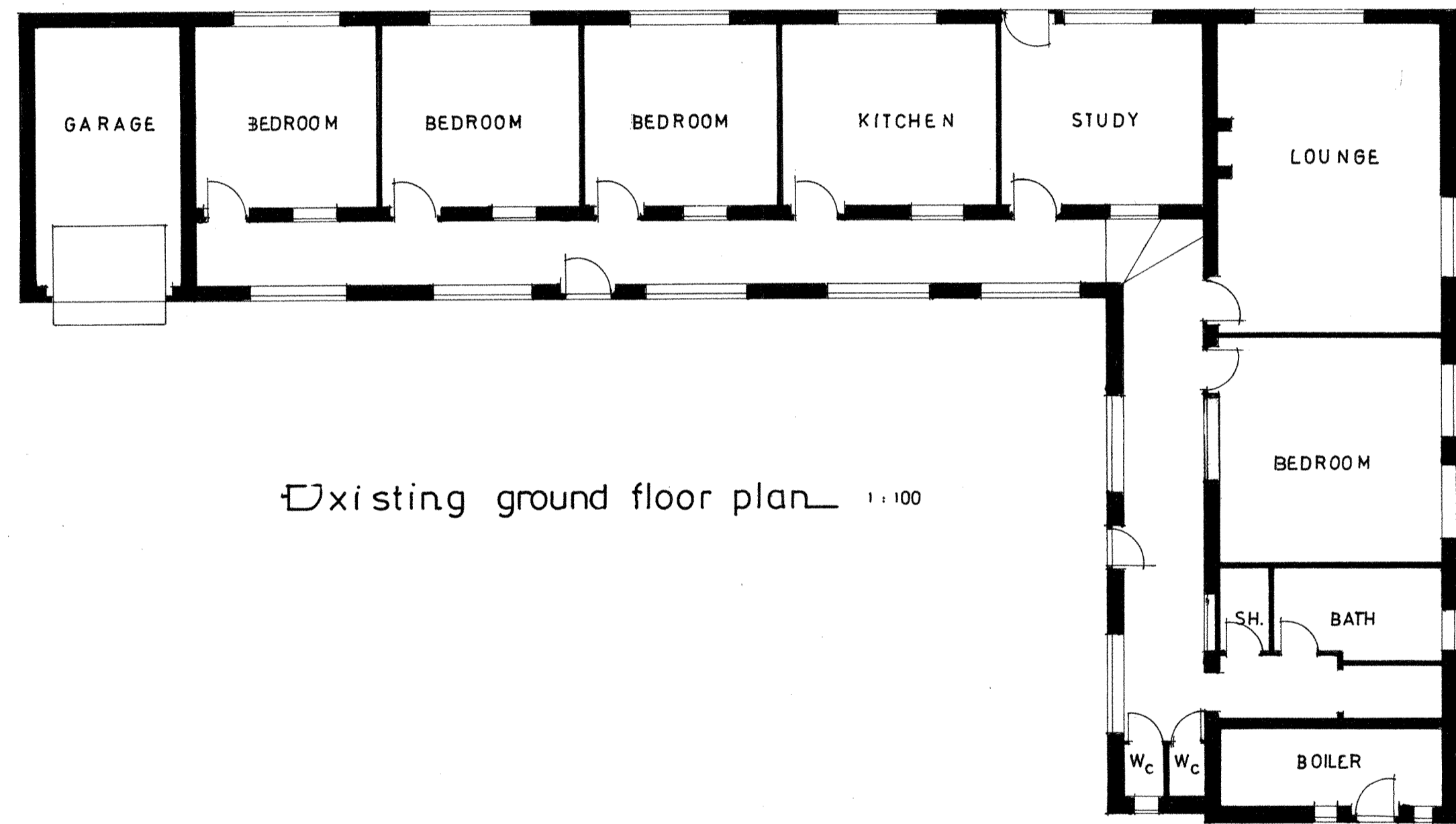
Yours faithfully,

Aaron Smith

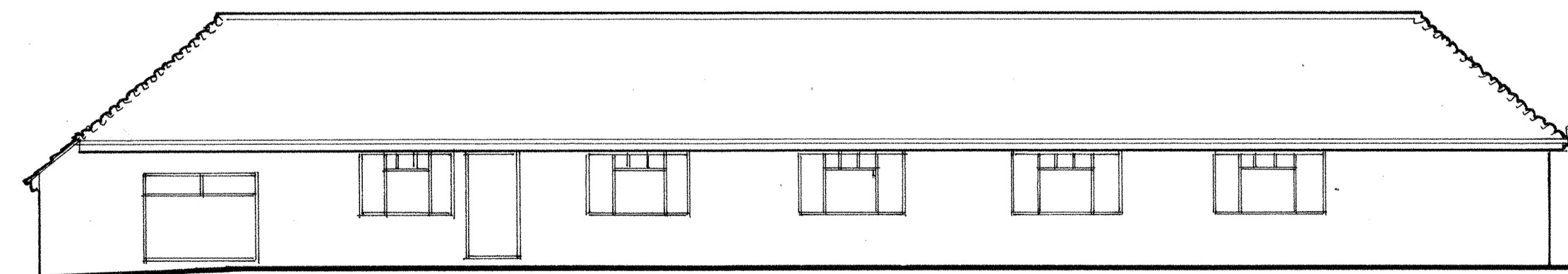
Aaron Smith BA(Hons) DipTP MRTPI
FOWLER ARCHITECTURE AND PLANNING LTD



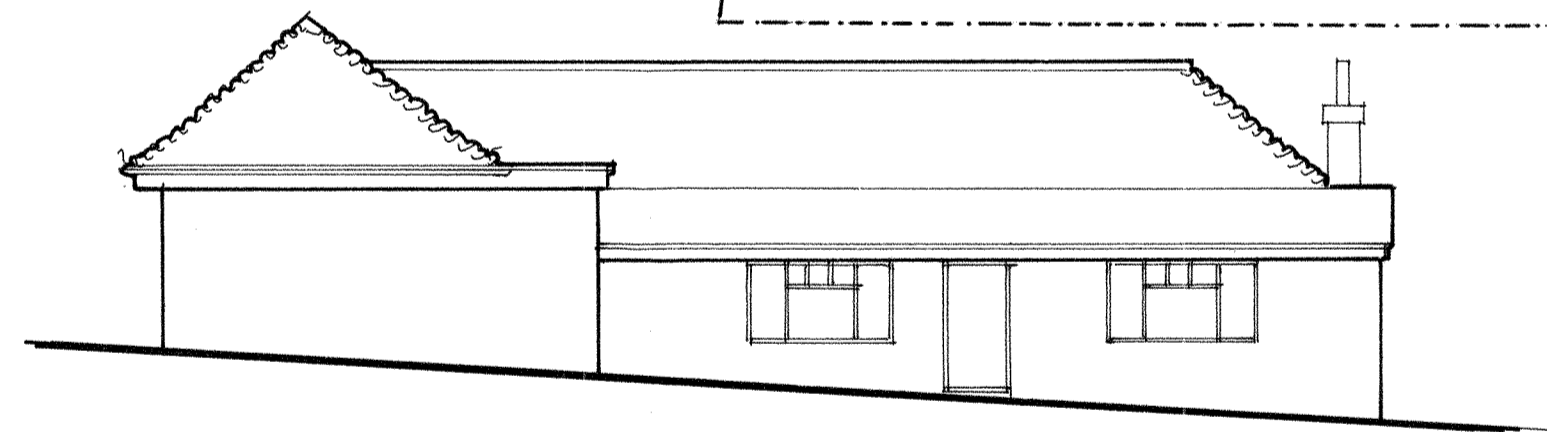
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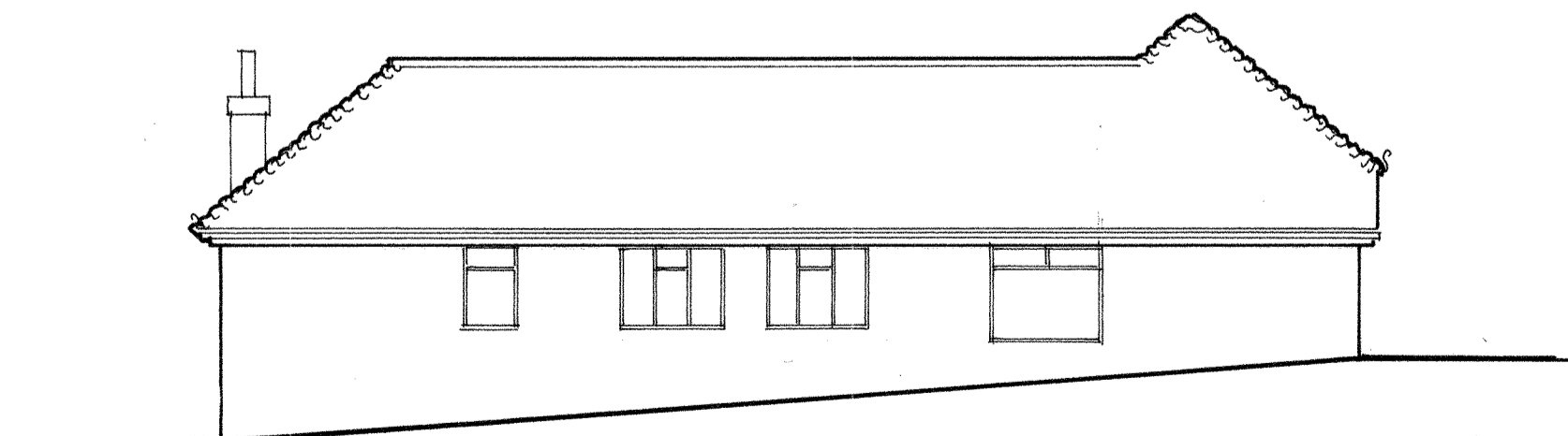
Existing ground floor plan 1:100



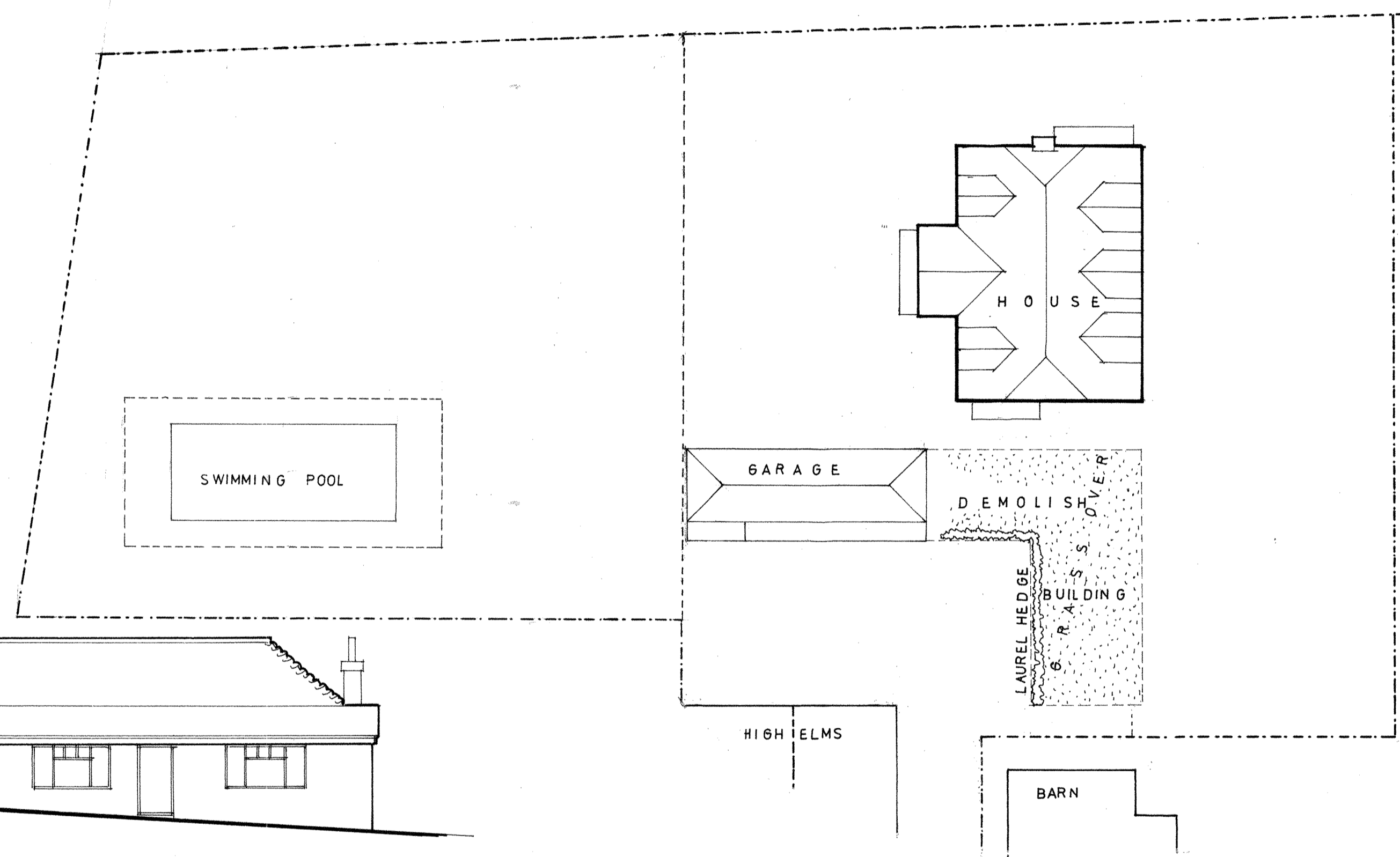
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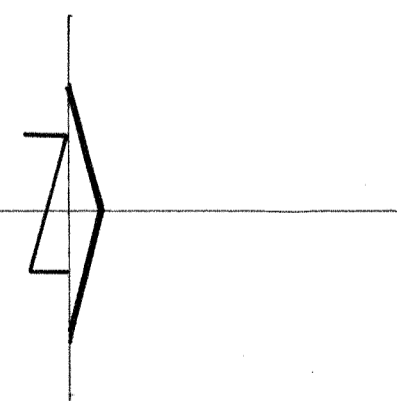
South Elevation 1:100



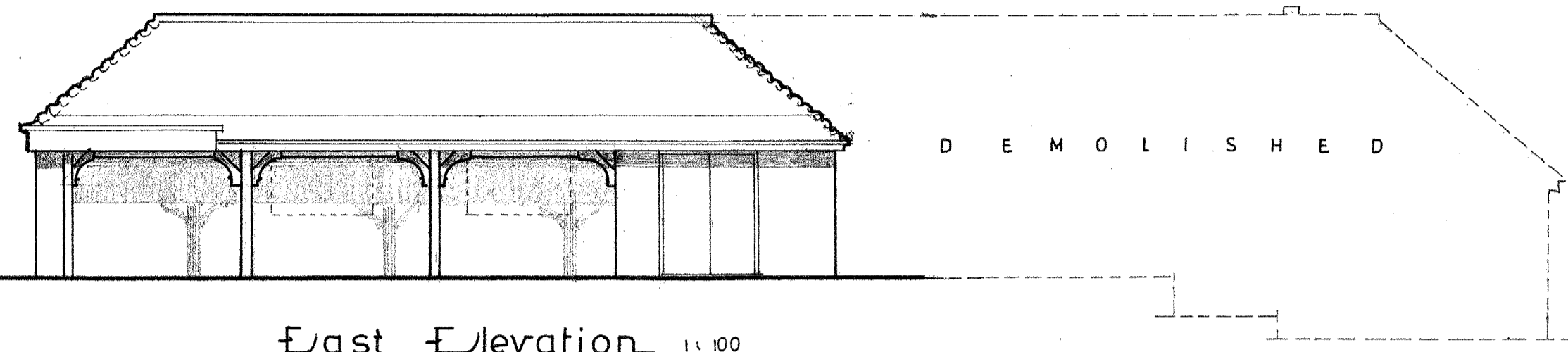
North Elevation 1:100



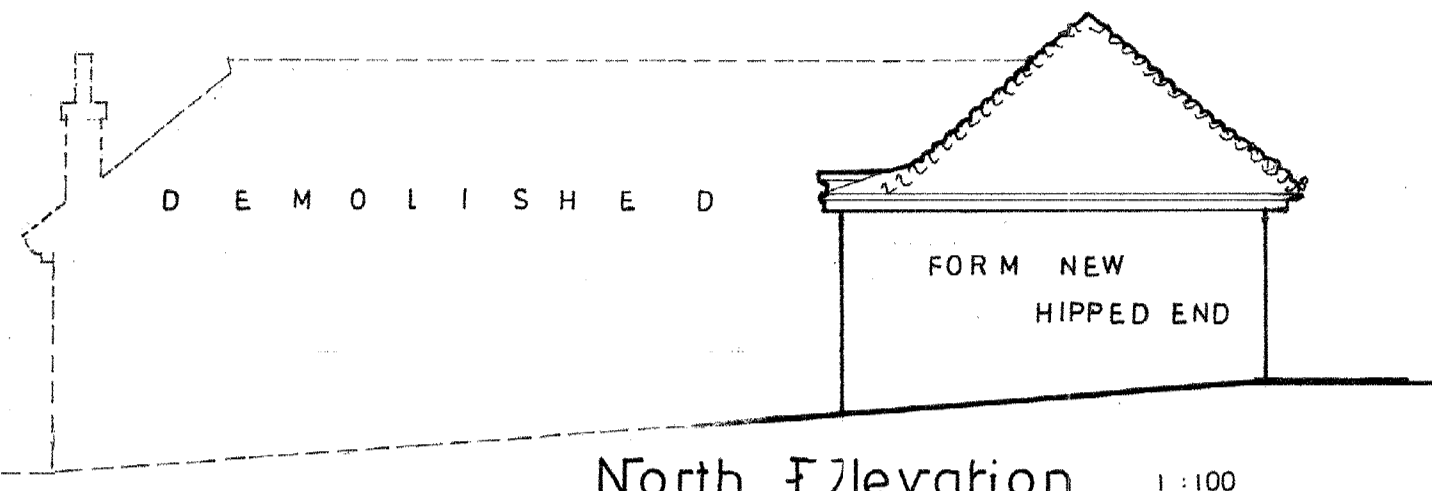
Site Plan 1:250



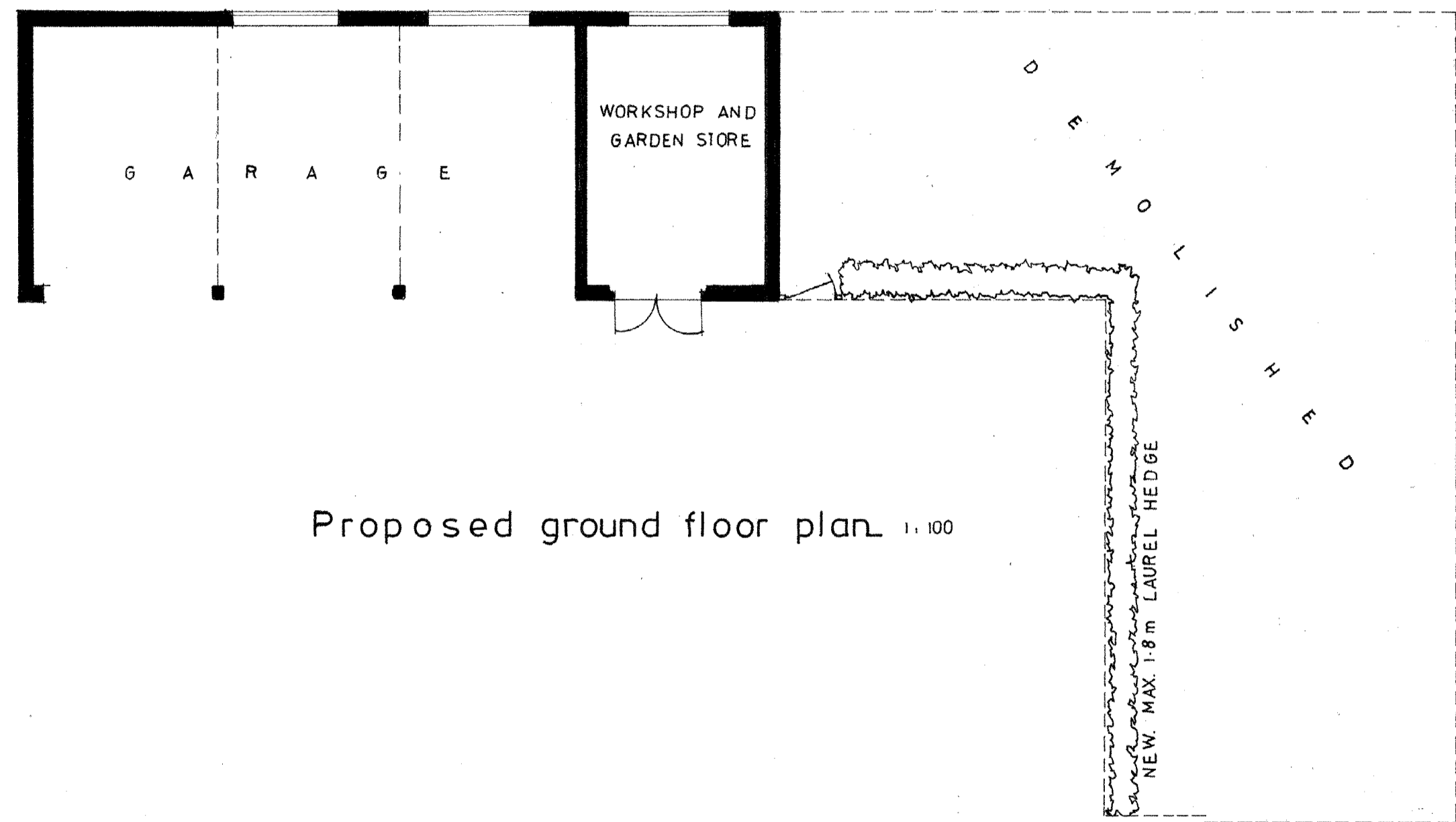
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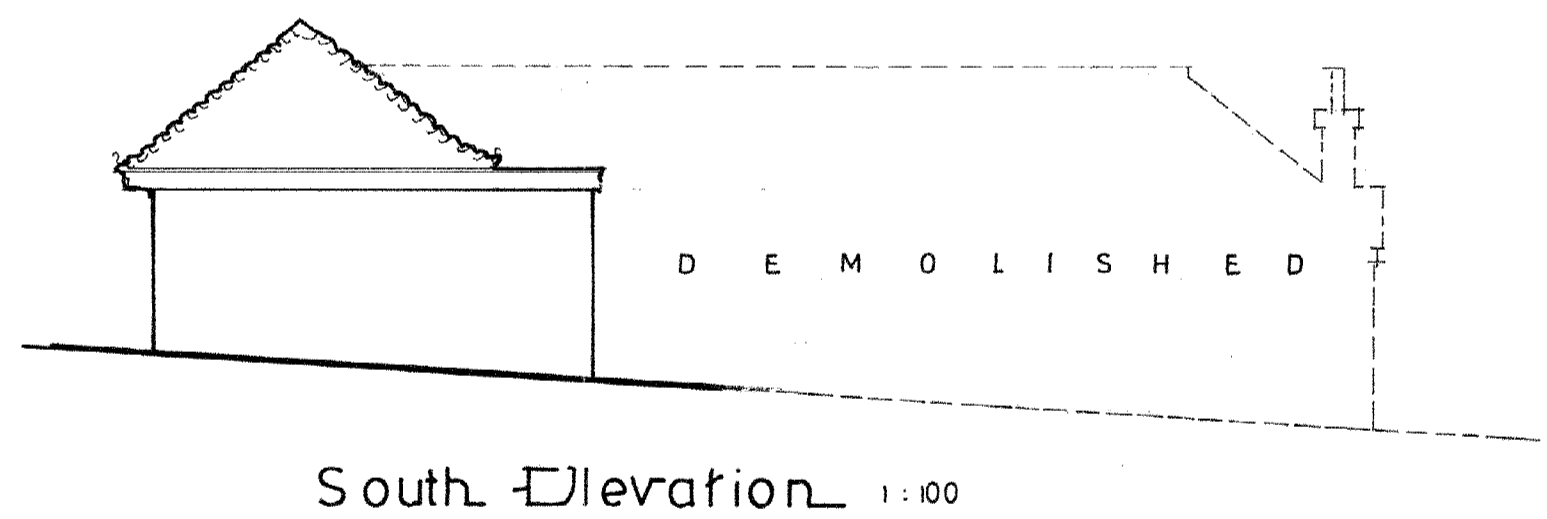
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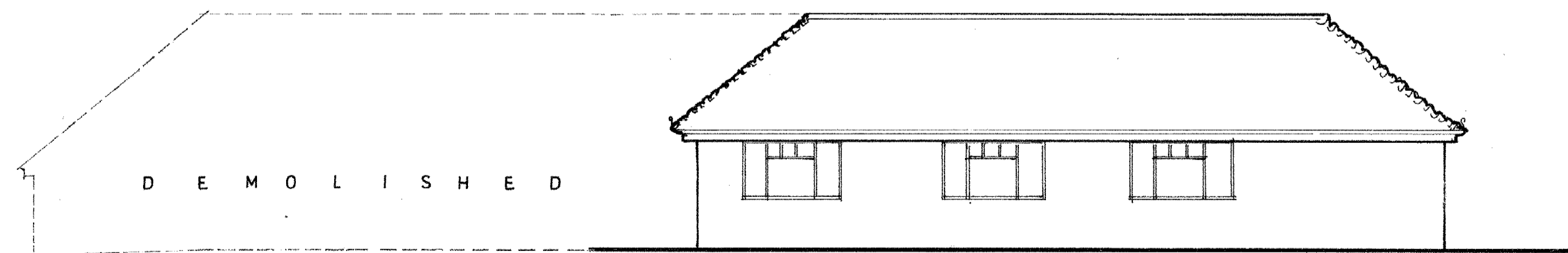
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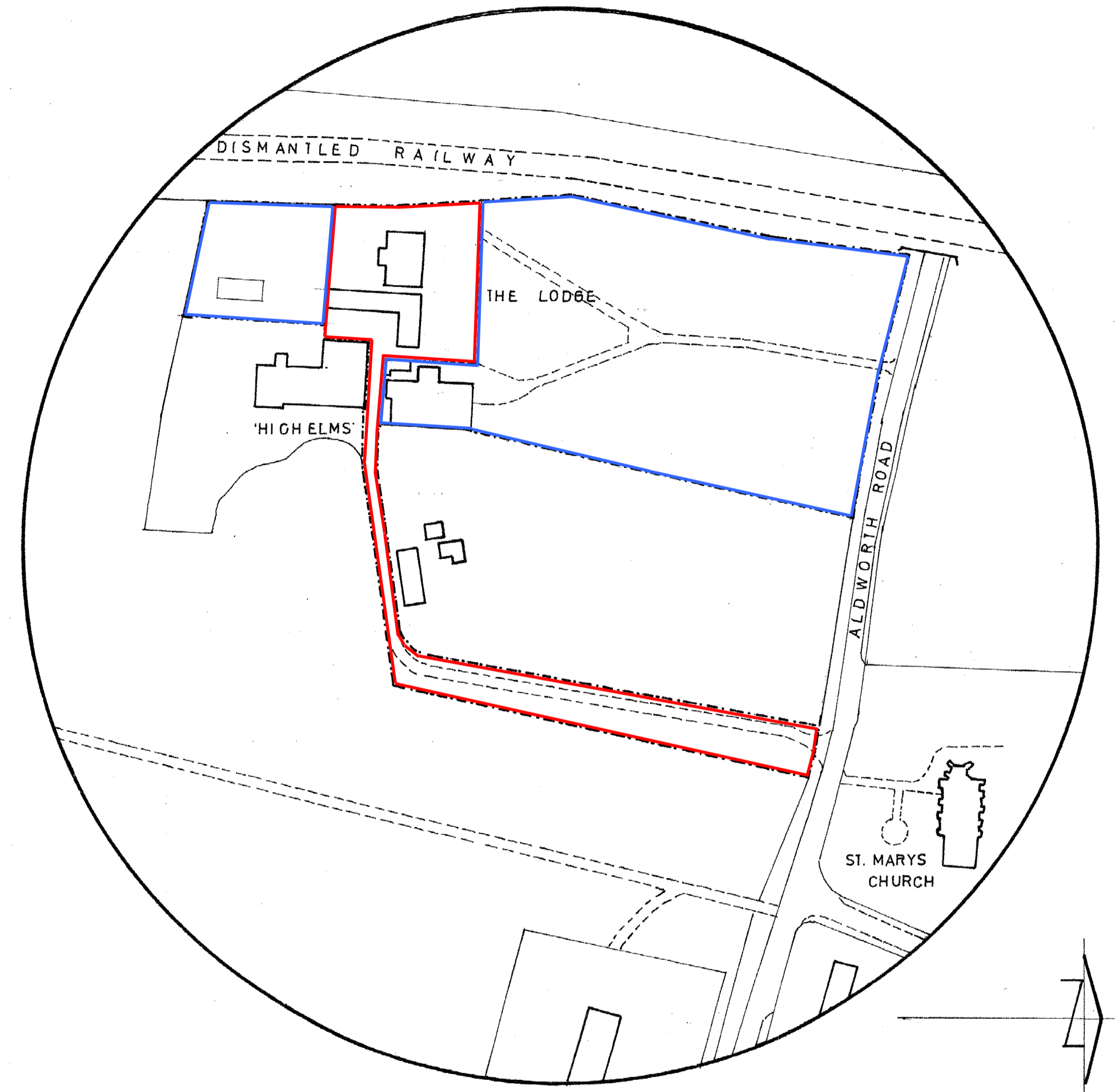
Proposed ground floor plan 1:100



South Elevation 1:100



West Elevation 1:100



Location plan 1:1250

7106:2°

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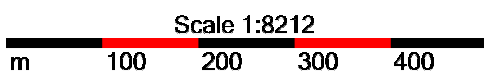
Map Centre Coordinates :

Scale : 1:8212

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 October 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
COLD ASH 15/03456/OUTMAJ Pins Ref 3180168	Dallow Gill Cold Ash Hill Cold Ash Mr O Stokes	First floor extension to form en-suite	Delegated Refusal	Allowed 29.9.17
KINTBURY 17/01170/HOUSE Pins Ref 3180716	16 Station Road Kintbury Messers R and RJ Marshall and Mrs S King	Replacement windows and door.	Delegated Refusal	Dismissed 29.9.17
LECKHAMPSTEAD 16/03207/FULD Pins Ref 3173959	Bow River House Leckhampstead Mr and Mrs G D R Seaton	Proposed improved groom's accommodation and improved existing storage facility	Delegated Refusal	Allowed 4.10.17

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COLD ASH 17/00922/HOUSE Pins Ref 3180168	Dallow Gill Cold Ash Hill Cold Ash Mr O Stokes	First floor extension to form en-suite	Delegated Refusal	Allowed 29.9.17
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Main Issue

The main issue is the effect of the proposed extension on the living conditions of occupiers of the adjacent property Shelterstone, having particular regard to matters of outlook and privacy.

Reasons

Dallow Gill is a detached bungalow with a pitched roof, which has single storey flat roof extensions on either side of it. Planning permission has recently been granted for various extensions to the property. These include a first floor extension over the north-east flat roof side extension to enhance the first floor accommodation in the roof space (ref 16/03513/HOUSE). The proposal before me is for a first floor extension over the south-west flat roof side extension to create an en-suite bathroom.

The west side elevation of Dallow Gill sits in close proximity to the shared boundary with neighbouring property Shelterstone. The proposed extension would bring the first floor side elevation of Dallow Gill closer to this boundary. Dallow Gill sits behind the main rear elevation of Shelterstone so the extension would sit alongside part of the rear garden of Shelterstone.

The extension would not, however, be particularly deep and it would have a hipped roof design. Furthermore, mature conifers provide screening at present. Although landscaping cannot be considered permanent, even if these conifers were to be lost at a later date, the Inspector did not consider that the proposed extension would have a harmful impact in terms of creating a sense of enclosure or loss of outlook to occupiers of Shelterstone given its modest proportions.

The proposed side extension would have a front dormer window. This would not directly overlook Shelterstone, but instead would look out across the frontage of Dallow Gill. Oblique views of Shelterstone might be possible but a condition requiring this window to be obscure glazed and non-opening, as suggested by the appellant, would protect against this. He therefore found no harm in terms of overlooking. Given his findings above, he also found no reason to conclude there would be a harmful perception of overlooking from this window.

Taking the above points together, the Inspector found no harm to the living conditions of occupiers of Shelterstone in respect of outlook or privacy. It follows, therefore, that he found no conflict with Policy CS14 of the West Berkshire Core Strategy (2006-2026) which seeks to ensure good design, not only in relation to the appearance of a development but the way in which it functions. Nor did he find any conflict with the Council's House Extensions, Supplementary Planning Guidance.

Although not included in the reason for refusal the Council raises concern in their officer report over the cumulative increase in bulk in the property and its impact on the character and appearance of the surrounding area. The proposed extension would not, in the Inspector's opinion, appear overly bulky, rather it would tie in well with the extensions already granted planning permission and, as noted by the Council, would result in a more harmonious design overall. In any event, the proposed extension is well screened from public views by the detached garage at the appeal site. The Inspector therefore found no harm in this regard.

Conditions and conclusion

In addition to the standard time limit condition he specified the approved plans as this provides certainty. To ensure a satisfactory appearance he included a condition requiring the use of matching materials and a pre-commencement condition to ensure the retained trees at the site are adequately protected during building works as suggested by the Council's Tree Officer. As discussed above, he also included a condition requiring the proposed en-suite dormer window to be obscure glazed and non-opening. Subject to these conditions, the appeal is allowed.

Decision

The appeal is allowed and planning permission is granted for a first floor extension to form an en-suite at Dallow Gill, Cold Ash Hill, Cold Ash, Thatcham RG18 9PT in accordance with the terms of the application, Ref 17/00922/HOUSE, dated 28 March 2017, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, GP/01/16, GP/02/16, GP/03/16, GP/05/16 Rev C, GP/06/16 Rev E, GP/07/16/Rev E, GP/08/16 Rev C.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) The extension hereby permitted shall not be occupied until the dormer window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The dormer window shall be retained as such permanently thereafter.
- 5) No development, including site clearance and any other preparatory works, shall commence until a scheme for the protection of trees to be retained on the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

DC

KINTBURY 17/01170/HOUSE	16 Station Road Kintbury Messers R and RJ Marshall and Mrs S King	Replacement windows and door.	Delegated Refusal	Dismissed 29.9.17
Pins Ref 3180716				

Main Issues

The main issues are the effect of the replacement windows and door on the character and appearance of the host property and whether they would preserve or enhance the character or appearance of the Kintbury Conservation Area.

Reasons

No. 16 Station Road, Kintbury is a detached red brick property with a slate roof. It is part shop, part residential property, and occupies a prominent location in the middle of Kintbury Conservation Area. The conservation area here contains a number of historic buildings many of which retain original details such as timber sash windows. The appeal building itself is also of some age, constructed circa 1885-1895, and has many original timber sash windows with narrow glazing bars. The appeal property and the other historic properties in the immediate area make a positive contribution to the historic character and appearance of Kintbury Conservation Area.

It is proposed to replace the windows and door in the residential part of the property. This would include replacing the original timber sash windows currently in the front, side and rear elevations with uPVC windows. Although the replacement windows and door would mimic the existing, uPVC is not a material traditionally associated with a building of this age. uPVC also tends to be chunkier and shinier, particularly in relation to window frames and glazing bars. Furthermore, casement windows are proposed which operated in an entirely different manner to sash windows. The overall effect would therefore be unsatisfactory and not a good match given the historic character of the host building and the conservation area in which it is situated

The appellant argues that a large number of buildings in the area have uPVC windows and doors. However, the Inspector observed a number of original timber sash windows on properties in the immediate area surrounding the appeal site during his site visit. This does not, therefore, justify the further loss of such features. He noted a single storey rear extension to the shop was recently permitted (ref 17/00829/FUL) and that this included uPVC windows. However, these windows are at ground floor and to the rear of the property, largely out of public view. This does not, therefore, alter his findings above.

The Inspector therefore found that the proposal would be harmful to the character and appearance of the host property and would also fail to preserve or enhance the character or appearance of the Kintbury Conservation Area. The proposal would therefore conflict with Policy CS19 of the West Berkshire Core Strategy (2006-2026) which seeks to conserve and enhance the historic environment.

In terms of the advice in the National Planning Policy Framework paragraph 134 the harm to Kintbury Conservation Area would be 'less than substantial' affecting only its immediate surroundings. However, that would still represent a harmful impact, adversely affecting the conservation area's significance. The Inspector acknowledged that the replacement windows would improve energy performance at the property and therefore improve living conditions for its occupants, as well as improve safety in terms of, amongst other things, unlawful entry and fire escape. However, there are alternatives to uPVC such as new double glazed wooden sash windows which could provide similar benefits. Consequently, he found that, even taken together, the public benefits would not outweigh the harm to Kintbury Conservation Area.

The absence of letters of objection is not a determining factor. This appeal has been determined on whether there would be unacceptable harm to the character and appearance of the host building and Kintbury Conservation Area. For the reasons outlined above the proposal would result in such adverse effects. The appeal is therefore dismissed.

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LECKHAMPSTEAD 16/03207/FULD Pins Ref 3173959	Bow River House Leckhampstead Mr and Mrs G D R Seaton	Proposed improved groom's accommodation and improved existing storage facility	Delegated Refusal	Allowed 4.10.17
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Main issue

Within the context of the Council's reason for refusal and the evidence in this case, the main issue is considered to be whether the development would conserve the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

The appeal site is located on the south-east outskirts of Leckhampstead, a small village within the North Wessex Downs Area of Outstanding Natural Beauty (the 'AONB'). The existing groom's accommodation and horse stables are contained in a long single storey building to the east of the main dwelling house, Bow River House. A horse manège lies directly to the north of this and a number of mature trees immediately to the south.

The proposed extension would be set in from the eaves and increase the height of the building by approximately 1 metre to its western end. The roof material would match the existing and its side elevations would be finished in traditional timber boarding with no facing windows. The extension would have a similar character and appearance to a raised centre aisle on a horse/cattle barn. As a consequence, the Inspector considered its design to be in keeping with the equine/agriculture character of the existing building.

Adjacent to the accommodation/stable block building is a row of mature trees which can be clearly seen from the vehicular highway to the south (which leads towards to the B4494). Although the extension would increase the height of the building, it was evident from his site visit that there was sufficient space for the development to take place without substantial crown lifting to the adjacent trees. If any tree works were necessary, he was satisfied that these would be minor and not compromise the health of the tree, subject to them being carried out by a professional tree surgeon.

If the Council has concerns about any works taking place to the trees following development, the proper course of action would be for it to consider protecting them with a Tree Preservation Order.

Although the development would be visible from the vehicular highway to the south, it would be set against the backdrop of the existing village and be partly screened by intervening mature trees and hedgerows. Further views of the scheme would be possible from the public footpath and St James's Churchyard to the north of the appeal site, but these would be minimal given the intervening distance and extent of mature trees/hedgerows. It would also be possible to view the development from residential properties that back onto the site, but given the modest height increase of the building, intervening distances and existing trees/hedgerows, the Inspector did not consider there to be any harmful impact to the visual outlook of residents. Overall, he was therefore satisfied that the development would not appear intrusive in the landscape or erode the area's openness.

The building would have 7 rooflights and therefore result in a small amount of light spillage at night, but given its position adjacent to Bow River House and the edge of the village, he did not consider this to be unduly harmful to dark night skies or erode the area's sense of remoteness.

In view of the above, he concluded that the development would respect the design and scale of the existing building and conserve the landscape and scenic beauty of the AONB. The proposal would therefore comply with Policies ADPP1, ADPP5, CS10, CS12, CS14 and CS19 of the Core Strategy¹ and Policies ENV19 and ENV24 of the Local Plan² which seek to ensure that new development is of a high quality design and protects the existing landscape features and qualities of the AONB. In so doing, the proposal would also meet the requirements of Paragraph 115 of the Framework³.

Other matters

Representations have been made that the development would result in a new dwelling in the open countryside and that the equine-related accommodation is unnecessary. However, the principle of the residential use was considered in an application previously approved by the Council and this cannot be revisited in the current proposal. Concerns have also been raised that the size of the accommodation would be disproportionate to the size of the equine business. However, the proposal would not result in the creation of any additional bedrooms and the resultant accommodation would continue to be of modest proportions

Further representations have been made about the lawfulness of previous developments at the site and the potential for the scheme to establish an undesirable precedent. However, the proposal does not conflict with development plan policy and the Inspector had to consider the scheme on its own merits.

Conditions

The Council has suggested conditions which he considered in the light of the national Planning Practice Guidance. He made some amendments to clarify certain details and avoid duplication. A condition requiring development to be in accordance with the plans is needed for the avoidance of doubt and in the interests of proper planning. However, a separate condition to control materials is not required as these are already shown on the approved plans. A condition requiring details of tree protection is necessary to ensure the adjacent trees are not damaged during construction, as is a condition for conservation style rooflights to reduce their prominence in the AONB.

A condition that continues to restrict occupation of the extended dwelling to an employee of the equine use and ensure that it remains ancillary to Bow River House is necessary in the interests of sustainable development. However, the Council has not demonstrated why a condition requiring details of external lighting is needed or why permitted development rights need to be removed when the accommodation would be ancillary to Bow River House. In this respect, it is important to note that this decision does not grant permission for a new self-contained dwelling house or any change of use of land to a private garden area.

Conclusion

The Inspector found that the appeal proposal would conserve the landscape and scenic beauty of the AONB. In view of this and having had regard to all other matters raised, he concluded that the appeal should be allowed.

Decision

The appeal is allowed and planning permission is granted for the improved groom's accommodation and an improved existing storage facility at Bow River House, Leckhampstead, Newbury RG20 8QY in accordance with the terms of the application, Ref 16/03207/FULD, dated 25 January 2017, subject to the conditions set out in the attached Schedule.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: - site & location plan (CCL 166/008), existing north elevation & ground floor plan (CCL 166/005), existing north elevation & ground floor plan (CCL 166/007), existing elevations & section (CCL 166/006), proposed ground floor plan (CCL 166/001), proposed north elevation & ground floor plans (CCL 166/04), proposed north elevation & first floor plan (CCL 166/02), proposed elevations & section (CCL 166/03) and the proposed roof plan (CCL 166/009).

3) The occupation of the dwelling shall be limited to a full-time employee of the equine business operated on the site (and their partner/spouse) and be ancillary to the residential use of the dwelling known as Bow River House, Leckhampstead (formerly Durley Stables). At no time shall it be used as a separate self-contained dwelling from the equine business operated on the site and Bow River House.

4) The rooflights shown on the approved plans shall be flush fitting and conservation style.

5) All trees within the red line shown on the site and location plan (CCL/008) shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels and tree root zones within those areas shall not be altered, nor shall any excavation be made (for hard surfacing, access, drainage and other services), without the prior written consent of the local planning authority.

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Pins Ref 3168319	Woodside, Wantage Road, Leckhampstead	Replacement of an existing dwelling and associated buildings, change of use of part of the land from agricultural to residential and the change of use of part of the land from residential back to agricultural.	Dele. Refusal	Costs application. Dismissed. 28.08.2014
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Reasons

The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The application which led to the appeal was a re-submission of a previously refused proposal, which the appellants had hoped would address the Council's concerns. It is reasonable to expect that a planning authority will treat like applications in a like manner, and the Guidance, in dealing with behaviour that may lead to an award of costs against appeal parties, sets out examples of behaviour that may lead to an award of costs against planning authorities, one of which is not determining similar cases in a consistent manner.

The reason for refusal for the previous application referred to the size and scale of the proposed replacement dwelling and its effect on rural character and did not specifically refer to siting, other than in a recitation of the aims of relevant policies. However, the delegated report did refer to siting, indicating that the siting of the dwelling further up the hill was in a more prominent location, and therefore the appellants would have been aware of this concern.

Whilst it would have been helpful if there had been greater clarity in the wording of the first refusal, the Inspector did not consider that the Council's decision to refuse the second application was not inconsistent with the previous decision, in that it is axiomatic that an impact on landscape and rural character will include a consideration of siting, as well as size and design.

Moreover, the issue of size and design was a fundamental concern in both refusals and even if siting had not been referred to in the refusal which led to the appeal, it would not have avoided an appeal, and thus the decision did not result in the appellants incurring unnecessary costs.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for an award of costs therefore failed.

Decision

The application for an award of costs is refused.

DC

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