

Notice of Meeting



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Western Area Planning Committee Wednesday 17 January 2018 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 Jenny Legge on (01635) 503043, email: jenny.legge@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 9 January 2018



Agenda - Western Area Planning Committee to be held on Wednesday, 17 January 2018
(continued)

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

Substitutes: Councillors Howard Bairstow, Jeanette Clifford, 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** 7 - 18
To approve as a correct record the Minutes of the meeting of this Committee held on 13 December 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: 17/02524/FULEXT Land West of New Road, North of Pyle Hill, Newbury** 19 - 34
- Proposal:** Erection of 36 dwellings with associated roads, amenity open space, and access to New Road.
- Location:** Land West of New Road
North of Pyle Hill
Newbury
- Applicant:** Rivar Limited
- Recommendation:** **The Head of Development and Planning be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.**



Agenda - Western Area Planning Committee to be held on Wednesday, 17 January 2018
(continued)

- (2) **Application No. and Parish: 17/02533/OUTD Land Adjacent to 4 Croft Lane, Newbury** 35 - 48
- Proposal:** Outline application for erection of a single dwelling. Matters for consideration siting and scale other matters reserved.
- Location:** Land Adjacent to
4 Croft Lane
Newbury
- Applicant:** Mr Barton
- Recommendation:** **The Head of Development and Planning be authorised to REFUSE the application.**

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 49 - 62
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.

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DRAFT

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

WVWESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 DECEMBER 2017

Councillors Present: Howard Bairstow (Substitute) (In place of Paul Bryant), Jeff Beck, Hilary Cole, James Cole, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

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

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Councillor Paul Bryant, Councillor Billy Drummond and Councillor Adrian Edwards

PART I

31. Minutes

As Councillor Paul Bryant had given apologies for inability to attend the meeting, Councillor Jeff Beck nominated Councillor Hilary Cole as Vice-Chairman for the meeting. The proposal was seconded by Councillor Paul Hewer and at the vote was carried.

The Minutes of the meeting held on 1 November 2017 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Page 6, sixth paragraph: 'War Member' to be replaced with 'Ward Member'.

32. Declarations of Interest

There were no declarations of interest received.

33. Schedule of Planning Applications

(1) Application No. and Parish: 16/03411/FUL Compton

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/03411/FUL in respect of a proposed burial ground extension to the Church Of St Mary and St Nicholas including rain shelters, change of use from agricultural land to Sui Generis at Aldworth Road, Compton.
2. In accordance with the Council's Constitution, Mr Aaron Smith, Mr Keith Simms and Mr Mark Birtwistle, Parish Council representatives, Mr Tony Keys, objector, Dr Peter McGeehin, supporter and Mr Geraint Williams, agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report and update sheet to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was unjustified. Officers on balance recommended that Committee refuse planning permission.

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

4. Paul Goddard clarified that a condition had been included in the update sheet to require widening of the access to the site should the Committee be minded to approve the application.
5. Mr Smith in addressing the Committee raised the following points:
6. The existing burial ground adjacent to the church was at capacity and could not be extended.
7. The site's landowner had donated the land to the Parish Council for use as a secular burial ground.
8. The Council had suggested that the principle of the development was acceptable during pre-application advice received in 2015.
9. There was no better location in Compton for the site and it was well related to the church.
10. The proposal would not lead to urbanisation as it would have a grass road and it would relate well to the village.
11. The burial ground would have a formal layout and would be well screened, with landscape belts and low level features.
12. The burial ground was needed to meet the needs of local residents and the officer's report stated that there was no clear breach of any of the Council's planning policies.
13. Sharon Armour asked the Committee to leave any questions for the Parish Council as applicant (as opposed to representing the Parish) to Mr Williams who was speaking on behalf of the applicant later in the meeting.
14. Councillor Jeff Beck asked whether the Parish Council would operate and maintain the burial ground, should planning permission be granted. Mr Smith confirmed that they would. Councillor Beck enquired about the proposed use of the car park. Mr Birtwistle advised that the church had a car park but the car park as part of the proposed burial ground could be used when there were larger services. Councillor Beck further asked whether the burial ground would only be used for Compton residents. Mr Birtwistle advised that only parish residents would be permitted to be buried there with some exceptions for those who had recently left, for example to reside in a nursing home.
15. Councillor Hilary Cole noted that the Parish Council was responsible for making provision for burial grounds within the area of their parish. She asked what consultation had been carried out with residents. Mr Birtwistle advised that there had been no formal consultation but informal feedback had raised a mix of views.
16. Councillor Garth Simpson enquired whether the car park might be used by the primary school for a park and stride scheme. Mr Birtwistle advised that this was not something the Parish Council had considered.
17. Councillor James Cole asked how a grass road would reduce the potential of urbanisation and whether it could be conditioned. Mr Smith advised that a membrane would be laid which allowed grass to grow through. Councillor James Cole asked if there would be restrictions on the height of memorials. Mr Birtwistle advised that the Parish Council would set limitations through production of a policy document.
18. Mr Keys in addressing the Committee raised the following points:
19. He was speaking on behalf of himself and other neighbours.
20. He had been aware of the informal proposal but the site had quadrupled in size since that point.
21. The Environment Agency had submitted a clear objection on the basis of the flood risk.

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

22. The Parish Council had failed to communicate with Thames Water and had undertaken no detailed assessment of the archaeological implications.
23. The scale of the development was out of keeping with the needs of the parish.
24. There had been no proper evaluation of whether the existing burial ground could be extended.
25. The proposed burial ground would be vulnerable to vandalism.
26. He would personally fund the purchase of an alternative site.
27. Councillor James Cole commented that in the 1960s there had been an effort to flatten graveyards in order to make them easier to maintain so there might not be available plots. Mr Keys advised that no evidence to prove that assertion had been produced by the Parish Council.
28. Councillor Bairstow asked for more information on the flood risk. Mr Keys advised that there had been flooding in 2011 and 2014.
29. Councillor Hilary Cole noted that Mr Keys lived next door to a burial ground and asked him to clarify his objection to living opposite one. Mr Keys advised that he thought the site was too large, he did not like the car park and there was a risk of vandalism. Councillor Cole commented that the burial plots would not be filled immediately and therefore there would be minimal impact in the short term. Mr Keys expressed the view that the proposal would spoil the country village. Councillor Hilary Cole asked for Mr Keys' view on the potential of the proposed car park to alleviate some of the primary schools' traffic. Mr Keys commented that it was not the purpose of the application to resolve the school's parking issues.
30. Councillor Anthony Pick enquired whether the letter included in the update sheet constituted evidence that more burial plots were required. Mr Keys advised that he had only seen the letter that evening.
31. Councillor James Cole asked why Mr Keys suspected that the rain shelters in the proposed burial ground would be vandalised. Mr Keys advised that there had been vandalism nearby. Councillor James Cole asked whether the Parish Council could manage this by putting a barrier over the access. Mr Keys asked whether that could be conditioned but also commented that this would interfere with visiting the burial ground.
32. Dr McGeehin in addressing the Committee raised the following points:
33. He had lived in Compton since 1975 and acted as the Parish's representation on the Pang Valley Flood Forum.
34. The Environment Agency's conclusion that burials would not be below the water table supported the applicant's information.
35. The church's burial ground was not suitable and burial plots were underneath the water table. It was likely that any application to extend the existing burial ground would be refused.
36. There were no alternative sites for the proposed new burial ground.
37. Any archaeologically significant buildings would have been constructed away from the water course.
38. Mr Williams in addressing the Committee made the following points:
 - The existing burial ground would be full in two years.
 - Land had been gifted to construct a new burial ground.

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

- The proposal would use an existing access and have a lockable entrance. There would be no loss of trees or use of lighting and would be used during church hours.
 - The development would be sustainable as it would meet the needs of the village.
 - There would be reduced traffic movements through the village.
 - Full landscape details would be provided if conditioned.
39. Councillor Beck asked whether a condition to require landscaping details would be accepted. Mr Williams advised that it would.
40. Councillor Clive Hooker asked whether there was sufficient funding to construct the burial ground. Mr Williams assured that there was sufficient funding to complete the project to a high standard.
41. Councillor Virginia von Celsing, speaking as Ward Member, in addressing the Committee raised the following points:
- She was surprised that the application had been recommended for refusal on landscaping grounds as the consultees had not objected subject to appropriate conditions being applied.
 - The burial ground would provide enough plots to meet Compton's needs for up to the next 100 years.
 - There would be hedging, a small footbridge and an ecological buffer included in the site.
 - There should be restrictions on the heights of gravestones.
 - The Parish Council should complete an archaeological survey if the application was approved.
 - There were no other sites and the Parish Council had received a generous offer by the owner of the site.
42. Councillor Pick enquired what the population of Compton was. Councillor von Celsing advised there were 2700 people in 900 dwellings and there was a Supplementary Planning Document to increase the size of Compton by 160 homes.
43. In response to a question from Councillor Simpson, Councillor von Celsing advised that there was only one church in Compton.
44. Following a request from Councillor Hilary Cole, Derek Carnegie read the detail on policies CS14 and CS19 which had been referred to in the officer's report. Councillor Hilary Cole expressed the view that the policies were aimed housing developments.
45. Councillor James Cole enquired whether the materials, height, bulk and landscaping could be conditioned. Derek Carnegie confirmed that they could.
46. Councillor Beck advised that he had given a lot of thought to the application and the views of the speakers who had addressed the Committee. He proposed that the Committee approve the application, contrary to the officer's recommendation, subject to the inclusion of conditions on archaeology, landscaping, limits on the height of headstones and the Highways condition in the update sheet. He expressed the view that policies CS14 and CS19 had been intended to guide housing developments and in his view their wording was agreeable to permit the proposed burial ground.
47. Councillor Pick seconded the proposal. He supported the remarks of Councillor Beck and expressed the view that the North Wessex Downs Area of Outstanding Natural Beauty

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

(AONB) was manmade and policies to protect it sought to preserve its ambience. He believed the proposal to be compliant.

48. Councillor Simpson expressed the view that too much emphasis had been placed on the settlement boundary in the officer's report. The site was the only land available for the burial ground. Councillor Simpson expressed the view that conditions should be applied regarding low profile stones, hedges and screening the car park from the view of Church House and Church Farm Cottage.
49. Councillor James Cole expressed the view that if the correct conditions were applied the proposal would represent a good use of land.
50. Councillor Paul Hewer agreed that conditions were vital and that he would like to see the Parish Council continue to implement policies.
51. Councillor Hilary Cole, referring to CS14, expressed the view that the proposal constituted an effective use of land and could be considered to be public art. It would contribute to a restful resting place for Compton residents. The Parish Council had demonstrated a need for the burial ground and there was no better location.
52. Councillor von Celsing stated that she hoped only native plants would be used in the garden of remembrance.
53. Councillor Hooker expressed some concern regarding the height of the rain shelters but noted that these would be positioned against the tree line.
54. The Chairman invited the Committee to vote of the proposal of Councillor Beck, as seconded by Councillor Pick to decline officers' recommendations and approve planning permission. At the vote the motion was passed.

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 and other documents listed below:

- (i) Location Plan Z.02.11/04 Rev A received on 20/12/2016.
- (ii) Proposed plan and flood data Z.02.11/08 received via email from the agent on 19/09/2017.
- (iii) Section thro' proposed extension to churchyard to indicate finished levels Z.02.11/07 Rev E received via email from the agent on 07/08/2017.
- (iv) Plan and Elevations Z.02.11/06 received on 20/12/2016.
- (v) Wide Uni-Field Gate J7/02154 received on 11/01/2017.
- (vi) Planning, Design and Access Statement received via email from the agent on 05/04/2017.

Associated documents:

- (i) Survey of existing site Z.02.11/01 received on 20/12/2016.

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

(ii) Groundwater aspects of the graveyard extension by Dr Peter McGeehin received via email from the agent on 09/02/2017.

All received with the application dated 02/12/2016 unless otherwise stated.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

3. No development to provide the rain shelters hereby permitted shall take place until a schedule of the type and finish of clay tile and timber cladding has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

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

4. No development to provide the community art feature as shown on the drawing titled Proposed Plan and Flood Data (Z.02.11/08) shall commence on site until full details including elevations and details of materials are submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. The development shall be carried out in accordance with the approved details.

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

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

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

6. No external lighting 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: To protect the amenities of adjoining land users and the character of the area. The area benefits from dark night skies, with limited street lighting. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

accordance with the National Planning Policy Framework (March 2012) and Policies CS14, CS19 and ADPP5 of the West Berkshire Core Strategy 2006-2026.

7. The development permitted by this planning application shall be carried out in accordance with the Design and Access Statement written by Mursell & Company Limited (received via email from the agent on 05/04/2017) and the following mitigation measures:

1. The clear span bridge shall be built in accordance with the drawings in Appendix D of the Design and Access Statement.
2. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
3. The abutments of the bridge shall be set back from the bank top of the River Pang by 1.5-2m.

Reason: This condition is sought in accordance with paragraph 103 of the NPPF to ensure that the property is suitably protected from flooding up to the 1% Annual Exceedence Probability with an appropriate allowance for climate change flood event and in accordance with policy CS16 of the West Berkshire Core Strategy (2006-2026).

To conserve/enhance biodiversity in accordance with policy CS17 of the West Berkshire Core Strategy (2006-2026).

8. No development shall take place until a scheme for the provision and management of a minimum 4 metre (minimum) wide buffer zone, measured from the bank top of the River Pang shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including out-buildings, car parking, hard-standing and lighting.

The scheme should include:

- Plans showing the extent and layout of the buffer zone, scaled so as to show the distance from the bank top of the river.
- Details of any proposed planting scheme, which should be of native species appropriate to this location.
- Details demonstrating how the buffer zone will be protected during development, e.g. by temporary fencing and according to Environment Agency Pollution Prevention Guidelines.
- Details of how the buffer zone will be managed/maintained over the longer term in order to enhance its' ecological value.
- Details of any ecological enhancements to the watercourse and its' river corridor.
- Details of any fencing, lighting etc. that could impact on the buffer zone. Artificial lighting near watercourses should be avoided but where it is required it should be directional and focused with cowlings (for more information see Institute of Lighting Professionals (formerly the Institute of Lighting Engineers) "Guidance Notes For The Reduction of Obtrusive Light'.

Reason: Land alongside watercourses is particularly valuable as a corridor for wildlife. This condition is necessary to ensure the protection of wildlife and supporting habitat and

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

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

- a) Completion of the approved landscaping within the first planting season following the completion of the development; 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 a detailed schedule of tree works including timing and phasing of operations has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

12. No development or other operations shall commence on site until details for the protection of the root zones of trees to be retained with regard to the proposed access, hard surfacing, drainage and services providing has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised inappropriately in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

14. No development shall take place until details of the improvement to the surface of Compton Footpath 10 and its maintenance have been submitted to and approved in writing by West Berkshire Council's Rights of Way Team. The improved section of footpath shall be provided and maintained to the approved details thereafter.

Reason: To protect the public right of way. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

15. No development shall take place until details of all access(es) into the site have been submitted to and approved in writing by the Local Planning Authority. This will include the vehicular access being widened to 4.8 metres whenever possible and the provision of parapets or appropriate edge structures on the culvert. The use shall not commence until the access has been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

Core Strategy (2006-2026) and Policy Trans.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. 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 Trans.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. The development shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy Trans.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plan. The parking and turning space shall thereafter be kept available for parking (of private motor cars and 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).

19. The use hereby permitted shall not commence until details of the maximum size, including overall height and profile, of gravestones and/or memorials to be erected are submitted to and approved in writing by the Local Planning Authority. The gravestones and memorials shall thereafter be provided in accordance the approved details.

Reason: To ensure the memorials and gravestones are appropriate to the character of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

34. Appeal Decisions relating to Western Area Planning Committee

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

WESTERN AREA PLANNING COMMITTEE - 13 DECEMBER 2017 - MINUTES

(The meeting commenced at 6.30 pm and closed at 8.15 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	17/02524/FULEXT Greenham Parish Council	15 th December 2017	Land West of New Road, North of Pyle Hill, Newbury Erection of 36 dwellings with associated roads, amenity open space, and access to New Road. Rivar Limited

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/02524/FULEXT>

Ward Member(s):

Councillor Drummond
Councillor Bartlett

Reason for Committee determination:

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

Committee Site Visit:

11th January 2018

Recommendation.

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

Contact Officer Details

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

1. Site History

126373 Application for gravel extraction. Refused in 1986.

2. Publicity of Application

Site notice displayed 19th September 2017. Expiry 10th October 2017.

Amended plans site notice - erected 10th November 2017. Expiry 24th November 2017.

3. Consultations and Representations

Greenham Parish Council	Objection on visual impact grounds, loss of open space, pressures on local infrastructure, increase in air pollution and traffic, dense, out of character.
Newbury Town Council	Objection. Drainage will be a problem, impact on local traffic, loss of green space in the gap, and too many dwellings proposed.
Highways	Conditional permission Parking and access is acceptable as is the projected increase in local traffic generation.
Environmental Health	Conditional permission recommended.
SuDS	Originally objected but following negotiations, conditional permission is now recommended.
Planning Policy	Notes that the application exceeds the approximate number of 30 dwellings by 6, otherwise, acceptable in principle as a part of the HSA4 allocation. The case officer will need to be satisfied that the application is acceptable in drainage and ecological terms. The 40% affordable housing is acceptable.
Housing	14 of the dwellings proposed for affordable purposes. This equates to 40% for a greenfield site which is accepted. A degree of pepper potting on the site, in addition. 70% for affordable rent, 30% for shared equity. To be achieved via a s106 obligation.
Minerals	The site is underlain by potentially commercially valuable gravel deposits. Pre-condition recommended re exploratory works.
BBOWT	Object to the application on a range of grounds. Fails to mitigate impact on Greenham and Crookham Commons SSSI. No overall biodiversity net gain achieved on the site. If the Council is minded to grant permission, a range of conditions is advised regarding protected species on the application site. Amended details submitted by applicant. BBOWT still object.
Natural England	No comments to make on the application.
Ecology	Originally objected but following negotiations and further information

being submitted, satisfied that a slight net gain in biodiversity on the site is achievable.

Environment Agency

No response received. Standing advice refers. Flood risk assessment has been submitted with the application.

Waste Services

Application layout is accepted.

Thames Water

No response received.

Archaeologist

Additional information requested.

Fire Service

Additional hydrants required – condition as required.

Public Open Space

Level of public open space on site is acceptable but detail of children's play equipment should be varied. Amended plans accepted.

Public Representations

12 objections received on the original plans. Concerns based upon a lack of a comprehensive approach within the allocated HSA4 sites, loss of open space, impact on wildlife, impact on drainage, impact on trees, affordable housing in wrong location, poor boundary treatment, impact on local traffic at peak times, loss of gap, noise pollution, light and visual impacts, in addition. Impact on setting of the local church and Greenham has seen far too much housing over recent years so an overdevelopment. More residents means impact on local infrastructure as well. Loss of privacy, impact on amenity. No need for more housing and why cannot brown field sites be used instead?

Two additional comments made. One in support but want the shared parking area to be moved, one requests additional planting along the New Road boundary.

One further letter of objection re the amended plans and information. Still concerned about the lack of an overall comprehensive approach to the development of the 4 number HSA4 sites of which this is the last one. It is not an excuse to say land ownership and who submits applications, is beyond the Council control. Reference to Sandleford is identified.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

HSADPD May 2017. Policies GS1 and HSA 4 - land off Greenham Road.

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

5. Description of development

5.1 The application site lies immediately to the west of New Road in Greenham. The whole application site is roughly rectangular, but the actual form of built development is triangular,

incorporating 36 dwellings, with associated access road direct onto New Road, with associated parking and individual garden areas. The northern part of the site will include a drainage swale pond plus public open space area. The whole red line site area is 3.05ha which gives a gross density of just 12 units per ha which is low, although the net density is about twice that.

- 5.2 Of the 36 dwellings, 40% will be affordable i.e. 14 in total and these will be pepper potted, to a reasonable extent through the site. In total there will be twelve 4 bed houses, fourteen 3 bed, and ten 2 bed houses. No flats are proposed. In terms of parking standards meet policy P1 in the adopted HSADPD of May 2017. The submitted application is full so no matters are reserved for future consideration. Finally, under the 2017 EIA regulations, no Screening Opinion was required, since the application site does not lie in a sensitive area as defined in the Regulations, nor does the size of the site, or number of dwellings, exceed the relevant thresholds in Schedule 2. In addition, although the application site is greenfield, outside any defined settlement boundary, it does not comprise a departure from the Development Plan as it is allocated under policy HSA4 in the HSADPD of 2017.

6. Consideration of the application

The application will be considered under the following headings.

- 6.1. Policy
- 6.2. Highways
- 6.3. Ecology
- 6.4. Landscape Impact
- 6.5. Other issues

6.1. Policy

6.1.1 In terms of planning policy, the application is acceptable in principle as it forms the last part of the four distinct allocations within HSA4. Members will recall application 17/00223 for 71 dwellings to the north west of the site already resolved to be approved, as is the 157 dwelling site by Rivar under reference 17/01096 also resolved to be approved by Council. Both are subject to the completion of a s106 obligation, not yet completed. Policy GS1 notes that [inter alia] a single planning application will be submitted for each allocation. This has not been possible to achieve in HSA4 since the Council is unable to control differing land ownership across the area, unless CPO powers are to be used - wholly unnecessary in this case. Officers have attempted to see a more active combination of the sites [for example a footway / cycleway access connection between the application site and the allocation under 17/00223 has been sought] but this has not been possible due different land ownership. In addition, policy GS1 seeks a comprehensive drainage strategy, a comprehensive ecology strategy, and suitable access/walking routes. The applicants have submitted sufficient information to address all these issues, to the satisfaction of all consultees, with the exception of BBOWT.

6.1.2 In relation to the specifics under HSA4, it is noted that approximately 30 dwellings will be allocated on this site. The applicants have submitted 36. This is 20% above the allocation. The applicants [and officers] pray in aid a number of points to address this. Firstly by "allowing" a further 6 dwellings on the site this increases the number of affordable units by two, to 14, from 12. Secondly, the increased numbers will make more efficient use of land, at no real expense to any harmful density or indeed over development. However, officers were still not satisfied with this position so sought an additional planning "gain" in terms of increased affordable housing over and above the 40% figure in policy CS6 in the HSADPD of 2017. What the applicants have agreed to is by way of an equivalent off site contribution, to be achieved via a s106 obligation, one further affordable unit will be provided off site. On this basis the additional dwellings is considered acceptable, and not a diversion from policy.

6.2. Highways

6.2.1 In accord with advice in the NPPF the applicants have submitted a Transport Assessment for the additional 36 dwellings to be imposed on the local highway network. The simple T junction arrangement onto New Road is deemed to be acceptable, and the available forward visibility splays in both directions is accepted. Current flows along New Road are low in any event as are traffic speeds. The junction access onto Burys Bank Road in the south is also “good” in terms of the expected traffic generation. In relation to on-site parking, this now complies with policy P1 so will not create any additional off site car parking pressures. Local accessibility to the town centre by sustainable means is available via the footpath/cycleway which extends from the north of New Road towards the town centre. The internal access road layout has been accepted as being capable of turning / swept paths for the Council refuse vehicles, as well. It is anticipated in this regard that the internal roads will be adopted. So, in conclusion, whilst it is of course inevitable that the occupation of 36 additional dwellings will impact local flows, this will not be severe in terms of the advice in para 32 of the NPPF, and so the application is accepted, in transport terms.

6.3. Ecology

6.3.1. The applicants, in accord with National Policy advice, have prepared a number of ecological reports in support of the application. Their conclusions are that the application site comprises species poor semi improved grassland with ruderal vegetation and scrub. It was noted that no great crested newts are present, bat activity is low, and the breeding bird community was typical of such grassland. There is however a large population of slow worms and a low, but not insignificant population of grass snake and common lizard. No evidence of badger activity was found. It is identified that given the north west triangle of the site will now be actively managed with ecological mitigation measures to be put in place [to be secured by condition] the overall bio diversity net gain on the site will be 0.06 units i.e. marginally positive. Whilst Natural England have made no comments on these matters, BBOWT have continued to object to the detail. The applicant’s agents have responded to these issues now on 2 occasions. BBOWT have duly responded and still object on similar grounds as before. The case officer, in advising the Committee, is satisfied that **on balance**, there will be no overall harm in the long term to local bio diversity, although of course short term during construction there will inevitably be. The crux of this ecological issue rests upon how the applicant’s ecological consultants and BBOWT are identifying and measuring the existing ecological status and value of the present semi improved grassland on the application site. BBOWT maintain that it is better than poor as the applicant’s agent believe it to be. This has an impact on the overall scoring matrix which leads to the differing conclusions of the ecologists in question, i.e. the applicants believe there will be a slight net gain in local biodiversity, BBOWT consider no net gain will be achieved.

6.3.2 The Council as LPA is specifically required to take into account the Wildlife and Countryside Act of 1982 [as amended] and the advice in the Conservation of Habitats and Species Regulations of 2010 [as amended] .These note that in determining planning applications, there should be no adverse impact on biodiversity or indeed protected species. Officers have duly taken the following matters into account in the advice to Committee to recommend approval to the application:

- 1] The site is allocated and already approved in principle under the adopted HSADPD. Ecological matters were discussed at the Local Plan Inquiry.
- 2] Natural England have not objected to the application in principle—they are the statutory consultee in this instance.
- 3] The Council Ecologist [in the form of the Council planning policy manager] has determined, on balance, that it would not be correct to sustain an objection on ecological grounds.
- 4] The case officer, in advising the Committee on the application, has had due regard to the advice in the advice in the text of policy CS17 in the Adopted Core Strategy, and the advice in the NPPF on ecological issues, considers that given the purely technical basis upon which the BBOWT objection is sustained, and having regard to the substantial planning gains to be achieved from the development assuming it proceeds, approval is appropriate in this case.

6.3.3. As with the other application sites under HSA4, BBOWT continue to object on the lack of mitigation in terms of the impact of the increased population derived from the site, once occupied [perhaps 90] on the local Greenham and Crookham Commons SSSI. Clearly there will be some impact on the SSSI, given the proximity of the site to the Common. However, it is the Council's view that the CIL charges [circa £240,000] will be sufficient to offset this. It is noted that only a small % of this CIL charge will be available to ecological purposes, however.

6.3.4 Accordingly, officers consider that, since the principle of the new housing has already been accepted by the Council, by definition, these impacts have already been taken into account, having regard to the advice contained within policy CS17 in the Adopted Core Strategy, and the inevitable loss of green infrastructure – policy CS18. In respect of mitigation, it is identified in the application that not only will a marshy swale be set out on site, but also significant new landscaping, 36 individual gardens, planting new trees, hedgerows and placing refugia for local reptiles, new bat and bird boxes and the planting up of a mosaic of lowland meadow and scrub.

6.3.5 The recent changes to National policy on Ancient woodlands [November 2017] has no impact on this application, given the distance of the application site from such woodland.

6.4. Landscape Impact

6.4.1. In accord with policy advice, the applicants have submitted a full landscape appraisal of the site, to understand how the local landscape character will be impacted, should the scheme be approved and built out. It is noted that the site is bounded by existing built form to the south and east, West Wood to the north and open fields to the west. It is a plateau area, once forming part of the designated gap between Newbury and Greenham. Whilst it is still physically a gap, the policy no longer applies, [since the NPPF has replaced Gap policy] having not been saved in the current Development Plan. The land is elevated at circa 120m AOD, falling to the north. Its sensitivity is deemed medium, but in terms of its character, it has no special features which are worthy of retention. The sole important consideration is the visual setting of the Grade 2* St Marys church to the north east of the site. The site enjoys no special scenic quality, nor is it rare in any way. It has no public access either. Its principal visual function is thus to provide an open gap between buildings, assisting the perception of openness and tranquillity in this otherwise "urban" fringe area of the parishes of Newbury and Greenham.

6.4.2. The application site, by locating the built form to the south adjacent the existing settlement boundary, has ensured that open views will still be retained from New Road across towards West Wood and beyond. In addition the setting of the church will still be fully respected by the distances involved - over 100m separation. The hedgerow along New Road will be similarly re-inforced, by condition to soften the overall appearance of the development. Given all of this officers are content that whilst there will clearly be a degree of visual and local impact on the local landscape, this will be minimised insofar as it is possible to do, to make the scheme acceptable in terms of the allocation process. Accordingly the scheme complies with the advice in policy CS19 in the Adopted Core Strategy.

6.5. Other issues

6.5.1. One issue which the officers consider the Committee should take into account is the potential impact upon local amenity for existing residents to the south of the site in Drayton's View and Spa Meadow. It is noted that the closest dwelling proposed will be 20m distant from any existing dwelling so loss of privacy should not be an issue. In addition, whilst presently owners to the south enjoy open views across the site, these will be lost, to an extent; but a loss of view is not a planning matter. Clearly there will be a degree of noise and disruption during the construction process, but this is the same for any large application site: a construction management plan including hours of working will be included in any permission as conditions. A number of objectors have raised pressure on local infrastructure: this is the same for all new housing applications and the impacts will be mitigated by the CIL charges included in the development. Finally, the application is made in full, so design is a factor to be taken into account at this stage. The

submitted elevation plans show dwellings of a traditional character, with full hips, gables, porch features and pitched roofs, all combining to create an attractive detail, with the proposed traditional materials of brick, tile, and slate. This will accord with the conservative character of the adjoining dwellings.

6.5.2 One objection is particular raises the point about the 4 sites allocated under policy HSA4 being comprehensively master planned. This is noted in policy GS1 and in addition, the wording of HSA4 in the adopted HSADPD. Officers were able to accommodate these linkages both physically and policy wise within the NEW047D sites to the west of Pyle Hill already approved by the Council. What has proved more difficult is the linkage between the remaining 2 sites [NEW047B and C] to the east of Pyle Hill. This is because unless the Council were to CPO the relevant areas [which would serve no legitimate planning purpose in terms of the legislation], it is unable to control land ownership, or indeed who submits applications. Consequently, despite officer's best efforts to create such linkages, this has not proven possible to achieve. In the interests of maintaining the Councils 5 year housing land supply, and the fact that this application is policy compliant in all other respects, it is advised that it would not be appropriate to reject the application on this single basis. It is also noted that this identical issue was raised under the consideration of application number 17/00223/fulext, but the Committee elected not to reject that application.

6.5.3 In relation to the above reference has also been made to the recent refusal of the Sandleford applications, inter alia, on the basis of a lack of a single application being submitted. This is highlighted in S1 of the adopted Sandleford SPD of 2015. It is clear that the premise for S1 is the fact that significant infrastructure needs would not otherwise have been met in the Sandleford case [such as roads and schools] whereas this is patently not the case with this application for 36 dwellings –1.8% of the total number proposed at Sandleford. It is also the case that matters of access, public open space, on site drainage, affordable housing and indeed landscaping can all be sufficiently catered for within the confines of the individual red line application site currently being considered.ie it is not reliant on the other sites in the policy allocation for these mitigating/ planning benefits. Accordingly, to summarise, officers are confident that there is little basis for the objection noted.

7. Conclusion

7.1 The NPPF advises local planning authorities to determine planning applications having regard to the three principles of sustainability .The first is economic. This application will clearly assist the local construction business during the build out phase. In addition 90 further residents in the District will assist future local expenditure in the Town and beyond. Secondly, in social terms, the development will secure 15 more affordable dwellings for the area, which is obviously of benefit. Finally, in environmental terms, whilst there will be a degree of ecological, visual, transport and physical impact, the introduction of these 36 houses will, on balance, be acceptable for the reasons noted above.

7.2 The application forms a relatively small but nevertheless important component of the Council's overall housing strategy to 2026, to accommodate a growing population. It is considered to be acceptable in both principle and detail. Given the strong reasons to support the application, a recommendation of conditional approval is made.

8. Recommendation

The Head of Development and Planning be authorized to GRANT Conditional Planning Permission subject to the first completion of a s106 planning obligation, to secure the affordable housing.

CONDITIONS

3 YEARS

Subject to the following conditions (if any):-

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

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

MATERIALS

2. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority.

This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with HSA4 of the HSADPD of May 2017.

HOURS OF WORKING

3. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policy OVS6 of the WBDLP 1991 to 2006 [saved 2007].

FLOOR LEVELS

4. No development shall commence until details of floor levels in relation to existing and proposed ground floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority 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 in accordance with HSA4 of the HSADPD of 2017.

AMENDED PLANS

5 The development must be carried out in strict accord with the amended plans and information supplied by email dated the 7th November 2017 on the electronic file.

Reason. To ensure the correct development is implemented on the application site in accord with the advice in the DMPO of 2015.

FIRE HYDRANTS

6 No development shall commence until full details of additional fire hydrants are agreed on site. The development shall be implemented in strict accord with these approved details.

Reason: To ensure public safety in accord with NPPF advice.

DUST SUPPRESSION

7 No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust during the development construction period. The construction process shall be carried out in accord with that scheme of works, once approved in writing by the Council.

Reason: In the interests of the amenities of neighbouring occupiers. In accord with NPPF advice.

LAND CONTAMINATION

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

1. Site Characterisation

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

The report of the findings must include:

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

(ii) an assessment of the potential risks to:

o human health,

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

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise

agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3. If required:

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

CMS

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

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

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

LAYOUT

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

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

ACCESS

11. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s). For the avoidance of doubt this shall include the sole vehicle access onto New Road.

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

VISIBILITY

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

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

PARKING

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

Reason: To ensure the development allows for appropriate car parking on the site, and to reduce reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

PLANTING SCHEME

14. On the first planting season post the first occupation of any dwelling hereby permitted the soft landscaping scheme as identified on the Golby and Luck plan number GL0726 01a dated 17/08/17 will be commenced. This scheme shall then be completed in its entirety to the satisfaction of the Council and maintained for a 5 year period post first occupation.

Reason. To enhance the visual aspects of the scheme in accord with policy HSA4 in the HSADPD of May 2017.

BADGERS

15. "No development works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open Excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include; a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches / excavations or by using planks placed into them at the end of each working day and b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day."

Reason. To conserve this protected species on the site in accord with the advice in the NPPF.

CEMP

16. "No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;

- a) Risk assessment of potentially damaging construction activities
- b) Identification of biodiversity protection zones
- c) Practical measures to avoid and reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities of the ecological clerk of works or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs"

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority."

Reason. To conserve protected species on site in accord with policy CS17 in the WBCS of 2006 to 2026.

LIGHTING STRATEGY

17. "Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall;
- Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and - Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason. To protect light sensitive species on site in accord with policy CS17 in the WBCS 2006 to 2026.

MINERALS

18 No development shall commence until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- i. A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site.
- ii. A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, with such use to be agreed with the Local Planning Authority.
- iii. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

Reason: The approval of this information is required at this stage because insufficient information has been submitted with the application. To ensure compliance with Policy GS1 of the Housing Site Allocations DPD (2006-2026), and Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

SUDS

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)

- v) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- x) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- y) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings approved are occupied. The drainage measures shall be maintained and managed in accordance with the approved details thereafter.

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

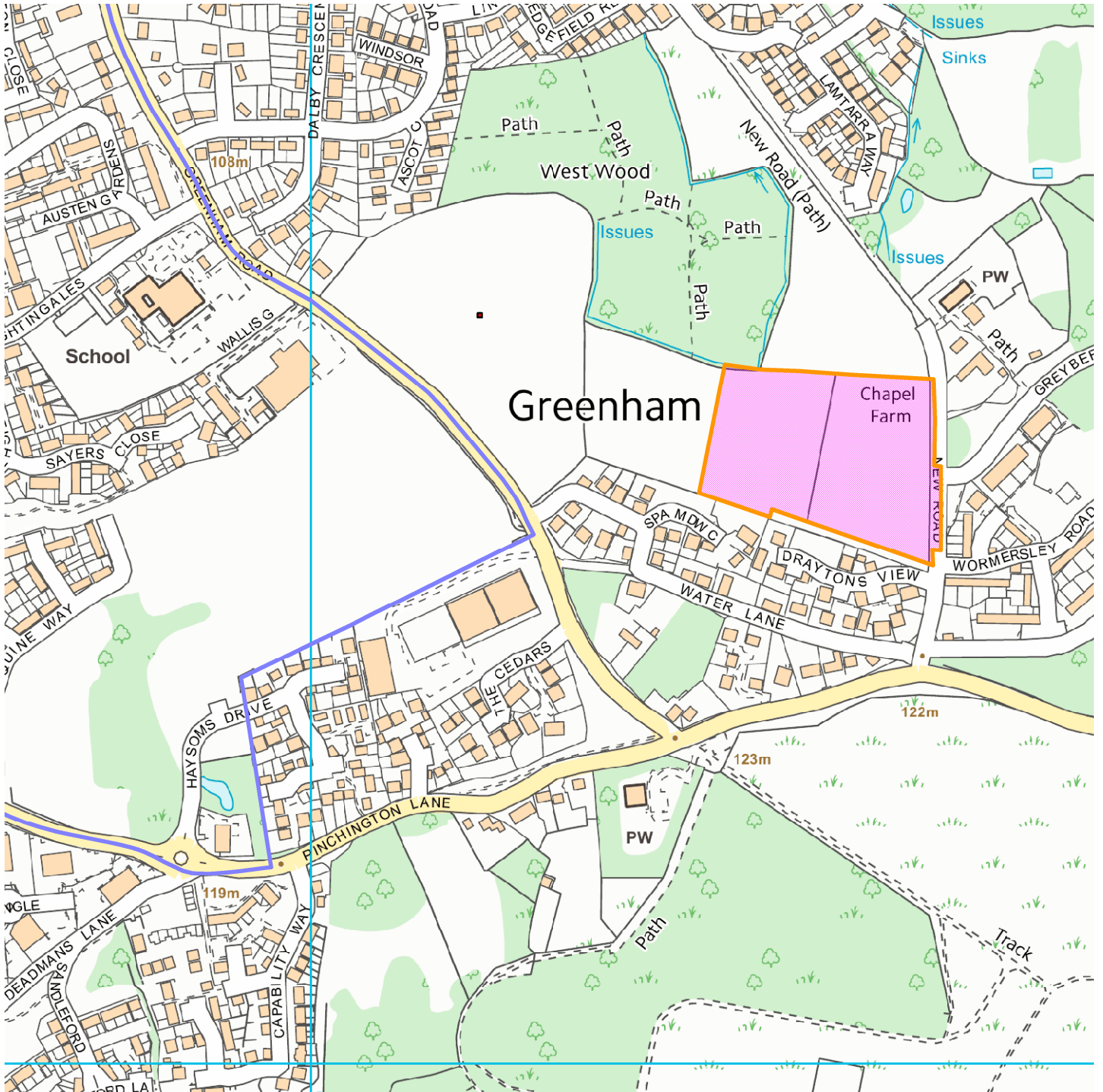
INFORMATIVES

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

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

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

DC



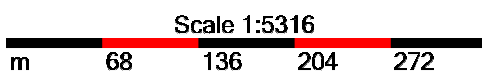
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Department	
Comments	
Date	04 January 2018
SLA Number	0100024151



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Agenda Item 4.(2)

Item No	Application and Parish	No.	8/13 Week Date	Proposal, Location and Applicant
(2)	17/02533/OUTD Newbury Town Council	13 th 2017	November	Outline application for erection of a single dwelling. Matters for consideration siting and scale other matters reserved. Mr Barton Land Adjacent To 4 Croft Lane, Newbury

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/02533/OUTD>

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

Ward Member(s): Councillor Jeanette Clifford and Councillor Lynne Doherty

Reason for Committee determination: Called in by Councillor Doherty

Committee Site Visit: 11th January 2018

Contact Officer Details

Name: Mrs Sue Etheridge
Job Title: Senior Planning Officer
Tel No: (01635) 519111
E-mail Address: Susannah.etheridge@westberks.gov.uk

1. Site History

- 78/09225/ADD Extension to existing house to provide additional bathroom bedroom and garage and alterations to provide utility room new sun room
Approved September 1978

2. Publicity of Application

Site Notice Expired: 19th October 2017.
Neighbour Notification Expired: 9th October 2017.

3. Consultations and Representations

Newbury Town Council	No objection/comment: 1) It appears to us that the technical note supplied by the applicant adequately addresses the concerns identified by the Highways Officer. 2) The concerns over the retaining wall marking the boundary with 6A Croft Lane should however be addressed.
Highway Officer	Object. The required visibility splay cannot be achieved. The new access would be sub standard and a hazard to road users. If approved conditions to secure visibility splays, cycle store details, surfacing of access, parking and turning, construction method statement plus informatives are suggested.
Waste Management	No objection
Trees	No objection – there are a number of amenity trees within the site, mature trees adjacent to the site in Goldwell Park and a line of protected Lime trees along Croft Lane. Some established hedgerow would be lost to create the new entrance. Conditions to secure works carried out in accordance with the submitted Arboricultural Survey, Impact Assessment and Protection Plan, erection of protective fencing and informative regarding tree protection good practice.
Conservation	No objection following confirmation that siting and scale to be considered at outline stage.
Environmental Health	No objection.
No other consultation responses received	No comments received from Drainage Engineer, Public Rights of Way, Thames Water, Access Officer
Representations.	3 letters of objection The main concerns are: <ul style="list-style-type: none">• Impact on highway safety, inadequate visibility splays• Accuracy of speed survey results• Impact on neighbouring amenity• Potential loss of light• Impact on character of the area One letter of support

4. Policy Considerations

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006- 2026 (WBCS), Housing Sites allocations DPD (2006-2026) and the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
 - National Planning Practice Guidance (NPPG)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
 - Area Delivery Plan Policy 2: Newbury
 - CS 1: Delivering new homes and retaining the housing stock
 - CS 4: Housing Type and Mix
 - CS 5: Infrastructure requirements and delivery
 - CS 13: Transport
 - CS 14: Design Principles
 - CS 16: Flooding
 - CS 17: Biodiversity and Geodiversity
 - CS 19: Historic Environment and Landscape Character
- 4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
 - OVS.6: Noise Pollution
 - HSG.1: The Identification of Settlements for Planning Purposes
 - TRANS.1: Meeting the Transport Needs of New Development
- 4.5 In addition, the following locally adopted policy documents are relevant to this application:
- Supplementary Planning Document Quality Design (June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.

5. Description of Development

- 5.1 This application seeks outline planning permission to erect a dwelling on garden land at 4 Croft Lane. The proposal is in outline form, and during consideration of the application was revised to include siting and scale for consideration at the outline stage. Other matters are reserved, although the submitted details also include details of means of access and proposed floor plans and elevations. The application also includes a detailed Planning Statement, an Arboricultural Survey, Impact Assessment and Protection Plan (Barton Hyett dated 11th April 2017) and a Highways Technical Note (Mode Transport Planning dated 5th September 2017).
- 5.2 The proposal is for a detached two storey dwelling comprising four bedrooms, two bathrooms, an integral garage, sitting room and open plan kitchen/dining/family room (external appearance is a reserved matter). The new dwelling would be accessed from Croft Lane, with a new access being created across the existing verge. Traffic to the site would enter Croft Lane from Speen Lane to the north.

- 5.3 Croft Lane is characterised by detached dwellings set back from the road, with the narrow road sloping downwards from north to south, verges, no kerbs and a number of protected Lime trees creating an avenue at the northern end and also individual trees on the western side. The lane is a private street, which is gated at the southern end and thus not a through road. The dwellings on the eastern side are mainly two storey. On the western side they are bungalows or chalet style. The proposed dwelling would be two storey, constructed approximately 2 metres from the boundary with the neighbouring two storey dwelling at 6a. There is a difference in levels along this southern side boundary of approximately 1 metre with a retaining wall forming this boundary. A gap between the new dwelling and No. 6a of approximately 3 metres is indicated on the submitted floor plan and site layout. The donor property to the north is a chalet style dwelling with the first floor contained within the roof. It sits approximately 1.5 metres higher than the main part of the application site. The rear boundary is formed with Goldwell Park and is the edge of the Town Centre Conservation Area.

6.0 Consideration of the application.

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

- 6.1. The principle of the development
- 6.2. The impact on the character of the area including the Conservation Area
- 6.3. The Impact on neighbouring amenity
- 6.4. Highway impact
- 6.5. Community infrastructure Levy
- 6.6. The assessment of sustainable development

6.1 The Principle of Development.

- 6.1.1 The NPPF takes the development plan as the starting point for all decision making, 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 (adopted 2012), Housing Sites Allocation DPD and the Saved Policies of the West Berkshire District Local Plan 1991-2006.
- 6.1.2 The site lies within the identified settlement of Newbury, where there is normally a presumption in favour of development subject to consideration of material planning constraints and relevant policy considerations. Policy CS1 of the Core Strategy attracts full weight as a development plan policy adopted since the introduction of the NPPF. It states that new homes will be located in accordance with the district settlement hierarchy, and primarily developed on suitable land within settlement boundaries. This site currently forms part of the garden serving 4 Croft Lane. The proposal will subdivide the existing garden and create one additional dwelling within the identified settlement. The proposal is for a single new dwelling and is therefore acceptable in principle and will add to the existing housing stock.

6.2 Impact on the Character of the Area including the Town Centre Conservation Area

- 6.2.1 Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The site is situated adjacent to the Town Centre Conservation Area where the existing character should be conserved and enhance under Policy CS19.
- 6.2.2 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD). Part 1 of SPDQD provides design guidance including key urban design principles. Part 2 of SPDQD provides detailed design guidance on residential development.

Part 3 of SPDQD provides a residential character framework for the prevailing residential developments in the district.

- 6.2.3 The scale and siting of the proposed dwelling are to be considered at this stage. Full detail of external appearance will be a reserved matter. The application is for a two storey dwelling of traditional style with rendered walls and stained timber panels, a brick plinth, plain clay tiled roof and chimneys. The details including layout, floor plans and elevations have been considered by the Conservation Officer and are considered appropriate to the existing character of the area. The siting of the new dwelling and changes to ground levels (there will be some cut and fill and spoil removal to create a level site) will ensure that the dwelling relates well to the sloping nature of the lane and the two neighbouring dwellings.
- 6.2.4 The proposed new access would result in the loss of part of the existing mature hedge. There are existing accesses within the road and this new access would be similar in appearance. The position of the access has been influenced by the protected mature Lime tree to the north. This tree is of high amenity value and contributes to the visual character of this part of Croft Lane, it is to be retained. Some existing amenity plants within the site will be removed to facilitate the development. The Tree Officer is satisfied that retained trees can be protected. Suitably worded conditions have been suggested.
- 6.2.5 It is considered that the proposed development would not adversely affect the character of the area, street scene nor visual distinctiveness of this part of the settlement or adjacent Conservation Area. The development will therefore comply with development plan policies ADPP2, CS 14 and CS 19 and advice set out within the NPPF.

6.3 Amenity

- 6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The West Berkshire Quality Design SPD provides guidance on the impacts of development on neighbouring living conditions.
- 6.3.2 The dwelling will be positioned approximately 3 metres from 6a Croft Lane (to the south) and 8 metres from the donor property, No.4 (to the north). The scale and siting taking account of the sloping nature of Croft Lane will respect both the character of the area and amenity of neighbouring dwellings. Proposed windows in side elevations serve the garage, utility room and first floor bathrooms. These should not overlook neighbouring dwellings but could, by condition, be obscure glazed.
- 6.3.3 It is noted that the neighbouring dwelling at 6a is concerned that the integrity of the existing retaining wall forming the side boundary could be affected by the proposed development. This level of detail could either be secured by condition or addressed through Building Regulations. A gap of two metres is proposed between the new dwelling and this wall.
- 6.3.4 The Environmental Health Officer has not raised an objection to the proposal. Given the proximity to the neighbouring dwelling a condition to limit the hours of construction of the exterior of the building could be attached.
- 6.3.5 The development will therefore comply with development plan policies ADPP2, CS14, OVS.6 and advice set out within the NPPF.

6.4 Highway Impact

- 6.4.1 This application is for a new dwelling including the creation of a new access onto a private street. The access would be across the existing grass verge where there is a large protected Lime tree to the north and shrubs to the south. The proposal includes details of

visibility splays and a technical note submitted in support of the proposal. This note concludes that the new access would not materially alter the lane environment or raise a highway safety concern to the existing operation of the lane or connection to the public highway network. The Highway Officer concludes that the achievable visibility splays are below standard and will not comply with advice set out within the manual for streets (MfS). During consideration of the application further details have been sought. However the constraints to visibility splays both to the south (shrubs on verge) and north (large protected Lime Tree on verge) are such that the access visibility splays would be substandard.

- 6.4.2 The Highway Officer has provided a detailed assessment (appended) of the submitted scheme and Technical Note and concludes that a new access must comply with the current guidance set out within the Manual for Streets. The proposed access would have substandard visibility splays in both directions due to the constraints on the verge. As it does not comply with the Manual for Streets, such an access could be to the detriment of pedestrian, cycle and highway safety.
- 6.4.3 The applicant claims that special consideration should be given to the lightly trafficked nature of the road, the fact that due to the gate at the southern end it is a no through road and the fact that there are other existing substandard accesses along the road. The Highway Officer cannot accept substandard visibility splays which could be detrimental to highway safety.
- 6.4.4 The proposed site layout can provide the required car parking provision (Zone 2 a minimum of 2.5 spaces excluding garage) to comply with policy P1 and secure covered cycle parking can be secured by condition.
- 6.4.5 This application cannot meet the required visibility splays for a new dwelling. The new access would therefore be substandard and could adversely affect highway safety. Consideration to the lightly trafficked nature of the 'no-through' road has been given. However it is not considered that an exception to the clear advice given by the Highway Officer would be acceptable. In particular given the fact that there are strong concerns in respect of pedestrian, cycle and highway safety.
- 6.4.6 The development will not comply with development plan policies CS13, TRANS1, current guidance set out in the Manual for Streets and advice set out within the NPPF.

6.5 Community Infrastructure Levy

- 6.5.1 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations the proposal is liable for CIL. The CIL Charging Schedule sets out that the amount calculated is to be determined under the Newbury and Thatcham Residential Rate of £75 per m² (plus indexation). As this application is for outline planning permission, the amount of floorspace proposed will be calculated at the Reserved Matters Stage and a CIL liability Notice sent out with that decision.

6.6 Presumption in favour of sustainable development

- 6.6.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 6.6.2 Future residents would make a contribution to the local economy, and the development would provide employment in construction for a short period. The environmental

considerations have been assessed in terms of the impact on the character and appearance of the area and the adjacent Conservation Area, neighbouring amenity and highway safety. The development would bring social benefits in terms of providing housing required to meet the needs of present and future generations. The proposal does not provide acceptable visibility splays and would, if permitted adversely affect highway safety. For this reason the development is not considered acceptable and would not constitute sustainable development.

7. CONCLUSION

- 7.1. Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered the proposal is not acceptable and should be refused.
- 7.2. Whilst the proposal will not unduly harm the character and appearance of the surrounding area, Conservation Area or neighbouring amenity, the proposed new access would have inadequate visibility splays which could result in an adverse impact on highway safety for persons entering or leaving the site and other pedestrians and vehicles using the lane.

8. RECOMMENDATION

The Head of Development and Planning be authorised to REFUSE Planning Permission for the following reason:

1. Inadequate visibility

Visibility at the proposed development site access would be sub-standard and this would be a hazard to road users, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026.

DC.

Appendix

Highway Officer Comments:

Outline application for erection of a single dwelling. Matters for consideration - all matters reserved.

Access

A Technical Note (TN) has been submitted to accompany this planning application.

Paragraph 2.4 of the TN identifies that a 7-day speed survey was undertaken at the location of the telegraph pole in the vicinity of the proposed site access. The results of the speed survey have been summarised in Table 2.1. A wet weather factor has been applied to the whole of the survey data – did no rain fall during that week at all? A wet weather factor can only be applied on days where no rain fell – this should be clarified.

The 85th percentile recorded vehicle speeds were:

- Southbound – 18.7 mph (with wet weather factor applied = 16.2 mph)
- Northbound – 19.5 mph (with wet weather factor applied = 17 mph)

According to table 2.2 the required visibility splays from the proposed access based upon the above wet weather vehicle speeds are:

- 19.2 metres southbound,
- 20.2 metres northbound.

Table 7.1 on page 91 of *Manual for Streets* is reproduced below.

Table 7.1 Derived SSDs for streets (figures rounded).

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
SSD (metres)		9	12	15	16	20	22	31	36	40	43	56
SSD adjusted for bonnet length. See 7.6.4		11	14	17	18	23	25	33	39	43	45	59

Additional features will be needed to achieve low speeds

By my own calculations, using the above table, the following splays should be provided:

- Southbound - 18.7 mph = 22.5 metres (approx) or 18.4 metres with wet weather factor.
- Northbound – 19.5 mph = 24 metres (approx) or 19.6 metres with wet weather factor.

Section 4 of the TN identifies that the achievable visibility splays are:

- 2 metres by 25 metres to the north measured to the nearside carriageway edge,
- 2 metres by 10 metres to the south measured to the centre-line.

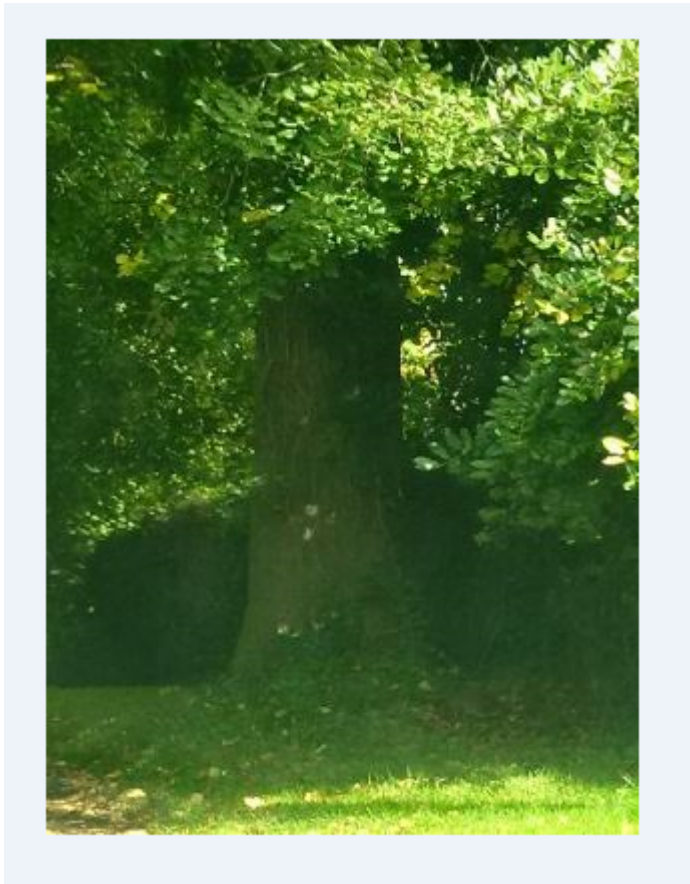
A set-back of 2 metres has been utilised. Paragraphs 7.7.6 and 7.7.7 of *Manual for Streets* state that:

“An X distance of 2.4 m should normally be used in most built-up situations.....A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm.”

A set-back of 2 metres is therefore already a relaxation on the required visibility splays from this new access. In addition, the submitted access plan proposed some road markings fronting the access which would push vehicles further into the carriageway. These road markings are not considered to be appropriate on this lightly trafficked Private Street. The set-back must be taken from the back edge of the carriageway.

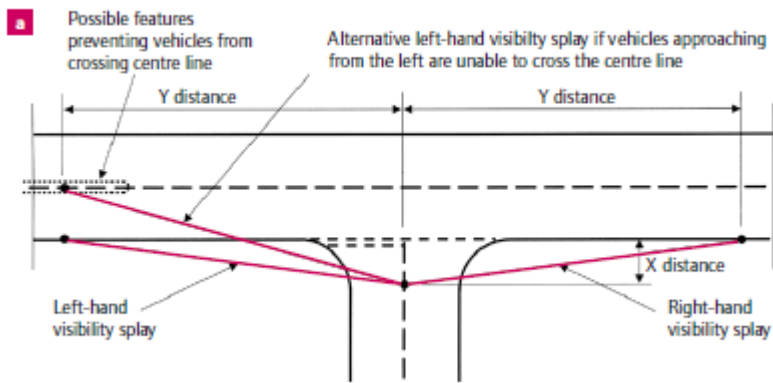
To the north of the access there is a wide tree trunk that obstructs the visibility splay in this direction. Whilst *Manual for Streets* accepts some obstructions such as telegraph poles, this tree trunk is much wider than this.

Site Photo – Tree to the north



To the south, the achievable splay is approximately 5 metres to the nearside carriageway edge. This is significantly below the splay required in this direction – potentially 24 metres.

Figure 7.18 Page 93 of *MfS* (copied below in Figure 1) identifies that visibility splays must be shown to the nearside carriageway edge unless there is a feature preventing vehicles from crossing the centre-line.



This is not the case in this instance, although it is acknowledged that the carriageway is relatively narrow in this location.

The reason for the sub-standard visibility splay to the south is existing vegetation. In the photograph below, the vegetation is within the foreground, with the proposed access from the grassed area behind.

Site Photo – Vegetation to the south of the access



The photograph demonstrates that this vegetation presents a significant obstruction to visibility and a vehicle exiting the access would need to protrude out into the carriageway before the driver would be able to see whether there was a vehicle approaching from the south. I have received confirmation that the highway boundary extends across the width of the lane to the property frontages. Technically therefore, this vegetation is within the public highway, although not maintainable at public expense.

Reference has been made to existing dwellings in the vicinity that have sub-standard visibility. This is not relevant to the provision of a new access. Any new access should comply with current guidance which, in this instance, is as set out in *Manual for Streets*.

A speed survey was requested, and subsequently undertaken in the vicinity of the proposed access. It would therefore be remiss to accept a sub-standard visibility splay that does not comply with guidance set out in *Manual for Streets* which could be to the detriment of pedestrian, cycle and highway safety in this location.

There is a telegraph pole that has not been shown on the submitted plans and may need to be relocated as a result of this application. If this is required, this would be at the expense of the applicant. The location of this must be made clear on the plans.

Car Parking and Cycle Storage

In this location – I believe this is just into Zone 2 - a minimum of 2.5 driveway car parking spaces must be provided for a dwelling with 4+ bedrooms. Garages are not included as car parking spaces. Cycle storage provision must also be made. This can either be within a garage or within a shed in the rear garden.

West Berkshire Council November 2015 Proposed Submission Housing Site Allocations DPD

5 Parking Standards for New Residential Development

Policy P 1

Residential Parking for New Development (page 101)

Bedrooms	Flats (+1 additional space per 5 flats for visitors)			Houses			
	1	2	3	1	2	3	4
Zone 1	0.75	1	2	1	1	2	2
Zone 2	1.25	1.5	2	1.25	2	2.5	2.5
Zone 3	1.5	1.75	2	1.5	2	2.5	3
EUA Zone	1.5		2	1	2	2	3

Summary

A speed survey was undertaken in the vicinity of the proposed access to establish actual 85th percentile vehicle speeds in this location. *Manual for Streets* has been referred to, to calculate an appropriate visibility splay from this new access. To the south to the nearside carriageway edge only around 5 metres can be achieved as submitted, to the north there is a wide tree trunk within the splay.

This is a new access serving one new dwelling. It must therefore comply with the latest highway guidance. The following visibility splays must be achievable at any new access in this location:

- 2* metres by 24** metres to the south to the nearside carriageway edge.
- 2* metres by 22.5** metres to the north to the nearside carriageway edge.

*measured from the back edge of the carriageway without the proposed road markings.

**these splays are based on the results of the speed survey without the wet weather factor being applied given there has been no evidence submitted as to whether the whole week was dry.

Although this is an outline application with all matters reserved, I am of the view that the above must be provided on a plan to identify whether it is achievable without obstructions – this includes the tree trunk currently within the splay to the north.

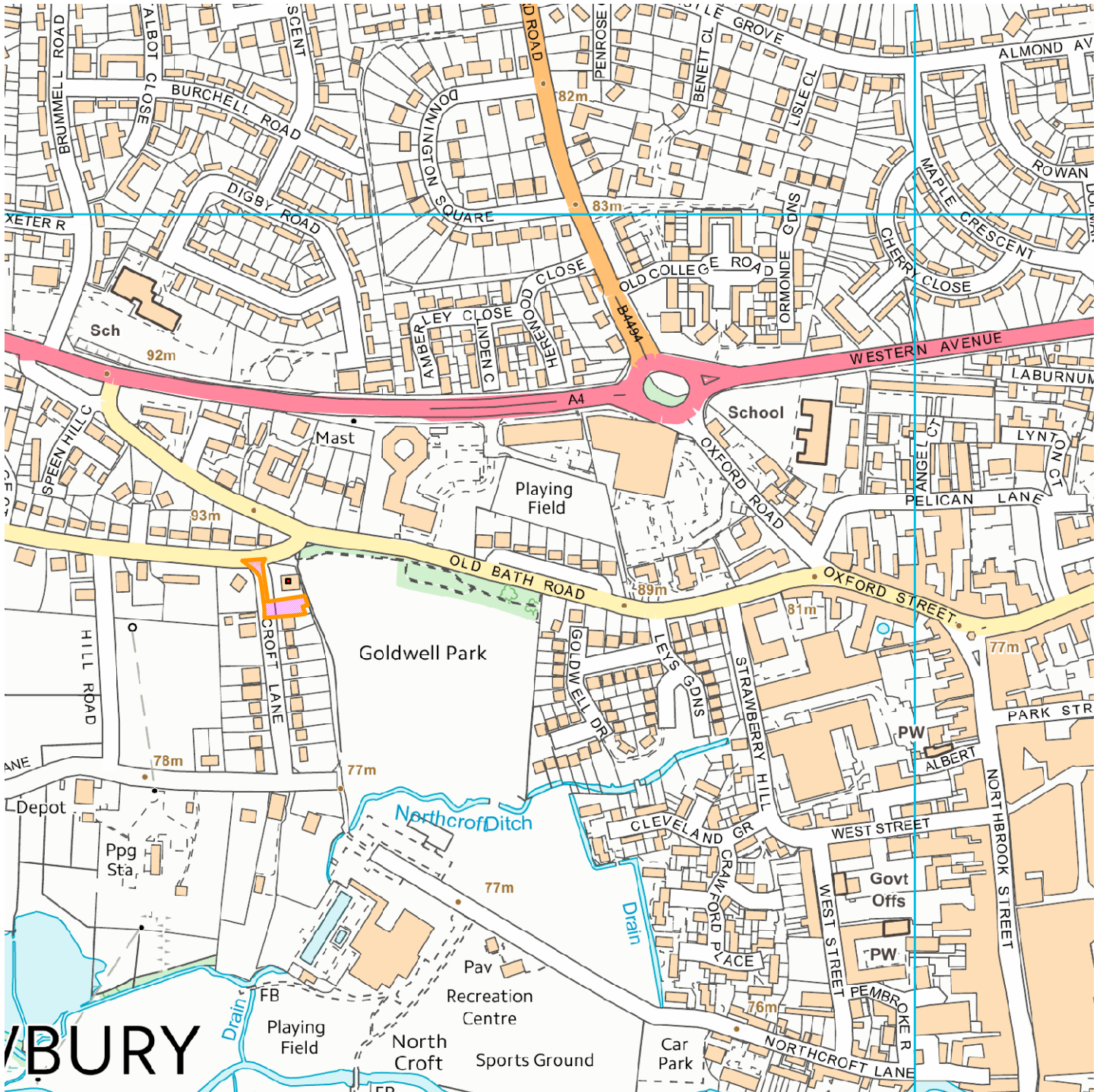
If we are unable to recommend refusal of this application due to the proposed access not for consideration at this stage, then the above visibility splay should be conditioned along with parking details to be submitted; cycle storage details to be submitted; access surfacing to be bonded for a minimum of 3 metres; CMS; plus informatives HI1; HI3; HI4 and HI8. It should however be noted that if this application is approved, any reserved matters application that cannot achieve the above splays at the access would be recommended for refusal by highways.

Recommendation

In the absence of the above visibility splays, the highway recommendation is for refusal as set out below, if this is possible on this outline application:

HR 13 Inadequate visibility

Visibility at the proposed development site access would be sub-standard and this would be a hazard to road users, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026.



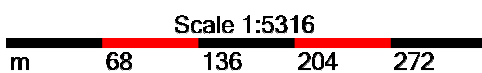
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Comments	
Date	04 January 2018
SLA Number	0100024151



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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
CHIEVELEY 16/03303/FUL Pins Ref 3170267	Stables Adjacent To Curridge House Curridge Road Curridge Mr J Buckland	Use of land as a gypsy and traveller caravan site consisting of two pitches each with a mobile home and a touring caravan, conversion of existing stables building into utility dayroom and farriers workshop.	Delegated Refusal	Dismissed 7.12.17
NEWBURY 17/00846/HOUSE Pins Ref 3180623	19 Conifer Crest Newbury Mr Clothier	Build brick wall along the front border of the property approximately 19 metres in length. The wall will be made up of a 600mm tall double brick width wall, 1.8 metre pillars approx 3 metres apart and infilled with close board fencing (retrospective).	Delegated Refusal	Dismissed 29.12.17

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Pins Ref. 3170267	Bluebell Stables, Curridge Rd, Curridge,	Use of land as a gypsy and traveller caravan site consisting of two pitches, each with a mobile home and a touring caravan and conversion of existing stables building into utility dayroom and farrier's workshop.	Dele. Refusal	Dismissed. 7.12.2017
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Main Issues

These are:-

- The effect on the landscape character and appearance of the surrounding area which is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB);
- Whether the proposal would have satisfactory access to transport and services having regard to relevant local policies; and
- If any harm arises whether this is outweighed by other material considerations.

Background

The proposal is for a gypsy and traveller residential caravan site but the intended occupiers are the appellant and his immediate family and his mother and father-in-law (Mr and Mrs Stephens). The appellant is a farrier and Mr Stephens is a roofer and both travel for work around the country to make their living. They have a nomadic habit of life and so fall within the definition of gypsies and travellers at Annex 1 of the Planning Policy for Traveller Sites (PPTS). Furthermore, because of the race of the appellant and as part of the public sector equality duty prescribed at section 149 of the Equality Act 2010, due regard should be paid to the need to advance equality of opportunity between those who share a protected characteristic and those who do not.

A previous appeal decision at the site is a material consideration but is not determinative. This relates to the conversion of the existing stables into a residential dwelling and was dismissed in 2014 (APP/W0340/A/13/2208699).

Landscape character and appearance within the AONB

The appeal site comprises a small field of some 0.5ha. It contains a centrally positioned but dilapidated stable building. The land appears not to have been grazed for some time and is situated on the northern side of the road between Curridge House and the caravan site at Rhodeside. The main parts of the village are a little way to the north and west. On the southern side of Curridge Road and beyond is attractive, undulating arable land and woodland.

However, the appeal site can be clearly distinguished from that land in terms of its location, character and relationship with other development and the village. It is not open countryside that is away from an existing settlement and therefore this is not somewhere where new traveller sites should be very strictly limited in accordance with paragraph 25 of the PPTS. Furthermore, the location of the site outside of the settlement boundary is

not, in itself, a barrier to the proposal as Policy CS7 of the Core Strategy of 2012 anticipates that sites will be in such places.

The National Planning Policy Framework gives the highest status of protection to AONBs. This is reflected in Core Strategy Policy ADDP5 which establishes that development should conserve and enhance the local distinctiveness, sense of place and setting of the North Wessex Downs AONB. However, Policy CS7 does not rule out traveller sites within the AONB although there is a requirement to have regard for the character and policies affecting it.

The appeal site is within the Lowland Mosaic landscape type as defined by the North Wessex Downs AONB Character Assessment. This typology is further sub-divided so that it is also within the character area of the Hermitage Wooded Commons. Indeed, the locality exhibits many of the characteristics identified in the Character Assessment which can be summarised as enclosed and intimate. The overall management objective is to conserve and enhance the quiet, secluded character.

Both main parties have produced Landscape and Visual Assessments (LVA). Their findings differ. The Council's evidence concludes that there would be a substantial adverse effect on the landscape character of the appeal site and a major adverse effect on landscape setting. For the appellant the residual effects on landscape character are assessed as reducing from moderate/minor adverse to minor adverse and subsequently to negligible as the proposed frontage hedge establishes. Similarly for visual amenity the eventual impact is likely to be negligible. However, it is agreed by both sides that the existing value of the landscape is high.

Variations in the findings of LVAs are inevitable given that they include a series of judgements and the use of different descriptors and terminology. Whilst having regard to them there is no need to prefer one above the other or to undertake a detailed critique. However, in terms of the criticisms made of the appellant's methodology, it would be reasonable to assume that users of the public rights of way and those walking and cycling along Curridge Road would be highly sensitive to change. Even though these are not national routes this is because of the quality of the landscape. Furthermore, that the attributes of the site have a positive part to play in their own right as landscape features as well as contributing to the wider scene. However, the appellant's LVA demonstrates that the affected 'visual envelope' is limited in extent due to the high degree of self-containment of the site.

Along the site frontage and the return boundaries and also within the front part of the site are large, mature trees which are to be retained. In addition, further native tree planting is proposed at the rear around the mobile homes together with some 170m of indigenous hedgerow along the road and western boundaries. A wildflower margin would be maintained within the peripheral areas. The existing entrance would be re-used and a semi-circular gravel drive would give access to a yard and the proposed caravans at the back of the site. These would be located behind the retained and renovated stable building.

In combination the caravans, hard surfacing, vehicles, fencing and other domestic trappings would have an urbanising effect. They would intrude into and result in the loss of part of the existing field and, in so doing, would detract from the intrinsic qualities of the site within the AONB. This would not be mitigated by the proposed planting and

other measures. That said, the harm arising is tempered somewhat as the proposed use is not wholly precluded within AONBs and is bound to have some physical manifestations. The influence of these adverse changes on the wider AONB would also be quite limited due to the enclosed nature of the landscape.

The main views of the proposal would be from along Curridge Road as it passes the site. From here, the use would be visible between the tree trunks and, even over time, the new hedge would provide only limited screening. Nevertheless, the largest elements would be the mobile homes set about 40m back from the footway. Even though the rear part of the site rises they would also be obscured to some extent by the converted stable building. The caravans would be seen against a wooded backdrop which would assist in absorbing them into the locality. The use would therefore be apparent but would be a recessive feature because of its layout and the softening effect of planting. It would also be appreciated in the context of the adjoining caravan site and the other scattered buildings on this side of the road.

A medium distance view would be possible from the by-way that runs across the fields in a southerly direction. However, the tree belt would form a significant visual barrier that would take the eye. The caravans, vehicles and other paraphernalia would be glimpsed underneath the canopies but would not be intrusive or jarring. Even allowing for leaf loss throughout part of the year the visual impact from this viewpoint would be insignificant.

There would nevertheless be harm to both the landscape character of the AONB and the appearance of the surrounding area. The degree of that harm would not be of a high order and the adverse impacts would be localised. However, there would be conflict with the first bullet point of Policy ADDP5 under the heading of Environment. Similarly it would also be contrary to Policy CS19 which reiterates the requirement to conserve and enhance landscape character. Policy CS14 sets out design principles including the need to respect and enhance character and appearance and the proposal would fall foul of those provisions. Finally, it would also be at odds with the criteria at the eighth and ninth bullet points of Policy CS7.

Reasons

Access to transport and services

Although the appeal site is very near to the primary school facilities are generally scant in Curridge. The closest bus stop and shop are about 1.5km away along the B4009 and health services are further afield. The Council compared the proposal to one in the centre of Newbury but that is unrealistic for a traveller site given that rural or semi-rural sites are not precluded. Furthermore, the Framework observes that transport options will vary between urban and rural locations.

Nevertheless, although not objecting on this ground, the Highways Development Control officer refers to the site as being in an “unsustainable location”. Policy CS7 refer to “easy access” to transport and services as the criteria to be satisfied in this respect. Given the proximity of the A34 and M4 this is met for major roads. It would also be unreasonable to expect all of the facilities listed to be on hand especially as they are preceded by the word “including”. Nevertheless, when judged as a whole, it cannot be said that there would be easy access to the majority of day-to-day services and this is likely to necessitate a reliance on use of the car as referred to by the Inspector in 2014.

Therefore having regard to relevant local policy criteria the proposal would not have satisfactory access to transport and facilities.

Other material considerations

The West Berkshire Gypsy and Traveller Accommodation Assessment (GTAA) of 2015 concludes that the estimated additional pitch provision required to 2029 is 17. Based on addressing unauthorised pitches in the first 5 years and then projecting forward household growth, 4 pitches are required by 2019 and a further 6 by 2024 with the remainder by 2029.

The appellant criticised the findings of the GTAA because of its inclusion of vacant pitches at the Four Houses Corner public site and the Paices Hill private site in the supply. Three of the 4 identified pitches are at the latter where there is no mechanism to ensure their allocation or use. However, this is not an express requirement of footnote 4 of the PPTS. Furthermore, in the absence of more recent information, it is reasonable to record them as being available and therefore part of the supply to offset current need.

The GTAA also refers to 2 households at Four Houses Corner wishing to move into bricks and mortar thereby 'freeing up' those pitches. The description of the issues at that site is troubling but it would have been remiss of the study not to reflect the stated intentions of 2 of its occupiers which may be for other reasons. The Council accepts the inadequacies of the site and is engaged in a full renovation programme to provide a better environment which is expected to take place over the next 2 years.

Because of the factors affecting supply the appellant maintains that the level of overall need has been underestimated by at least 6 pitches. However, the GTAA was part of the evidence base for the examination of the Housing Site Allocations (HAS) DPD which was adopted in May 2017. It was presumably accepted as sufficiently robust for the purposes of allocating sites for gypsies and travellers and there is insufficient information to indicate that its findings should be overturned. It therefore forms the best basis to consider general need in West Berkshire for the purposes of this appeal.

The HAS DPD allocates a site for 8 pitches at Paices Hill in Policy TS1. These would replace existing transit pitches and are expected to be delivered within 5 years. The provision here is the only source of new supply in the short term and longer term requirements would be addressed in the new Local Plan.

The PPTS expects local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. The Planning Practice Guidance (ID: 3-031-20140306) confirms that planning permission is not a prerequisite for a site being deliverable and that this can include those that are allocated in the development plan. Nevertheless there should be a "reasonable prospect" that development will be delivered on the site within 5 years.

The Council were unable to provide any detail in that respect and nothing is known about the intentions of the owner either anecdotally or through the annual monitoring report. On the other hand, there is no indication that the pitches will not be provided as anticipated. One of the criteria for soundness is that a plan should be effective and deliverable over its period. Some comfort can therefore be taken from the finding that the HAS DPD is sound which can implicitly be applied to the allocation at Policy TS1.

In any event, the absence of an up-to-date 5 year supply of deliverable sites is a significant material consideration in some cases according to the PPTS but not on land designated as AONB. If there were to be no general 5 year supply that would nevertheless be a matter to consider in accordance with paragraph 24. Whilst the position on the ground is not clear cut the allocated site will meet the immediate need for pitches with the capacity to absorb more. The specific evidence on this point is thin. But as the plan has recently been scrutinised through the examination process it can be assumed that there is a reasonable prospect of the Paices Hill pitches being provided within 5 years.

It is alleged that there has been a failure of policy with respect to gypsy and traveller caravan sites going back over many years. However, in West Berkshire there is a newly adopted development plan that allocates a site to meet short-term needs. Such steps are almost always likely to be required in a same way as there is a continual expectation to provide for conventional housing. Furthermore, there is no strong evidence of extensive unauthorised encampments or developments or conflict with the settled community. As a consequence the implications of any past deficiencies are not so serious that this matter should be given additional positive weight.

Turning to current practical alternatives, the appellant has visited the 2 existing sites which might have space. However, he found that there are currently no pitches available at Paices Hill and that Four Houses Corner is dilapidated and occupied by those he would not wish to be associated with. He also referred to some background history with the people there. At the moment he and his family are doubling up whilst another family are away travelling. Neither the Bucklands nor the Stephens have their own authorised pitches. In the event of the appeal being dismissed they would have to continue their itinerant lifestyle staying wherever they can with the likelihood of being moved on from unauthorised stopping places.

There are currently no suitable, affordable or acceptable pitches that are available to those wishing to occupy the Bluebell Stables site. In the fullness of time the additional provision at Paices Hill might be an option. The AONB covers 74% of the District. Whilst this is significant it does mean that about a quarter of its land area is not affected by this designation which would avoid any objection on those grounds in line with planning objectives. However, the Council offered no specific suggestions about how the current accommodation difficulties might be resolved and there is limited evidence in this respect.

The appellant carries out a lot of work in the Newbury area and requires a base for that purpose. His wife wishes to return to Berkshire where she was born and raised. In particular, the couple would like their daughter to receive a full education starting with nursery school. There are some health issues affecting the intended occupiers of the site and so access to regular checks and services is important. As her parents grow older Mrs Buckland wishes to be on hand to provide care and support as is customary for gypsies. These aspirations are clearly very important to those affected but do not strongly support this particular proposal and so personal circumstances are of limited weight.

Some of these factors overlap with the general expectation expressed in the PPTS that traveller sites are sustainable economically, socially and environmentally. Many of the criteria listed in paragraph 13 would be achieved in this case and these benefits

effectively neutralise the objection about satisfactory access to services and facilities in the light of local policies.

Because of the presence of the stable building it is accepted that part of the site is previously-developed land as defined by the Framework. There is a small concrete apron associated with the stables and this associated fixed surface infrastructure also falls within this definition. However, it is not possible to define a wider curtilage for a building with this function and it is not suggested that this encompasses the entire field. Therefore only a very small part of the appeal site corresponding to the stables and its immediate surrounds should be categorised as such.

The effective use of previously developed land is a matter to which weight should be given according to paragraph 26 of the PPTS. However, the land is not untidy or derelict and the area of brownfield land is small and so this attracts only modest weight in favour of the proposal. The landscaping proposed and the space available within the site would also adhere to criteria b) to d) and this good site planning is a further factor that favours the proposal but only to a moderate degree.

As part of the proposal the existing stables would be renovated and used both as a day room and as a farrier's workshop. There would be some visual benefits in the upgrading of the building as well as the re-use of an existing resource. Furthermore, even if there are already plenty of farriers registered in the vicinity, securing a mixed residential and business use of the site is supported by the PPTS and would contribute to sustainability according to paragraph 13. These aspects of the scheme are also positive.

The proposal accords with all of the detailed planning considerations for traveller sites contained in Policy TS3 of the HAS DPD. Whilst this does not alter the conflict with other policies that relate to the location of the site it nonetheless further supports the appellant's appeal.

The best interests of the Buckland's daughter would be served by enabling her to have a settled base so that her education can commence and access be gained to any required health facilities. In theory these interests could be met elsewhere but, given the family's specific accommodation need for a caravan site, the problem is that there is currently nowhere else for them to go. This is a primary consideration and no other consideration should be given more importance or weight than the best interests of this child.

Although the appeal site is not currently the appellant's home it potentially could be. Dismissing the appeal would therefore represent an interference with his home and family life such that Article 8 of the Human Rights Act is engaged. There is also a positive obligation imposed by Article 8 to facilitate the gypsy way of life.

Other Matters

A number of other concerns have been raised about the proposal in addition to those contained in the main issues. Policy C4 of the HAS DPD and saved Policy ENV19 of the West Berkshire District Local Plan expect existing buildings to be capable of being converted without extensive alterations, substantial rebuilding or extension. The existing stables would not be enlarged. The structural report advises that the general structure of the building can be retained although a new roof is required and remedial repairs are also necessary to prevent the deterioration of the fabric. However, these works fall short of what is referred to in both these policies and there is no conflict with either of them.

Because of the location of the site near to the two built-up parts of Curridge there would be the possibility of an integrated co-existence between the site and the settled community as required by Policy CS7. There is no reason to suppose that domestic activity at the site would cause disturbance. At times the workshop would be used to work on specialist shoes but this is not expected to take place on a daily basis. The times when hammering occurs could also be controlled by condition. As such, the residential amenities of neighbouring occupiers could be safeguarded.

No highway objections are raised by the Council and the amount of additional traffic arising from 2 traveller pitches would be light. Curridge Lane is relatively busy for a rural road but the access onto it would be satisfactory and the impact of extra vehicles associated with the proposal would be insignificant.

The prospect of further caravans being sited on the land over time was mentioned. Whatever the past experience of the Council it cannot be assumed that this would occur and, in any event, the proposal has to be judged as submitted. The owner of the adjoining caravan park is worried about the implications for his business and the investment he is planning as well as the effect on the direct and indirect spend of visitors in the locality. The screening between the two sites is not complete but it is difficult to see how the sight of a caravan would deter tourists from staying at an adjoining caravan site. Neither would the proposal be bound to spoil the tranquillity of the area.

Balancing

In order for permission to be granted the Council maintained that exceptional circumstances needed to be demonstrated. However, that test in the Framework only applies to major developments within AONBs which is not the case here. Rather, as set out in paragraph 12, development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

Both the landscape character of the AONB and the appearance of the surrounding area would be harmed. Even though the level of harm would not be high and the adverse impacts localised, great weight should be given to conserving landscape and scenic beauty in AONBs according to paragraph 115 of the Framework. There would also be conflict with relevant development plan policies that seek to conserve and enhance the qualities of the North Wessex Downs AONB. These findings weigh heavily against the proposed use.

Having regard to relevant local policy criteria the proposal would not have satisfactory access to transport and facilities. But the associated harm is counter-balanced by the achievement of many of the criteria set out in the PPTS to ensure that traveller sites are economically and socially sustainable.

The general need for sites identified in the GTAA is not especially great. In the short-term a site has been allocated in a recently adopted development plan to meet the current need. Whether this will progress is uncertain but the Council should, for the time being, be given the benefit of the doubt in seeking to meet some needs through planned provision. Having regard to the core planning principle that the system should be genuinely plan-led, considerable weight should be given to the conflict with some of the criteria in Policy CS7 which is the specific policy that deals with unallocated sites. A way

to address unmet need in the longer-term has not been devised and as the proposal would contribute in that respect some weight should be given to this consideration.

As there are no immediate alternatives for the proposed occupiers the prospect is that their life on the road with its attendant difficulties and disadvantages will be perpetuated. Bringing this to an end would be a positive and significant outcome. Allied to this the best interests of their daughter for a settled base are a primary consideration and are of great weight. That said, the Planning Practice Guidance advises that this matter will not always outweigh other considerations and in this case her schooling would not be disrupted as it has not yet started.

In themselves the personal circumstances of the intended occupiers are of limited weight but there would be an interference with the appellant's human rights. The seriousness of this is qualified by the fact that the site is not currently the appellant's home but dismissing the appeal would nevertheless prevent a safe and secure place to live from being established. It would also thwart Mr Buckland's intended plan for continuing to make his living and the attempt to provide for effective mutual support between generations. However, whilst not downplaying these considerations but having regard to the likely vulnerability of those concerned and hardships faced, the overall seriousness of the interference is towards the lower end of the scale.

The weight to be given to the use of a site which is partly previously-developed land, its layout and landscaping and the benefits of converting the stable building are prescribed above. Even collectively, these are not significant.

At the end of the day, whilst there would be compliance with the detailed criteria for traveller sites in Policy TS3, the objections to the proposal because of the harm to the AONB and the policy conflict are strong and compelling. Set against this the other considerations in support of the proposal do not outweigh the totality of harm that would ensue. Consequently it is concluded that permanent permission should not be granted.

The appellant has deliberately chosen not to occupy the site in advance of the consideration of the planning application and now appeal. This should not be to his disadvantage but clearly the final balance has to be struck on the basis of what has actually happened. In any case, intentional unauthorised development is a material consideration which would have been likely to weigh against the proposal if that had taken place.

The PPG contains guidance about the granting of permission for a temporary period only. It makes no reference to reviewing whether the personal circumstances of site occupiers have changed over time. However, a temporary permission may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of that period. The appellant commented that whether this would occur is unclear and there is no indication about the timing of the preparation and submission of the new Local Plan. So even after 5 years it is unlikely that the position facing the Bucklands would be any different to what it is now. Consequently a temporary permission would not accord with national guidance.

Coupled with which, although the harm to the AONB would be short-lived, it would be unreasonable to impose conditions requiring that landscaping be undertaken, the wildflower meadow planted and managed and the stable building converted. None of

these benefits could therefore be assumed to arise so that the adverse visual implications would potentially be greater in effect albeit of limited duration. There would be a temporary solution to the needs of the intended occupiers for accommodation and the best interests of a child would be served during this time. However, this does not materially alter the previous balance undertaken especially given the lack of a definite and foreseeable date when the planning position might be expected to change. Therefore a temporary permission is not warranted.

The appellant's human rights have to be balanced fairly against the legitimate objective of protecting the nationally important landscape and scenic beauty of the AONB. Interference is necessary in a democratic society to regulate land use and, having considered a temporary permission, the public interest cannot be achieved by means that cause less interference with the appellant's rights. Overall, having regard to the situation of the family and the best interests of the child, dismissing the appeal would be a proportionate response. Hence a violation of rights under Article 8 of the Human Rights Act would not occur.

In reaching this decision and in accordance with the public sector equality duty, due regard has been paid to minimising the disadvantages suffered by the appellant and to meeting his needs in so far as they are different to those without a relevant protected characteristic.

Final conclusion

The other material considerations do not indicate that the appeal should be determined other than in accordance with the development plan as a whole. The proposal would be contrary to it and is unacceptable. Therefore, for the reasons given, the appeal should not succeed.

Decision

The appeal is dismissed.

DC

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NEWBURY 17/00846/HOUSE Pins Ref 3180623	19 Conifer Crest Newbury Mr Clothier	Build brick wall along the front border of the property approximately 19 metres in length. The wall will be made up of a 600mm tall double brick width wall, 1.8 metre pillars approx. 3 metres apart and infilled with close board fencing (retrospective).	Dele. Refusal	Dismissed 29.12.17
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Preliminary Matter

During his site visit, the Inspector saw that the development had already taken place.

Main Issue

The main issue is the effect of the development on the character and appearance of the area.

Reasons

Conifer Crest is a residential road comprising mostly detached homes set back from the highway with generally open plan frontages or boundaries demarcated with natural vegetation. There is an overwhelming and natural sense of openness that is derived by the plentiful amounts of mature landscaping and the soft edges between the highway and the private front gardens beyond.

The boundary that has been erected is positioned immediately adjoining the back edge of the pavement and comprises a dwarf brick wall interspersed with brick piers up to 1.8m high with the spaces between filled with close board fencing. It reaches for approximately 20m along the frontage of the property and is visually prominent in the street scene.

The wall and fence stand out as an isolated means of enclosure that is both harsh and visually impenetrable, contrasting noticeably with the verdant character of the street scene that otherwise prevails and which provides a soft transition between the public and private domains along Conifer Crest. As such, it fails to make a positive contribution to the area, and detracts from its landscape character. It therefore conflicts with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026 (CS) and with a core principle of the National Planning Policy Framework, which is to always seek to secure high quality design.

The Inspector noted the Council has referenced CS Policy CS 18 in its decision. This deals with green infrastructure. However, despite his findings as they relate to the effect of the development upon the character of the street scene, he was unable to identify any harm in this case to any of the examples of green infrastructure that have been defined at paragraph 5.124 of the CS for the purpose of this policy. Nevertheless, this does not diminish the level of harm and conflict with the development plan and national policy that he had identified.

Conclusion

For the reasons given, and having regard to all other matters raised, the Inspector concluded that the development is harmful to the character and appearance of the area. Therefore, and having regard to all other matters raised, the appeal is dismissed.

DC

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