

Notice of Meeting



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Western Area Planning Committee Wednesday 21 February 2018 at 6.30 pm 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. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

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

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

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

Email: planapps@westberks.gov.uk

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

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



Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 2018
(continued)

Date of despatch of Agenda: Tuesday, 13 February 2018



Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 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 - 30
To approve as a correct record the Minutes of the meeting of this Committee held on Wednesday 17th January 2018.
 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: 17.02916 Glendale Manor, Cold Ash, RG18 9PB** 31 - 44
- Proposal:** Proposed first floor extension to current bungalow and associated alterations. Render entire property. Widen existing access.
- Location:** Glendale Manor
Collaroy Road
Cold Ash
RG18 9PB
- Applicant:** Mr and Mrs S Hammond
- Recommendation:** The Head of Development and Planning be authorised to GRANT planning permission subject to conditions.



Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 2018
(continued)

- (2) **Application No. and Parish: 17.03285 10-12 Old Station Business Park, Wilson Close, Compton, RG20 6NE** 45 - 56
- Proposal:** Section 73A: Variation of Condition 4: External lighting, of planning permission 00/00964/FUL – Construction of three two storey light industrial units in one block of three units.
- Location:** 10-12 Old Station Business Park
Wilson Close
Compton
Berkshire
RG20 6NE
- Applicant:** Mr M Fenton
- Recommendation:** The Head of Development and Planning be authorised to grant planning permission
- (3) **Application No. and Parish: 17.03427 Newbury Rugby Club, off Monks Lane, Newbury** 57 - 64
- Proposal:** Change of use of part of car park to commercial use for West Berkshire Transport operations team.
- Location:** Newbury Rugby Club
off Monks Lane
Newbury
- Applicant:** West Berkshire Council
- Recommendation:** **The Head of Development and Planning be authorised to GRANT conditional planning permission.**

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 65 - 76
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.



Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 2018
(continued)

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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Agenda Item 2.

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 17 JANUARY 2018

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

Also Present: Sharon Armour (Solicitor), Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control) and Jenny Legge (Principal Performance, Research and Consultation Officer)

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

PART I

35. Minutes

The Minutes of the meeting held on 13 December 2017 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Page 9, point 53: The Chairman asked for it to be noted that he had asked for consideration to be given to a green car park so as to match the green road and soften the overall design.

Councillor Anthony Pick informed the Committee that Mr Jeremy Holden-Bell had unexpectedly passed away. He had been the Vice-Chairman of the Newbury Society since 1994, and the Chairman since 2009. He had been the principal commentator on planning. If Members wished to send their condolences, they could do so by contacting the new Chairman, Dr David Peacock.

On behalf of the Committee, the Chairman sent his condolences to the family of Mr Holden-Bell.

36. Declarations of Interest

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

37. Schedule of Planning Applications

(1) Application No. and Parish: 17/02524/FULEXT Land West of New Road, North of Pyle Hill, Newbury

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

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(Councillor Billy Drummond declared that he had been lobbied on Agenda Item 4 (1.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/02524/FULEXT in respect of the erection of 36 dwellings with associated roads, amenity open space, and access to New Road on land West of New Road, North of Pyle Hill, Newbury.
2. In accordance with the Council's Constitution, Ms Lucy Crofts', objector, and Mr Steve Smallman (Pro vision), Mr John Hanlon (Glanville), Ms Judith Giles (BSG Ecology), applicant, addressed the Committee on this application.
3. Michael Butler 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 acceptable and a conditional approval was justified. Officers on balance recommended that Committee approve planning permission.
4. He drew the Committee's attention to additional conditions included in the update sheet which would be required should the Members be minded to approve the application.
5. The Chairman noted that there was not a representative from the Parish Council and that this was disappointing. Councillor Billy Drummond explained that an extraordinary meeting of the Parish Council had been called that evening.
6. Ms Crofts in addressing the Committee raised the following points:
 - Ms Crofts' objections to the other sites in this area were rejected on the premise of site allocation and ownership. However, Rivar and David Wilson homes either owned or had a controlling interest in all the sites. She therefore saw no reason why the sites could not be brought together. The developer's statement in 2012 was that the sites would be comprehensive, coherent and have major community benefits; creating a cohesive neighbourhood, which would protect and enhance the countryside.
 - She felt strongly that it was a cop-out for Officers to say that this master-plan could not be delivered because of land ownership.
 - She questioned what the large swathe of private land in between the sites was for. Currently, it was the desired route for children travelling between playgrounds. Many people walked their dogs there. People ignored the private land signs. She felt the Council had a short-sighted approach and should resolve the problem of land ownership and put in the necessary footpaths.
 - The landscape was open grassland and Ms Crofts was concerned that the large number of trees suggested in the planting design, would detrimentally change the area, for the people who used it and the wildlife it sustained.
 - A fellow Greenham resident had asked for clarification on the meaning of the hedging term 'gapping up'.
 - She asked that the developer provide the footpaths, and act with integrity to deliver the plans they had produced at the consultation stage.
7. Councillor Jeff Beck wished to confirm that the two principal objections were the lack of footpaths and the hedgerow boundary.
8. Ms Crofts replied that the main issue was the connection of the sites. It was about principle.
9. Councillor Paul Bryant understood the objectors point about principle and her irritation with the development. He was sympathetic, but wanted to clarify if her expectations of

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the Committee were that they should refuse the application or if they should put a condition on the approval.

10. Ms Crofts answered that she was no planning expert, and was unsure if a condition could be placed on the approval that could enforce the creation of a Public Right of Way (PRoW) or change the ownership of the land. She wanted a more comprehensive approach, as had been originally proposed by the developers, instead of a piecemeal development.
11. Councillor Hilary Cole asked how many years people had been walking on this piece of grassland. Ms Crofts confirmed that she had been a resident for 16 years and it had been in constant use during that time.
12. Councillor Cole explained that the PRoW service could issue forms to local residents to apply to have land considered for a PRoW, due to the length of time it had been used by local people. Ms Crofts replied that she had investigated the procedure, but understood that it could be stopped by developers putting up a sign and it was unlikely to be successful.
13. Councillor James Cole queried Ms Crofts's objection to the large number of trees to be planted on the site. Ms Crofts explained that the landscaping design was unclear. Currently, the space was grassland with three mature oak trees. Large scale tree planting would change the area from open vistas to woodland.
14. Councillor Anthony Pick asked if it were possible to walk across the grassland to the sites in the West (in blue on the presentation). Ms Crofts explained that people did walk across the land, but it was privately owned and it would be better if the right of access was formalised. Councillor Pick inquired as to the quality of the area. Ms Crofts observed that it was beautiful and she greatly enjoyed watching the wildlife, including the muntjac deer.
15. Mr Smallman in addressing the Committee raised the following points:
 - This application, in principle, could not be in doubt as it formed part of the Housing Site Allocations Development Planning Document (HSADPD).
 - The applicants had taken care to make a proposal that complied with the HSADPD, and in terms of layout, density, garden size and parking etc., was fully compliant. He noted that this was a relatively low density plan.
 - He wished to pick up on a few comments made by the objector. In terms of ecology, he was generally satisfied that there would be a net bio-diversity gain and that there would not be an adverse impact on protected species, woodland or Greenham Common. There had been no objection from Natural England.
 - In terms of comprehensiveness, in reality plans have been submitted and accepted for the separate sites. The master-plan had been put, in the context of promoting the site on behalf of Rivar and David Wilson Homes, as an ambitious scheme for south east Newbury. It was envisaged that there would be a sequence of open spaces with much more housing than allocated in the HSADPD. His response to the objection, was that the Council had only included part of the original scheme, and therefore, it would not be fair or reasonable to continue to demand the linkages.
16. Councillor Pick asked for clarification on the ecology of the site. Ms Giles explained that it was poor quality grassland, however it did support slow-worms and common lizards. It was a mosaic of scrub and a few trees and was an informal area. Councillor Pick inquired who owned the land. Ms Giles confirmed that it was a private landowner and that Rivar would control it, if the application was approved. Councillor Pick further inquired who would be responsible for ongoing costs and maintenance. Ms Giles explained that there

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would be a management company to take care of all the open spaces on this site, including the play areas. She expected that the residents from the new houses would pay for the maintenance. She continued that it was not the intention to plant a large number of trees. The design was to be mainly grassland with scattered trees, to meet the ecological brief that had been provided.

17. Councillor Pick asked whether it would still be possible for people to walk over the site once the site had been developed. Ms Giles explained that within the red line, the other side of the blue triangle would be publicly accessible land. The intention was to retain it as rough grazing land.
18. Councillor Hilary Cole noted that in the HSADPD it was stated that there would be 30 units built, however the application was for 36. She appreciated that it was not an enormous increase, however it was a point of irritation and disappointment. The Council approved document had specified a number of homes on the site. Councillor Hilary Cole asked if Mr Smallman explain the logic in the increase to 36. Mr Smallman expounded that fundamentally, the HSADPD was an approximation, as a technical lay out had not yet been produced. To limit the design to an arbitrary number would be to under-develop the site and would serve no planning purpose. It would have meant six less houses and fewer affordable homes.
19. Councillor James Cole was interested in the difference between the developer 'sand Berks, Bucks and Oxon Wildlife Trust's (BBoWT) calculation of bio-diversity gain. Ms Giles explained that the gain was worked out by an independent calculator and the number was calculated by a number of multiples. She had assessed the grassland as poor. However, BBoWT had disagreed, as the land was able to support reptiles. She considered that the guidance stipulated that protected species should not be included in the calculation, as they were picked up in mitigation elsewhere. This was why the calculations differed. Councillor James Cole further queried what real gain people in the area would see. Ms Giles observed that the six hectares would be enhanced with a more diverse wildlife. It would become a more species rich grassland, but would also support existing reptiles. Plug planting would increase the patches of dense scrub for birds and hibernating reptiles and provide a scattering of trees. It would remain a relatively open landscape.
20. Councillor Bryant asked what the 0.06 increase of bio-diversity meant. Ms Giles informed the Committee that the methodology was constantly under debate. The Government had trialled some metrics in 2012, to objectively measure the gain and the industry had created many different calculators. In essence, 0.06 units meant there would be a minor gain in bio-diversity.
21. Councillor Billy Drummond remarked that the open space was lovely in the summer. He was concerned about the maintenance of the hedgerow. Mr Smallman confirmed that the hedgerow would be retained where practicable and where gaps had formed it would be supported or 'gapped-up'. Councillor Drummond asked if the rights of way over the land could be kept in perpetuity. Mr Smallman answered that this would be dealt with in the Section 106.
22. Councillor Beck reiterated Councillor Pick's concern over the maintenance contract and the expectation that affordable housing tenants would be asked to pay. Derek Carnegie explained that this was not a planning matter, and a condition could not be applied and Sharon Armour reiterated the Planning Officer's view, adding that it was dealt with under separate legislation.
23. Councillor Adrian Edwards commented that, as Heritage Champion, he was pleased to see the condition on archaeology in the update report. This was an historic site that had

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been involved in the withdrawal at the first battle of Newbury. He asked how the condition would be implemented, and if a plan had been drawn up. Michael Butler explained that the condition was part of the discharge process. If the proposal was approved, the developer was required to carry out an archaeological investigation and submit it to the Council. Once Officers were satisfied the condition would be discharged. Only once all conditions had been discharged could building begin.

24. Councillor James Cole expressed the view that the footway, next to the hedgerow near the junction to the south, looked narrow.
25. Councillor Drummond, as Ward Member, in addressing the Committee raised the following points:
 - He was concerned about the disappearance of the Greenham gap.
 - He felt that the parking was too close and there would be an increase of traffic in an area that was notorious for boy-racers. He would have expected some traffic calming measures.
 - When a funeral cortege travelled past the site, there was a long queue of traffic.
 - He supported Ms Crofts' concerns and felt that the open space should not be built on and that the land should be protected.
26. Members asked Officers for clarification. Councillor James Cole queried the planting plan. Michael Butler explained it was his understanding that, although the built form would have an impact and enclose the space, there would be a number of new trees introduced in the north west sector. He considered this would work well when looking across to the north west, as there was already a back drop of trees and Westwood, the historic woodland.
27. Councillor James Cole also queried the issue of the footpath. Michael Butler noted that there was already a footpath into the town centre. He understood that a linking footpath to site 047B could not be achieved due to ownership of the land. The council could take out a Compulsory Purchase Order (CPO) but he could not recommend this course of action. Mr Smallman confirmed that had the policy document and planning legislation allowed for more land to be development, the footway linkages could have been stipulated. With regards to the width of the footway next to the hedgerow, the footway could be indented into the road to save as much of the hedgerow as possible. However, forward visibility would need to be investigated. Paul Goddard confirmed that the road would be wide enough.
28. Councillor Beck noted that there was no specific mention in the conditions of replacement plants within the first 5 years, as in previous applications. He asked that this be included, should approval be granted.
29. Councillor Beck was also concerned that a condition or informative could not be put in place to secure a management firm or to ensure that an Registered Social Landlord (RSL) would pay for the maintenance of the land rather than the new residents. Sharon Armour reiterated that this was a private matter and not something that the Committee could enforce.
30. Councillor Bryant sought clarification on the condition 18, for extracting minerals, on page 29 of the report. Michael Butler explained that the condition had been stipulated by the Minerals Officer who was acting to implement the Council's policy.
31. Councillor Hilary Cole acknowledged that she did not want to labour the point, but asked that the PRow be explored. As she understood it, unless the land owner had erected a sign, it was possible for users of the land to gather evidence, and the land owner could

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be asked to declare a permissive way. She asked if Officers had explored this possibility. She felt it would help this site be accepted by local residents. Michael Butler answered that it had not been investigated, but that the Committee could instruct Officers to do so. If Members chose to delay issuing the decision notice until the footpath issue on the adjoining land was resolved, then Officers would investigate. In his professional opinion however, he felt the chances of success would be low.

32. Councillor Hilary Cole acknowledged that she wished the application to be determined, however she would like to see Officers tasked with investigating the feasibility of the footpath.
33. Members proceeded to the debate. Councillor Garth Simpson concurred with Councillor Hilary Cole on the PRoW issue. There was palpable evidence of heavy use. He commented that if the footpaths were set up, then the green space would emerge over time. He proposed the Committee approve the application, subject to the conditions proposed by Councillors Hilary Cole and Jeff Beck. Councillor Bryant seconded the proposal.
34. Councillor Hilary Cole regretted that the master-plan was not in the HSADPD. She noted that the site was not a Site of Special Scientific Interest (SSSI) and complimented Ms Giles on the thoroughness of her work. The land was dear to the hearts of local residents. If there had to be 36 houses instead of 30 then so be it, but when a number was published it stuck in your head. It would be brilliant to have more affordable housing.
35. Councillor Pick was inclined to support the proposal. He noted that there were a considerable number of sites of this size that had open spaces maintained by a management company. He doubted that all the management companies would remain in business, and felt uncomfortable that there was not an overarching structure to deal with the burgeoning number of open spaces. He recognised that this was a private matter and could not affect the Committee's decision, but it was a matter that he found problematic.
36. Councillor Beck agreed with Councillor Pick and conjectured that if the developers paid a bond, perhaps they could hand over the responsibility to the Council.
37. Councillor James Cole endorsed the view of Councillors Beck and Pick. He noted that this was not only a problem in Greenham, but all over the district and there should be some semblance of joined up government.
38. Councillor Hilary Cole reminded the Members that the developers could already offer the Council a commuted sum, however this was at odds with the age of devolution and passing responsibility to Parish Councils. She suggested that this matter should be referred to the Planning Advisory Group for consideration.
39. The Chairman invited the Members to vote on the proposal of Councillor Simpson, as seconded by Councillor Bryant to approve planning. At the vote the motion was passed with one vote against from Councillor Drummond.

RESOLVED that the Head of Development and Planning be authorised to investigate whether it is possible to provide a footpath link, either by a creation agreement or by recording an existing route, and if it is possible to **grant** planning permission, subject to the first completion of the footpath link, a Section 106 planning obligation and the conditions below:

In the alternative, if it is not possible to create the footpath link, the Head of Development and Planning be authorised to **grant** planning permission, subject to the first completion of a Section 106 planning obligation and the following conditions:

Conditions

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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

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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:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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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

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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).

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ROAD SAFETY

14. No development shall take place until details of crossing points across Draytons View and / or New Road have been submitted to and approved in writing by the Local Planning Authority. The crossing shall consist of dropped kerbs and tactile paving. No dwelling shall be occupied until the crossing(s) have been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

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

PLANTING SCHEME

15. 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

16. 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.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

17. The development hereby permitted shall be carried out in strict accord with the submitted Ecological Mitigation and Management Plan plus the Geo environmental report as submitted, with the associated recommendations identified in those reports. For clarity this relates to the BSG Ecology Report of the 23rd August 2017 on file.

Reason: To ensure the ecological status of the application site is enhanced in accord with policy CS17 in the WBCS of 2006 to 2026.

LIGHTING STRATEGY

18. 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

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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

19. 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

20. 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;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

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- i) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- j) 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;
- k) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- l) 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;
- m) 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.

ARCHAEOLOGY

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

Reason: To ensure that any significant archaeological remains that are found are adequately recorded, in accord with the NPPF.

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

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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

38. **Application No. and Parish: 17/02533/OUTD Land Adjacent to 4 Croft Lane, Newbury**

There were no declarations of interest received.

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/02533/OUTD in respect of an outline application for the erection of a single dwelling. Matters for consideration siting and scale other matters reserved on land adjacent to 4 Croft Lane, Newbury.
2. In accordance with the Council's Constitution, Mr Stuart Atkinson and Ms Karen Barlow, objector, and Mr Tim Barton, applicant/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.
4. The Chairman asked Officers to confirm if the road was adopted and to summarise the highways section of the report. Paul Goddard explained that the road was not adopted. His recommendation for refusal was based on the sub-standard sight lines from the access to the site. The speed survey measured cars as travelling at 18.7mph downhill (needing a 22.5m sight line, but being able to achieve only 14m) and 19.5mph uphill (needing a 24m sight line, but being able to achieve only 4-5m) past the property.
5. The sight lines were sub-standard in both directions and he was concerned by the width of the road and it's gradient. It was a private street, which was turned into a cul-de-sac by a locked gate at the end. This meant that it was a public highway, as the lane had had an unfettered access over many years, As a private street, the maintenance of the street was the responsibility of the frontages, however as the Highway Authority, the Council, had powers to enforce that the street was maintained adequately.
6. Councillor Clive Hooker inquired who owned the junction, as it was included in the red line of the application. Paul Goddard explained that it was included to show that the applicant had right of access. Councillor Hooker continued by bringing the photograph on page 42 of the report to the Committees attention, to indicate that the splays of many of the existing houses were obstructed by shrubs.
7. Councillor Paul Bryant asked if there was a detailed drawing of the street. Paul Goddard directed Members to the detailed drawing displayed in the room so as to understand the positioning of trees, lampposts and driveways.
8. Mr Atkinson in addressing the Committee raised the following points:
9. He asked the Committee to refer to point 5.3 on page 36, and that the picture of the plan of the house to be displayed on the screens.

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- Mr Atkinson's principle concern was the sight line from the property.
 - The new property would be overbearing.
 - There would be a detrimental impact to his retaining wall.
 - It was an unsafe access.
 - The different ground levels warranted closer scrutiny.
 - There would be additional load placed on the retaining wall, that it was not designed to accommodate. There had been no investigation of how the dwelling would impact on the retaining wall. The projecting part of the building was within 1.65m of the boundary and 0.26m of the retaining wall. The foundations would be further forward and would impact on the integrity of the wall, putting it at risk of serious damage.
 - The turning circle in the proposed site would be too small.
 - He requested that the siting of the unit be deferred to enable the applicant to carry out an appraisal to demonstrate that the retaining wall would not be impacted.
 - The access did not meet the required standard or even the relaxed standards.
 - If the siting were deferred, the applicant would also be able to investigate using the existing site access under the Grampian condition.
 - Ms Barlow was concerned about the visibility. The amount of vegetation in the summer meant that a car would have to come right out into the street to be able to turn. She felt that vans travelled quickly down the street, and would prefer a proper site that used the existing entrance.
10. Councillor Anthony Pick asked how many houses were in the street. Mr Atkinson confirmed there were approximately 18 houses. Councillor Pick further inquired if Mr Atkinson's objection was based on his experience of traffic in the area. Mr Atkinson replied that his objection was based on his being a practicing Highways Engineer and therefore, his professional judgement. In his opinion, the existing access would be safer.
11. Councillor Pick noted that the condition of the shrubs was under the control of the residents. Mr Atkinson stated that he cut his shrubs back in the autumn.
12. Councillor Jeff Beck asked, if there had been any incidences of collision in relation to the driveway opposite. Mr Atkinson could not recall any accidents over the last ten years. Ms Barlow noted that residents had erected a sign asking people to drive carefully. However, she was concerned about drivers visiting the road, rather than the usual residents.
13. Councillor Paul Bryant inquired if the shrub was on the resident's land or common ownership. Mr Atkinson explained that his house had been built in 1991, and the boundary to the front of the lane had been planted up. It was tradition that the frontages maintain the verges in front of their homes.
14. Councillor Garth Simpson inquired if the Grampian condition would mean that Mr Atkinson was proposing to have a shared access between the parent and child property. Mr Atkinson agreed this was the case, and that the access would need to be widened slightly.
15. Mr Barton in addressing the Committee raised the following points:
- The existing house had been owned by his father.
 - The central issue was access to the new property.
 - It was a private, no-through road.

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- The traffic survey revealed a morning peak of six vehicles per hour and an afternoon peak of nine vehicles per hour.
 - The sight lines could not be achieved, but he did not believe this made the access unsafe. There had been no significant incidents since 1965.
 - To move the access further up the road, would make it closer to the preserved tree. All the trees on the street had Tree Preservation Orders (TPOs) placed upon them.
 - This was a small simple application on a small simple road, which was being recommended for refusal because of the access.
16. Councillor Bryant asked who owned the hedge. Mr Barton observed that, technically, they are not owned by anyone and are maintained by convention, by the home owners.
17. Councillor Simpson doubted whether the shared access would be safe, but due to the low numbers of vehicles using the street, he did not see an incremental danger in the proposed siting of the access.
18. Councillor Pick concurred that the shared access would be closer to the tree and the public road and therefore, would be more dangerous than the proposed access. He further inquired if the turning circle would be sufficient, should there be more than one vehicle. Mr Barton confirmed that it complied with the standards and had been designed to do so.
19. Councillor Adrian Edwards inquired as to how the traffic survey was carried out. Mr Barton explained the number of vehicles was counted digitally for a week, this figure was then averaged. Councillor Edwards was trying to establish if the vehicles would be those of residents or drivers who wouldn't necessarily know the dangers. Mr Barton suggested that due to the nature of the road, it would probably be residents or regular delivery drivers.
20. Councillor Lynne Doherty, as Ward Member, in addressing the Committee raised the following points:
- The application had been called-in, as she wanted the Committee to take a measured look at this unusual situation.
 - She understood the concerns about the splays and the trees blocking driver's view.
 - She was concerned at the speeds revealed by the speed survey. She would have expected much lower speeds to have been registered. If these speeds had been registered at the top of the lane, with people turning off from the public highway, then perhaps some measures needed to be put in place.
 - This was a quiet, un-adopted, no-through road. The gate at the end made it difficult to turn around and therefore, the only reasons for vehicles to be there would be to make a delivery or visit the homes.
21. Councillor Beck understood the reasons Councillor Doherty had called-in an application that would otherwise have been refused under delegated authority, due to the standard of the sight lines. He wondered if she had a view as to whether the application should be granted.
22. Councillor Doherty noted that the house was in keeping, and that the applicant was not trying to over-develop the site. She had no problem with the design of the house. If the boundary was an issue, then that needed due consideration. She did not feel that the house was being squeezed into the plot, and would be happy to see a house there that complied with planning regulations.

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23. Councillor Hilary Cole asked the Planning Officer if the Highways Officer did not object, what the recommendation would be. Derek Carnegie confirmed that it would be to grant permission.
24. Councillor Pick cogitated that the visibility to the north was 14m, but was only four to five metres to the south, due to the positioning of the hedge. He asked if the hedge was protected. Paul Goddard explained that the hedge was owned by Mr Atkinson, who regularly maintained it.
25. Councillor Simpson enquired as to the minimum allowable splay. Paul Goddard explained that for a vehicle travelling at 19.5mph, there had to be a splay of 24m.
26. Councillor Paul Hewer inquired if the Committee refused the application, and it went to appeal, what Officers thought the decision would be.
27. Derek Carnegie reflected that he used to be able to predict the outcome of appeals, but he was less certain now. He advised that the decision would probably be over-turned on appeal.
28. Councillor Beck asked if the Committee decided to approve this application, whether they would be setting a precedent for allowing an access that did not comply with regulations. Paul Goddard observed that the existing access points were also sub-standard, but were historic. His advice was that the Committee comply with the standards. He had concerns about the width and gradient of the road and therefore, would refuse the application.
29. Councillor Simpson sought clarification on the width of the road. Paul Goddard confirmed that it was 3.5m wide.
30. Councillor Hilary Cole observed that this was a difficult application and understood why it had been called-in. This Authority was keen to see development, and this site was within the settlement boundary. If there had been no highways issues, it would have been approved. The road was steep, but that was relative. She also understood that the other driveways were historic and the Committee needed to be looking from the present day. However, she was struggling to see how it would impact on the road. Councillor Hilary Cole proposed to decline officers' recommendations and approve planning permission. Councillor Paul Bryant seconded the proposal.
31. Councillor Adrian Edwards stated that the role of the Highways Authority was to make it safe to drive on the roads. Just because there had been no accidents, was no excuse for ignoring the advice of the Highways Officer. The Officer was the professional and the Committee should accept his recommendation.
32. Councillor Beck observed that he had known this road for more than 50 years. He understood Councillor Edward's point of view and that Paul Goddard had recommended refusal. However, there had been no road traffic incidents in the road. He felt that the application should be allowed on common sense terms.
33. Councillor Pick reflected that there had not been an adequate explanation for why the shrubs could not be cut back fully and what affect this would have on the splay. Mr Atkinson's retaining wall should be considered and he suggested that the applicant should deal with this to the satisfaction of the neighbour. He supported Councillor Cole's proposal.
34. Councillor Hooker commented that in regards to the splays and visibilities, he felt that these comments should be made to the Parish Council.
35. Councillor Simpson observed that this was a cul-de-sac and there had been no accidents and therefore, on common sense grounds, he supported the proposal.

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36. Councillor Hilary Cole, in response to Councillor Edward's comments, opined that the reason there was a planning committee was to determine difficult applications. In the course of this, they might disagree with Officers' recommendations and did so knowing the risks.
37. Councillor James Cole supported Councillor Hilary Cole's proposal and felt that, having visited the site, Members should go against Officers' recommendations and approve the application.
38. Councillor Edwards responded that a normal planning application would not necessarily involve the Highways Officer. Members were making a decision on the safety of individuals and it was the Highway Officers job to protect people on the roads.
39. Councillor Hilary Cole observed that this was a cul-de-sac with a limited number of properties. Her own house was on a blind bend. Part of the responsibility lay with the road users, and if people did not apply common sense then there was nothing the Committee could do about it.
40. Councillor Howard Bairstow recognised the dilemma that the existing houses already had this problem and residents were aware of it. The application was for the second house in the road. He could see the danger, but people normally travelled slowly on narrow lanes. He was trying to balance the risks.
41. The Chairman invited the Committee to vote on the proposal of Councillor Cole, as seconded by Councillor Bryant to decline officers' recommendations and approve planning permission subject to conditions. At the vote the motion was passed. Councillors Drummond and Edwards voted against.

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

Conditions

Time

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

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

Reserved Matters

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

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

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consideration is required to ensure that the development is in accordance with the development plan.

Plans Approved

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

Site location plan J0003531-17-01b

Block Plan J0003531-17-02a

Proposed Floor Plans and Elevations (in respect of scale) J0003531/03/A

Associated Documents

Planning Statement (Carter Jonas) dated 8th September 2017)

Technical Note (Mode Transport Planning) dated September 2017

Arboricultural Survey, Impact Assessment and Protection Plan (Barton Hyett) dated 11th April 2017

All received with the application validated on 18th September 2017.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP2, CS 13, CS 14, and CS 18 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006.

Materials

4. No development of the dwelling shall commence until details of all external materials (brick, roof coverings, windows and doors) have been submitted to and approved in writing by the Local Planning Authority. This should include a schedule with material samples made available on site if requested by the local planning authority. All materials incorporated in the work shall match the approved samples, unless alternative materials are first agreed in writing by the local planning authority.

Reason: To ensure that the materials are appropriate to the character of the area and adjacent Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Hours of Construction

5. Demolition or construction works shall not take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

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

Construction method statement

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

(a) The parking of vehicles of site operatives and visitors

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- (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).

Access construction

7. No development shall commence until details of the new access into the site from Croft Lane have been submitted to and approved in writing by the Local Planning Authority (this can be part of the required reserved matters). Thereafter the access shall be constructed in accordance with the approved details before the development is first brought into use and retained thereafter.

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

Visibility splays before development

8. No development shall take place until visibility splays of 2.4 metres by 14.0 metres to the north have been provided at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

Parking and Turning

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

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

Cycle Parking

10. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage space has been

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provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Carriageway condition surveys

11. No development shall take place until a carriageway condition survey of Croft Lane including photographic record has been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and the continued maintenance of the private street. 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).

Landscape Scheme

12. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:
 - a) Completion of the approved landscape scheme within the first planting season following completion of development.
 - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

The landscaping shall be carried out in accordance with the approved scheme.

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

Tree Protection

13. Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the Tree and Landscape Protection Scheme identified on approved drawing(s) named plan Tree Retention and Removal dated 11/04/17 (Barton Hyett). Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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

Tree Works

14. The detailed schedule of tree works by Barton Hyett dated 11.04.17. including timing and phasing of operations shall be carried out in full and in accordance with the submitted report.

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

Means of Enclosure and Hard Surfaces

15. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure (if any) and any hard surfaces to be erected/constructed on the site has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied before the fencing and other means of enclosure and hard surfacing have been erected/constructed in accordance with the approved details. The approved fencing or other means of enclosure and hard surfacing shall be retained thereafter.

Reason: The fencing and other means of enclosure and hard surfacing are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. In the interests of the character of the area adjacent to the Conservation Area. In accordance with Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

Levels

16. No development shall commence on site until details of floor levels in relation to existing and proposed ground levels and sections through the site, showing the relationship with adjoining/neighbouring properties; 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 and properties, in the interest of amenity and in accordance with Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

Spoil

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

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

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

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

SuDS

18. No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. These

WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES

details shall be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework, and the results of this assessment shall be provided to the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been provided in accordance with the approved details. Where a sustainable drainage system is to be provided, the submitted details shall:

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- (b) include a timetable for its implementation.

Note: Any paved areas shall be formed of permeable paving.

Reason: The development must ensure that the design and locations of the SuDS provisions are adequate and maintainable and will provide adequate flood protection to this property and the surrounding area in accordance with National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026

DC

39. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 9.30 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)	17/02916/HOUSE Cold Ash Parish Council	20 th December 2017	Proposed first floor extension to current bungalow and associated alterations. Render entire property. Widen existing access. Glendale Manor, Collaroy Road, Cold Ash Mr and Mrs S Hammond

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/02916/HOUSE>

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

Ward Member(s): Councillor Garth Simpson

Reason for Committee Determination: Called in by Councillor Garth Simpson due to concerns of overlooking and overdevelopment of the site.

Committee Site Visit: 15th February 2018

Contact Officer Details	
Name:	Gemma Kirk
Job Title:	Assistant Planning Officer
Tel No:	(01635) 519111
E-mail Address:	Gemma.Kirk@westberks.gov.uk

1. Site History

- 129988: Alteration and extension to existing dwelling. Approved. 05.10.1987.
- 154258: Single storey attached double garage to replace existing single garage. Approved. 19.04.1999.
- 02/02373/OUT: Residential 2 storey house with integral garage. Refused. 28.02.2003.
- 14/01707/FUL: Change back part of garden from agricultural to residential. Withdrawn. 15.09.2014.
- 16/00286/OUTD: Outline application for 3x 4-bed detached houses including integral garages following the demolition of the existing dwelling. Matters to be considered: Access, Layout and Scale. Withdrawn. 03.10.2016.
- 16/03610/FULD: Proposed new dwelling with amended existing access for off road parking, new pedestrian access. New access for existing bungalow. Approved. 14.03.2017.

2. Publicity of Application

Site Notice Expired: 07.12.2017

3. Consultations and Representations

Parish Council:	Objection: Overdevelopment of site and loss of privacy to neighbours due to windows at both ends and balcony. 10.01.2018: Amended Plans: Objections still remain. Additional comment extension not subservient to existing property.
Highways:	Conditional approval: Whilst on-site vehicle turning is preferred, Collaroy Road is an unclassified road and so I am unable to insist upon this. The level of car parking is acceptable. The access location remains the same but is proposed to be widened. The site plan is annotated that the driveway will be surfaced with a permeable paving. Recommended conditions: gradient of private drive, parking/turning in accord with plans and temporary parking and turning.
Public Protection:	No comments.
Tree Officer:	Conditional approval: There are significant trees covered by TPOs that maybe adversely affected by the proposal. There is insufficient information to determine potential impact. The oak tree on the northern boundary may be impacted by the decking. The parking on the south-western corner near the TPO'd ash tree may also have an impact require the extent of rooting for this tree. Information on how these trees will be affected and methods to protect them is required. Further more detailed landscaping is required. Recommended conditions: tree protection scheme, arboricultural method statement and landscaping. 21.12.2017: Amended Plans: proposal is outside the RPA of the protected trees and decking has now been removed. Tree Protective fencing is required to minimise long term impact to the TPOs. Further more detailed landscaping plans would show how this proposal could be enhance and integrated into the local landscape. Recommended conditions: tree protection scheme and landscaping.
Land Drainage:	Conditional approval:

	<p>The applicant should provide SuDS for the development as requested on 16/03610/HOUSE. The agricultural ditch to the rear has been subject to discussions on previous applications. I stipulated that the ditch remain as a functioning Ordinary Watercourse and no physical changes to it and there must be nothing on the boundary which interfered with the flow of the water. If changes were sought then the applicant would need to consult with Land Drainage outside of the planning system.</p> <p>17.01.18: following discussion with the applicant as long as there are no changes to the building footprint (or existing impermeable areas) the existing drainage requirements are acceptable. However we have adopted the view that some form of SuDS should be included with the development- however as something different has been previously agreed the improvement will not be insisted upon.</p> <p>25.01.2018: as an extension of the footprint is proposed the additional water will need to be considered and drained using SuDS methods. Drainage from the existing property is eventually discharged to the watercourse below the property. If this drainage strategy continued, then water should be restricted to no more than 'greenfield run-off' rates based on a 1 in 1 year storm.</p> <p>26.01.2018: a pre-commencement condition requesting further information will be acceptable.</p>
<p>Correspondence:</p>	<p>6 Objections and 2 ambivalent. The material planning considerations can be summarised as below:</p> <ul style="list-style-type: none"> - Scale: height and length of the extension (overdevelopment) - Loss of privacy to neighbours due to the balcony and north & south elevation windows - Hours of work - Render not in-keeping with area - Contractor vehicle parking and deliveries during construction - Fence located on front boundary

4. Policy Considerations

4.1 The statutory development plan comprises the West Berkshire Core Strategy (2006-2026), Housing Site Allocations DPD (HSA DPD) (2006-2026) and the saved policies in the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007).

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF)
- The National Planning Practice Guidance (NPPG)

4.3 The following policies from the West Berkshire Core Strategy (Core Strategy) are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- CS 13: Transport
- CS 14: Design Principles
- CS 16: Flooding
- CS 18: Green Infrastructure
- 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 West Berkshire District Local Plan have not been replaced by policies contained within the Core Strategy and are therefore relevant to this application:

- OVS.6: Noise Pollution
- TRANS.1: Meeting the Transport Needs of New Development

4.5 The following policies from the Housing Site Allocations Development Plan Document (HSA DPD) are relevant to the following application:

- P 1: Residential Parking for New Development

4.6 In addition, the following locally adopted policy documents are relevant to this application:

- Supplementary Planning Guidance: House Extensions (2004)
- Quality Design: West Berkshire Supplementary Planning Document (2006)
- Cold Ash and Ashmore Green Village Design Statement (2002)

5. Description of Development

- 5.1 Planning permission is sought for a first floor extension to the existing bungalow. The bungalow will also be extended at the rear on south wing of the dwelling. The dwelling will be rendered in a 'champagne' colour.
- 5.2 Amendments were secured on 18th December 2017 which included reducing the height of the south wing of the dwelling by 0.9 metres. The windows on both the north and south elevation will be obscure glazed and obscure glazed privacy screens will be erected at both ends of the balcony. The decking and raised terrace were removed from the proposal.
- 5.3 The application site is located on Collaroy Road in the south-west of Cold Ash and on the edge of the village's settlement boundary. Collaroy Road is characterised by detached 2-storey dwellings in a variety of styles. Dwellings on the east of Collaroy Road predominantly have low hedges and boundary walls on the front boundary.
- 5.4 Glendale Manor is the first visible property on the east side of Collaroy Road when approaching from Cold Ash Hill. The bungalow is located on a large plot; this plot has been divided into two as planning permission has been granted in 2017 for a new dwelling to the south of Glendale Manor (16/03610/FULD). Due to land levels the dwelling is set back and lower than the public highway and a 1.8 metre close-boarded fence and a 1.25 metre boundary wall are positioned along the front boundary. There are 3 Tree Protection Orders (TPOs) within or in close proximity to the application site.

6. Consideration of the Proposal

The main considerations in the determination of this application are:-

- 6.1 The principle of the development
- 6.2 The impact on the character of the area
- 6.3 The impact on neighbouring amenity
- 6.4 The impact on highway safety
- 6.5 The impact on TPOs
- 6.6 Land drainage
- 6.7 Community Infrastructure Levy (CIL)
- 6.8 The assessment of sustainable development

6.1 The principle of the development

6.1.1 The application site lies within the Cold Ash settlement boundary as identified by ADPP1 of the Core Strategy. Within settlement boundary there is a presumption in favour of development.

This is subject to detailed policies on design, impact on the character of the area and neighbouring amenity; these are discussed below.

6.2 The impact on the character of the area

6.2.1 The NPPF outlines the importance of good design in the built environment. Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 seeks the enhancement of the natural and built environment.

6.2.2 The character of the area considers both the design and the impact in the streetscene. Due to the nature of the development the first floor extension will not be subservient to the existing bungalow. Concerns were also raised with regards to the height and length of Glendale Manor as the extension would create a large dwelling. Whilst SPG: House Extensions (2004) states that 'the basic shape and size of the extension should normally be subservient to the design of the original building' it is considered in this instance the proposal is acceptable due to the application site's characteristics. The application site's levels results in a proposal that will be set down from Alamein (to the north) by approximately 1.1 metres (highest point). In addition the Case Officer secured an amendment to the design which lowered the ridge line of the south wing of Glendale Manor by 0.9 metres; this design relates better to the downward slope of the road. The reduction in height will also ensure Glendale Manor will not have a significant overbearing impact on the dwelling approved under 16/03610/FULD which is set lower. Therefore the site levels ensures the scheme does not dominate in the streetscene.

6.2.3 Glendale Manor is located in a prominent position in Collaroy Road this could give rise to a detrimental impact to the streetscene. However the proposal is set back from the public highway by approximately 6.2 metres. The site also slopes down from the road to the dwelling. This alleviates the extension's prominence in the streetscene reducing its impact on the character of the area.

6.2.4 The extension will create a substantial sized dwelling; however the plot, in which Glendale Manor is located within, is large. The plot can accommodate the proposal and have sufficient private amenity space to the rear. The Quality Design: SPD recommends for a 3 or more bedroom house 100sqm; Glendale Manor will retain 273sqm approximately (this only includes the domestic curtilage for this property). Whilst concerns with regards to overdevelopment were raised the proposal can be accommodated on site and retain acceptable levels of private amenity space therefore it is considered that the proposal will not be overbearing in its plot. To ensure that the site does not become over developed it is recommended a condition restricting PD Rights for extensions and outbuildings is attached.

6.2.5 Collaroy Road is comprised of predominately 2-storey dwellings and therefore a first floor extension would not appear incongruous. The conversion of the existing bungalow to a 2-storey dwelling would be more in-keeping with the appearance of the area. Dwellings in the road also include render and cladding for example the 3 neighbouring dwellings to the north of the application site are partially rendered white. Therefore whilst the render will not match the existing materials it is considered acceptable as it would not be out of character.

6.3 The impact on neighbouring amenity

6.3.1 The new ridge height of Glendale Manor, at its highest point, will be 7.38 metres. This is an increase of approximately 1 metre from the existing ridge height (at the highest point). This is considered acceptable for this application site as Alamein's (to the north) highest point is approximately 1.3 metres higher than the proposed ridge height and therefore it would not be overbearing on this property. Due to the orientation of the property it is noted that there may be some loss of daylight/sunlight received to Alamein however the single storey north wing of Glendale Manor will remain as existing this and a separation distance of approximately 7.4 metres between the Glendale Manor and Alamein will create an adequate buffer to negate significant overshadowing.

6.3.2 Objections were raised due to the loss of privacy to Alamein and the proposed dwelling approved under application 16/03610/FULD. The Case Officer had concerns with the balcony and the windows on the north and south elevations in terms of overlooking. However the Case Officer secured obscure glazing to the windows on both the north and south elevations which protects the amenity for the neighbouring dwellings. It was considered that the 3 metre boundary wall/close boarded fence screens Alamein which alleviates the impact on privacy. Obscure glazed screens on the north and south side of the balcony stops direct overlooking into the neighbouring gardens which secures privacy for the 2 neighbouring properties. To ensure that privacy is maintained it is recommended a condition ensuring that the obscure glazing is retained on the side elevation first floor windows at all times is attached.

6.3.3 Removing PD Rights for the first floor windows on both the north and south elevations was considered. However as the GPDO applies restrictions to first floor windows which would ensure privacy is protected if additional windows were inserted. It is therefore considered unreasonable to condition the removal of the PD Rights for additional windows.

6.3.4 The proposed dwelling approved in 2017 has not yet been constructed however the impact has been assessed. Amended plans lowered the height of the south wing of the proposed first floor extension which reduced the overbearing impact to the proposed dwelling as this is set lower than Glendale Manor. A sunlight test was completed on the closest habitable rear ground floor window and it was found that the proposal did not cut through the 45 degree line and therefore there would be no adverse impact to the neighbouring dwelling in terms of sunlight. In addition the proposal is to the north of the approved dwelling which reduces overshadowing impact to the dwelling.

6.3.5 Due to the proximity of the neighbours it is recommended that a condition restricting the hours of work is attached in the event planning permission is granted. This is in the interests of amenity for the neighbouring dwellings.

6.4 The impact on highway safety

6.4.1 The proposal will not increase the existing number of bedrooms from 3 and the site is located in parking zone 3; therefore 2.5 parking spaces are required as per Policy P1 of the HSA DPD. The proposal provides this parking; this is shown on the Block Plan (2775-04E). The Highway Officer considered there was sufficient parking on site. The Highway Officer referred to on-site turning, which was not provided, however this could not be insisted upon as Collaroy Road is an unclassified road.

6.4.2 Objection letters raised concerns over temporary parking for contractors whilst construction was taking place. The Highway Officer requested a condition for details to be provided of temporary parking before development commences. This ensures temporary parking is secured before development commences and addresses the concerns raised.

6.4.3 The Highway Officer has requested conditions for the gradient of the drive and parking/turning in accord with plans. This ensures that the development will not have a detrimental impact on highway safety.

6.5 The impact on TPOs

6.5.1 The Tree Officer identified 2 TPOs which may be adversely affected by the proposals. There was insufficient information submitted with the original application to determine the potential impact to trees. The Tree Officer considered that the oak tree on the northern boundary may be impacted by the decking and parking in the south-west corner may impact on the TPO'd ash tree.

6.5.2 Additional information was submitted with amended plans on 18.12.2017. The decking was removed from the proposal and all works are outside the Root Protection Area (RPA) of the TPO'd trees. The Tree Officer requires a tree protection scheme to be submitted before development commences this will be conditioned in the event planning permission is granted.

6.5.3 The Tree Officer requires a detailed scheme of landscaping for the site; this will enhance the proposal's integration into the landscape and ensure the proposal will not have an adverse impact on the character of the area. The information is required to be submitted before development commences and it is recommended that landscaping is conditioned in the event planning permission is granted.

6.6 Land drainage

6.6.1 These are the final comments of the Land Drainage Engineer. The footprint of Glendale Manor will be increasing which will increase rainfall run-off and therefore sustainable drainage methods (SuDS) are required. The existing drainage is discharged to the watercourse below the property if this is to continue then it is required for the water to be restricted to 'greenfield run-off' rates based on a 1 in 1 year storm.

6.6.2 The Land Drainage Engineer requested a pre-commencement condition if the application is approved to secure details of SuDS and once approved these will be implemented in accordance with the submitted details.

6.7 The assessment of sustainable development

6.7.1 The NPPF identifies the 3 dimensions of sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

6.7.2 The proposal makes no significant impact on the social and economic dimensions and therefore is not considered to be harmful. The environmental dimension considers the impact on the natural, built and historic environment which the proposed development respects.

6.8 Community Infrastructure Levy (CIL)

6.8.1 The proposed internal floorspace will increase by 162.9sqm. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council the development is liable to pay CIL.

7. Response to letters of representation

7.1 Representations referred to the close boarded fence panels to the front of Glendale Manor. The Case Officer has confirmed with the Enforcement Team that no action will be taken and therefore the panels do not form part of this application and are not subject to planning permission.

7.2 Objections were raised to the ownership of the land outlined in blue on a superseded version of the Location Plan. As the land is outlined in blue it does not form part of this application and for clarity the Case Officer requested the agent remove this line from the Location Plan. Ownership disputes are a civil matter and not a material consideration.

7.3 Letters referred to the fence at the rear of Glendale Manor this is not considered under this application. There is no ongoing application for the vertical extension of the fence. If planning permission is required for the existing fence this will be considered under a separate application.

7.4 Concerns were raised about the accuracy of the 'Bedroom 2 Visibility Diagram'. This drawing was provided for information only and will not form part of the list of approved drawings. The concerns of overlooking from bedroom 2 have also been addressed by obscure glazing the window.

7.5 Other matters raised in letters of representation are not material considerations and the Case Officer is unable to provide comment.

8. Conclusion

8.1 Having taken in to account the relevant policy considerations and the material considerations referred to above, it is considered, the development is acceptable and conditional approval is justifiable for the following reasons: due to the large plot and site characteristics the proposal would not cause demonstrable harm to neighbouring amenity or the character of the area. The proposal accords with the NPPF (2012) and Policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9. Full Recommendation

The Head of Development and Planning be authorised to **GRANT** planning permission subject to the following conditions:-

1. The development hereby permitted shall be started within 3 years from the date of this permission and implemented in strict accordance with the approved plans.

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 listed below:

- (i) Location Plan (1:1250) 2775-01C received on 04.12.2017;
- (ii) Block Plan (1:200) 2775-04E received on 18.12.2017;
- (iii) Proposed 2775-04E received on 18.12.2017.

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

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

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), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 04/2 House Extensions (July 2004) and Cold Ash and Ashmore Green Village Design Statement (2002).

4. The proposed first floor openings on the north and south elevation shall be fitted with obscure glass before the extension is brought into use (as shown in drawing 2775-04E received 18.12.2017). The obscure glazing shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of Alamein and the approved dwelling under 16/03610/FULD in the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, D, E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

6. No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

7. The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. 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).

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

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

9. No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off-site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. 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).

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 scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

12. 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;
- 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 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;

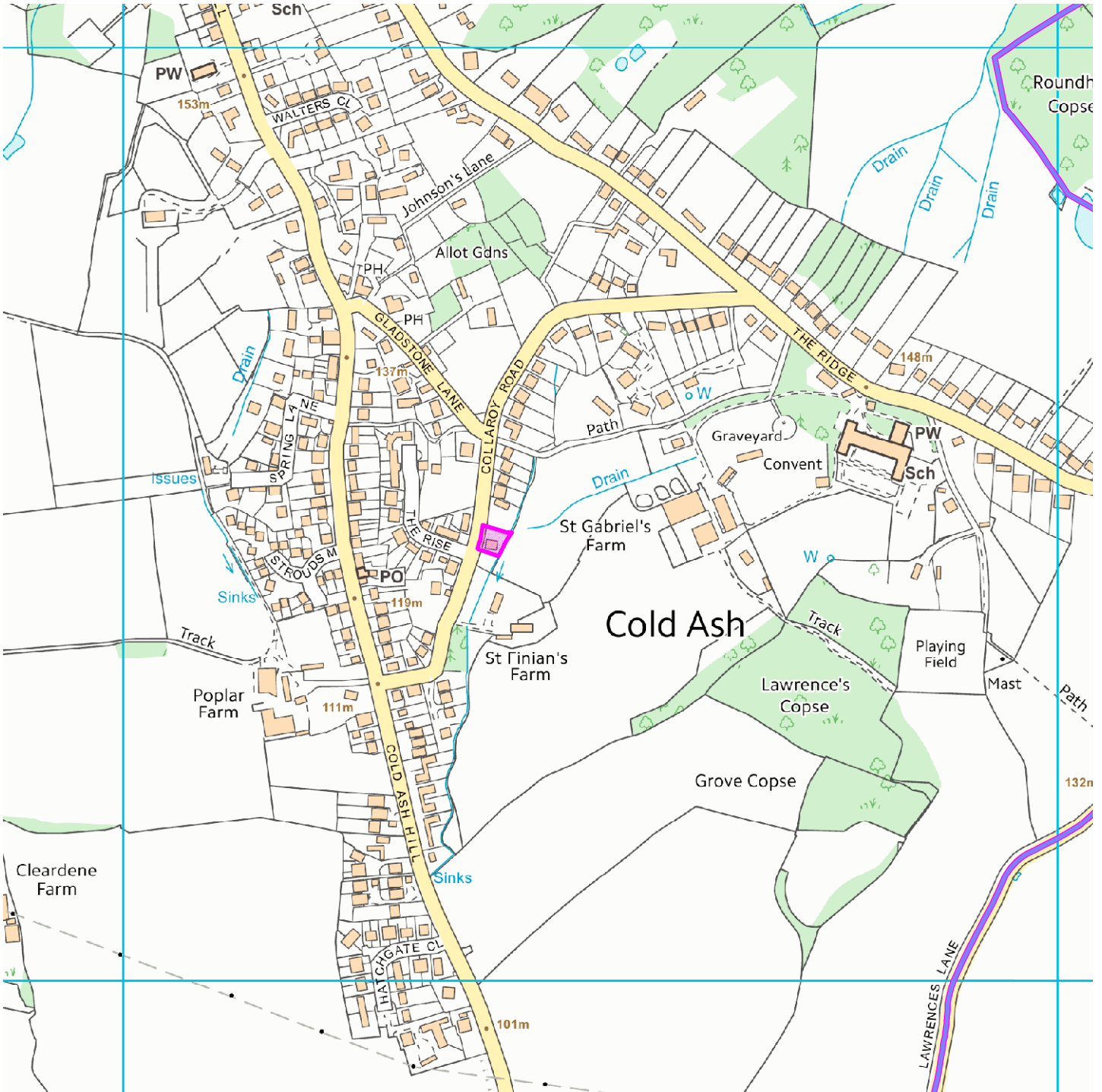
The above sustainable drainage measures shall be implemented in accordance with the approved details before the building hereby permitted is occupied and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an

appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

DC

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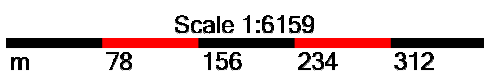
Map Centre Coordinates :

Scale : 1:6159

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 February 2018
SLA Number	0100024151



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Agenda Item 4.(2)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	17/03285/FUL Compton	17 January 2018	Section 73A: Variation of Condition 4: External lighting, of planning permission 00/00964/FUL – Construction of three two storey light industrial units in one block of three units. 10-12 Old Station Business Park, Compton, Berkshire. Mr M Fenton.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/03285/FUL>

Recommendation Summary: **The Head of Development and Planning be authorised to grant planning permission.**

Ward Member(s): Councillor Von Celsing

Reason for Committee Determination: 10 letters of objection.

Committee Site Visit: 15th February 2018

Contact Officer Details

Name: Ms Lydia Mather
Job Title: Senior Planning Officer
Tel No: (01635) 519111
E-mail Address: Lydia.mather@westberks.gov.uk

1. Site History

Permission 17/03194/NONMAT, December 2017, non-material amendment to add drawings and reference numbers by way of condition in order to formally list all approved drawings of approved permission 00/00964/FUL for construction of three two storey light industrial unit in one block of three units.

Permission 00/00964/FUL, March 2002, construction of three two storey light industrial unit in one block of three units.

2. Publicity of Application

Press Notice Expired: *

Site Notice Expired: 19 January 201

3. Consultations and Representations

Compton Parish Council: Comment that the high level light on the west facing elevation to be not visible from the village and conservation area.

Highways: No objection.

Environmental Health: No objection subject to condition for further lighting details.

Public Rights of Way: No comments received.

Ramblers' Association: No comments received.

North Wessex Downs Area No comments received.

Of Outstanding Natural Beauty:

Correspondence: 10 letters of objection. Detailed comments are available on the website. In summary the issues raised are:

- Issues with the existing units at the Business Park and comments that no further development should be permitted until the matters below have been enforced/addressed to ensure future development will be in compliance with planning legislation:
 - non-compliance with original landscaping condition and poor maintenance of what has been planted,
 - light pollution from first floor windows and external lighting, often left on overnight,
 - noise pollution from air ducts,

- traffic safety issues from variety users along the access road which is a single lane – HGVs, pedestrians using public right of way and route to school without a footpath or overhead lighting, volume of traffic associated with existing business park which will be significantly increased by additional unit,
- an occupier handles chemicals raising safety concerns and has required emergency measures on occasions.
- Validity of existing permission: footings not complete as works to bank not undertaken; 16 years elapsed since permission granted; and whether the building as permitted would now meet building standards or business needs.
- The building would be forward of the existing units. As a result it would be closer to the public footpath; require more hedge removal; raises concerns about the ground level of the building relative to the existing units and undue prominence locally.
- Any proposed new lighting should be: downward facing; on movement sensors; switched off outside business hours; not present on the west elevation towards other properties; and black out blinds installed on the first floor.

4. Policy Considerations

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The statutory development plan comprises:
- The West Berkshire Core Strategy 2006-2026
 - Housing Site Allocations Development Plan Document 2017
 - The West Berkshire District Local Plan Saved Policies 2007
 - The South East Plan 2009 Policy in so far as Policy NRM6 applies
 - The Replacement Minerals Local Plan for Berkshire 2001
 - The Waste Local Plan for Berkshire 1998
- 4.3 The following Core Strategy policies carry full weight and are relevant to this application:
- National Planning Policy Framework Policy
 - Area Delivery Plan Policy 1: Spatial Strategy
 - Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
 - CS 9: Location and Type of Business Development
 - CS 10: Rural Economy

- CS 11: Hierarchy of Centres
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 16: Flooding
- CS 18: Green Infrastructure
- CS 19: Historic Environment and Landscape Character

4.4 The saved policies of the West Berkshire District Plan carry due weight according to their degree of conformity with the National Planning Policy Framework. The following saved policies are relevant to this application:

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

4.5 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework 2012
- The Planning Practice Guidance Suite 2014
- Manual for Streets

4.6 In addition the following locally and regionally adopted policy documents are material considerations relevant to this application:

- The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019
- Compton Parish Plan
- Supplementary Planning Document: Quality Design 2006

5. Description of Development

5.1 The application is to vary condition 4 of planning permission 00/00964/FUL. The condition states:

Details of the external lighting to be used in the areas around the building shall be submitted to and approved by the Local Planning Authority before building or other operations start, and no building shall be occupied before the lighting has been installed to the satisfaction of the Local Planning Authority.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development.

5.2 The site is to the north of existing light industrial units and would share that access off School Road and past Wilson Close to the south west. The site and wider area is within the North Wessex Downs Area of Outstanding Natural Beauty. A public right of way runs along the west of the site and joins others further south, one of which is also along the access off School Road.

5.3 The application is made under Section 73A of the Town and Country Planning Act 1990 for planning permission for work that has already been carried out. In this instance it is under sub-section (c) for development without complying with a condition subject to which planning permission was granted.

6. Consideration of the Proposal

Status of Permission and Conditions 1 and 4 of 00/00964/FUL

- 6.1 Condition 1 of 00/00964/FUL requires development to commence within 5 years of the permission, which would have been by February 2007, and in accordance with the approved plans. The original approved plans were not listed and a recent non-material amendment has added them as a condition to the permission.
- 6.2 In March 2004 foundation trenches were dug and infilled, and pipes laid. This was within the timescale of condition 1. Section 56 (2) of the Town and Country Planning Act 1990 states “development is taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out”.
- 6.3 A material operation includes in Section 56 (4)(b) “the digging of a trench to contain foundations, or part of the foundations of a building”, and (c) “the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b)”.
- 6.4 On the basis of the above it is considered that a material operation began on site in March 2004, within the timescale of the permission and in the location identified on the original plans. The withdrawn application of 2017 included a site survey plan of the works and building regulation document of the time period the works were undertaken.
- 6.5 However, the commencement occurred without discharging condition 4. This condition required an external lighting strategy to be approved before building, or other operations start. It requires the lighting to be installed before the building is occupied. Section 73A of the Town and Country Planning Act allows for applications to be made where development has occurred without complying with a condition.
- 6.6 The breach of condition 4 does not go to the heart of the permission. It relates instead to a detail of the permission. External lighting is part of the operation of the site, not the ground works or construction phase of development. Condition 4 is still required, but could be varied for the lighting details to be submitted and the lighting installed prior to the first use of the building. This would rectify the breach of condition and enable compliance with the permission.
- 6.7 Comments have been made on the validity of the application where development started within the timescale of the original permission, but has not been completed. The Local Planning Authority have not issued a completion notice requiring the development to be completed. The details of the lighting condition the development is in breach of can be achieved by varying the condition. The development is capable of being lawful through the variation of condition.

Current Development Plan Policies

- 6.8 Section 73 of the Town and Country Planning Act states that the Local Planning Authority shall consider “only the question of the conditions subject to which planning permission should be granted.” As a planning application under a planning act any decision needs to be in accordance with the development plan policies

applicable at this time. It is therefore necessary to review the conditions applied to the original permission.

AMENITY

- 6.9 Environmental Health have been consulted on the application. They do not object to the variation of the lighting condition. They would require as part of future details to be submitted information on the relationship with other properties.
- 6.10 Environmental Health commented on the previous application in 2017 which was withdrawn. They advised the potential impacts with regard to land contamination, noise, light and construction. Given that development has commenced on site without a condition on land contamination some opportunity to mitigate any land contamination has passed. However, the site has become partially overgrown and there remains some opportunity to mitigate land contamination which may be encountered in clearance, continuation of development and connection to services. Therefore it is not possible to apply the full land contamination condition previously advised by Environmental Health. Instead an unforeseen land contamination condition is recommended to ensure any contamination found during the remaining works to be carried out can be mitigated prior to the occupation of the building.
- 6.11 The proposal includes use class B1(c) which is light industrial uses appropriate in a residential area. Environmental Health previously advised a condition for details of any external plant machinery associated noise assessment to be submitted and approved, an hours of work during construction condition and an hours of operation condition once the development is occupied. These were not conditions with the original permission.
- 6.12 The development plan and national guidance has changed since the original permission and now includes the more holistic policy CS 14 of the Core Strategy where all development shall make a positive contribution to quality of life. The NPPF also requires all development to be environmentally and socially sustainable. It is not considered that the suggested conditions would be onerous as they seek to ensure any future occupier has an acceptable impact on other land uses and occupiers near the site in accordance with the permitted use class. As such it is recommended that they be applied.
- 6.13 Comments regarding potential air pollution were provided to Environmental Health on the application withdrawn in 2017. Their response was that the occupier would need to comply with a B1(c) light industrial use that is appropriate in a residential area. Furthermore, any polluting processes would require a permit (Pollution Prevention and Control Act) to control emissions.

HIGHWAYS

- 6.14 The Council's Highways were consulted on the application and raised no objections. In addition to an approved plans condition it would be current practice to apply a parking layout condition so that the car parking on site is provided prior to the occupation of the building in the interest of highway safety. The amount of car parking to be provided remains in accordance with the Council's saved policy for B1 uses. A car parking layout condition is therefore recommended to be applied.

GREEN INFRASTRUCTURE

- 6.15 Policy CS 18 of the Core Strategy seeks to ensure the conservation of public rights of way and other green infrastructure by development. Policy CS19 also relates to the sensitivity of the area to change and landscaping can mitigate the impact of development. The policies were not adopted at the time of the previous permission. Nevertheless a landscaping scheme was included within the original permission and condition 3 requires that the landscaping scheme be undertaken.
- 6.16 Condition 3 is not as precisely worded as a current landscaping condition. It is therefore considered necessary to vary the condition to ensure the trigger to provide the landscaping is more precise and include the current development plan policies.
- 6.17 Public Rights of Way have not commented on the application but informatives that the public right of way remain unobstructed during construction and available for public rights of way users at all times are recommended in line with current policy.

7. Conclusion

- 7.1 A material operation commenced on site within the timeframe of the original permission and in the location identified on the plans. The condition the development is in breach of relates to a detail and does not go to the heart of the permission. The condition is capable of being complied with by the proposed variation to its wording for details to be submitted and installed prior to the first use of the building.
- 7.2 Conditions to mitigate the impact of the development under current development plan policies have been identified as a parking provision, land contamination, plant machinery, hours of work during construction, hours of operation, landscaping, and informatives on the public right of way. These meet the tests for conditions as being necessary, relevant to planning and the development, specific, enforceable, and reasonable in all other respects.

8. Full Recommendation

The Head of Development and Planning be authorised to grant planning permission subject to conditions.

Conditions

8.1 Approved plans

The development shall be carried out in accordance with drawings 1391/50, 1391/52, 1391/53 rev B, 1391/54 rev B, 1391/56, 1391/57, 1391/58 received on 21 November 2017.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against the National Planning Policy Framework 2012, Policies ADPP1, ADPP5, CS 9, CS 13, CS 14, CS 18 and CS 19 of the West Berkshire Core Strategy 2006-2026, policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

8.2 Materials

The materials to be used in the construction of the external surfaces of the building shall match the existing units within the Old Station Business Park to the satisfaction of the Local Planning Authority.

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Quality Design Supplementary Planning Document 2006.

8.3 Landscaping

All landscape works shall be completed in accordance with the submitted plans, and supporting information. The approved landscape works shall be implemented within the first planting season following the first use of the development or in accordance with a programme submitted prior to the first use of the development and approved in writing by the Local Planning Authority.

Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework 2012, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

8.4 External Lighting

The use shall not commence until details of the external lighting to be used in the areas around and on the building, including details of their relationship to/impact on nearby residents have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the use is commenced. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition.

Reason: To protect the amenities of nearby land users and the character of the area. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and OVS.5 of the West Berkshire District Local Plan Saved Policies 2007.

8.5 Hours of Work

No construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

8.6 Land Contamination

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

Reason: To protect the amenities of future occupiers of the site in accordance with policy CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.5 of the West Berkshire District Local Plan Saved Policies 2007, and the National Planning Policy Framework 2012.

8.7 Parking

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

8.8 Plant Machinery

No plant shall be installed on site until details have been submitted to and approved in writing by the Local Planning Authority. The plant and measures to minimise the effect of noise shall be installed prior to the operation of the plant in accordance with the approved details. Details of the plant shall include:

(a) written details concerning any proposed air handling plant associated with the development including

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

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

(iii) the intended operating times.

(b) The findings of a noise survey to determine noise levels in the vicinity of the proposed development and calculations showing the likely impact of noise from the development;

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

Reason: To protect the amenity of residents and nearby land users in accordance with the National Planning Policy Framework 2012, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

8.9 Hours of Operation

The use of the premises shall not operate outside the following hours:

07:00 to 21:00 Mondays to Fridays, 08:00 to 18:00 on Saturdays and not at any time on Sundays and Bank or Statutory Holidays.

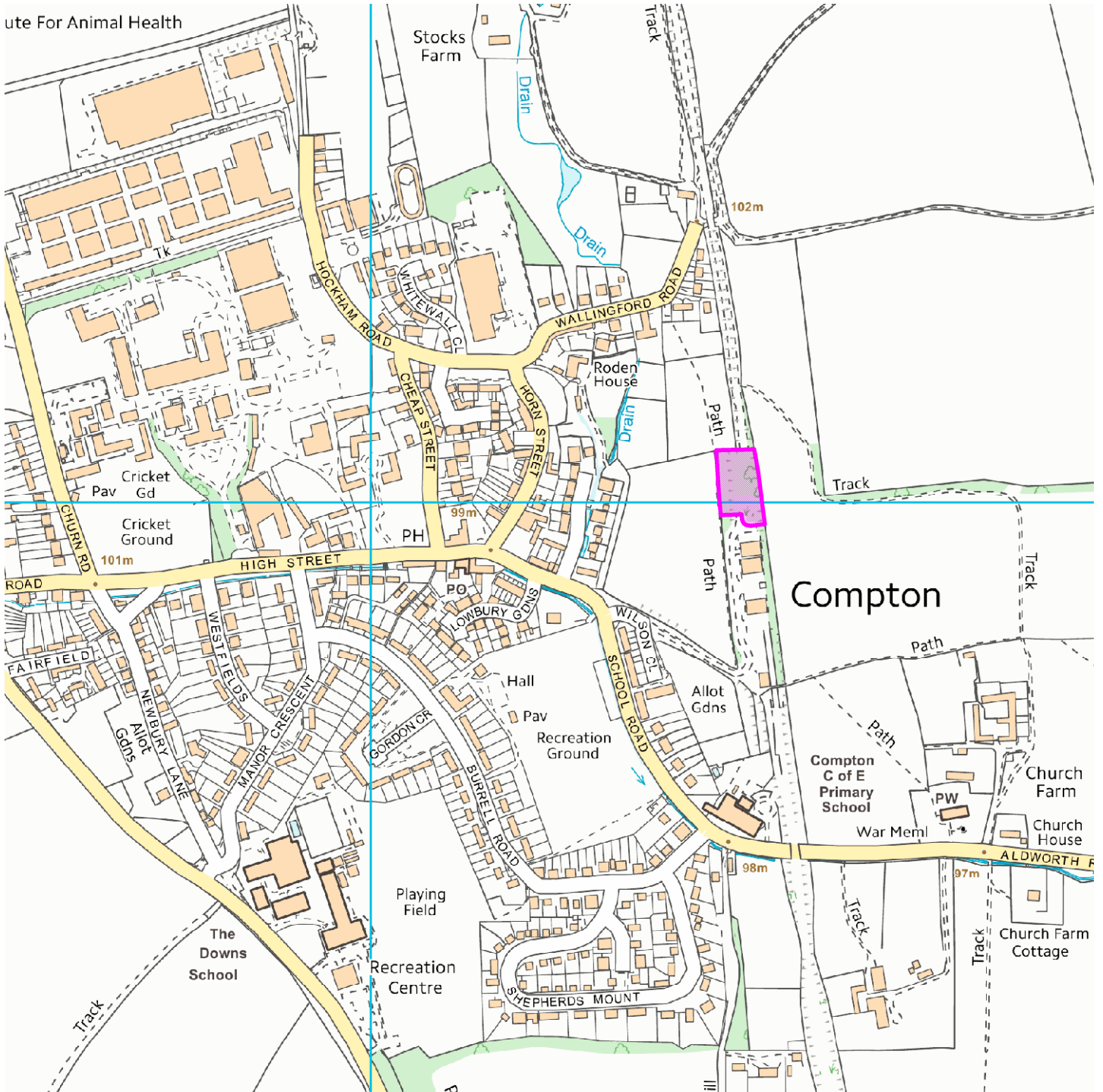
Reason: To protect the amenity of residents and nearby land users in accordance with the National Planning Policy Framework 2012, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

Informatives

8.10 Public Rights of Way

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Old Station Business Park, Wilson Close, Compton, RG20 6NE

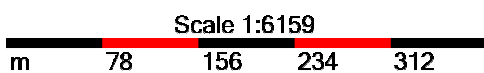


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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 February 2018
SLA Number	0100024151

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Agenda Item 4.(3)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(3)	17/03427/COMIND Greenham Parish Council	20 th March 2018.	Newbury Rugby Club, off Monks Lane. Change of use of part of car park to commercial use for West Berkshire Transport operations team. West Berkshire Council.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/03427/COMIND>

Ward Member(s):

Councillor Drummond
Councillor Bartlett

Reason for Committee determination:

The Council is the applicant - the scheme of delegation does not allow the matter to be delegated since it is a major application.

Committee Site Visit:

15th February 2018

Recommendation.

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

Contact Officer Details

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

1. Site History

07/00534/comind . s73 - Relaxation of condition 1 of permission 152085 - use of land as Rugby club - To allow car boot sales on the site. Permitted June 2007.

2. Publicity of Application

Site notice displayed 21st December 2017. Expiry 11 January 2018.

3. Consultations and Representations

Greenham Parish Council	Objection on access road - too small to take the additional traffic generated. Should be refused.
Newbury Town Council	No objection.
Highways	No objection as vehicles will enter and leave off peak with buses using parking previously used by Ambulance Service
Natural England	No comments to make, but note that a priority habitat [Barn Copse] lies to the south of the application site. This should be protected as appropriate.
Sport England.	On the basis that the application site does not entail any use of an existing playing field, no objections are raised. Exception E3 refers in the National policy guidance.
Woodland Trust	Barn Copse an ancient woodland lies to the south of the application site which needs to be protected – a 10m buffer zone should be applied to the perimeter boundary. No objections raised if so.
Archaeology.	No objections raised.
Environmental Health.	No objections raised.
Public Representations	None received on the application.

4. Policy Considerations

National Planning Policy Framework 2012.
National Planning Practice Guidance 2014.
West Berkshire Core Strategy 2006 to 2026.

5. Description of development

5.1.1 The application site comprises an area of land 0.39ha in extent lying to the south west of the present Rugby Club Building. It is currently open gravelled land / hoggin surface with some tarmac scrapings. It is proposed to use the site for the Council Transport services vehicles which are used to transport special needs pupils across the District. This facility is presently based at Ampere Road in the London Road Industrial Estate area which is due to be redeveloped over time in the next few years. Accordingly a future relocation is required. The number of vehicles will be approximately 25 mini buses, 3 vans and up to 7 cars at any one time. The number of potential employees will be circa 4 Council staff who will have a small office in the main Rugby Club building, plus 22 passenger drivers - who will also need to park on site. The red line access will incorporate the private access road leading to Monks Lane to the north i.e. the public highway.

5.1.2 To the south of the application site lies Barn Copse an ancient woodland, to the east lies a further informal/overspill parking area, and to the west the David Lloyd leisure centre, recently built. For information Members of the Committee should be aware that a recent permission has been granted under delegated powers under reference 17/01446/comind for a new 61 bed care home on land immediately to the north of the leisure centre. This in time will also derive vehicle access off the private road to Monks Lane.

5.1.3 It is envisaged that the principal times of use of the new facility will be during the day in the week with some use on Saturdays and none on Sundays. During the week the start time would be c6am and the last finish time of c8pm.

6. Consideration of the application

The application will be considered under the following headings.

6.1 - Policy.

6.2 - Highways.

6.1. Policy

6.1.1 The HSADPD as adopted in May of 2017 includes [inter alia] a number of core objectives outlined in Appendix 5. Objective 5 relates to infrastructure needs and clearly the continuing provision of effective Schools Transport is one such service facility. Objective 7 relates to transport and again the relevance to this particular application is clear. In addition in Appendix 6 of this document, the revised and updated settlement boundaries note that the application site now lies within the defined settlement of the town boundary - and it is clearly an existing brown field site. Accordingly it is clear that the use of the land as a car park is consistent with extant policy in the HSADPD.

6.1.2 The Council core strategy as adopted in July of 2012, has a range of policies which would support the application. The first is ADPP2 which corresponds to Newbury. Bullet point 1 under the Accessibility section [for example] notes that the demand for travel will be managed, via improving choice in transport modes. This application clearly involves "public" transport for school children. Next, policy CS5 concerns itself with the need to effectively co- ordinate infrastructure provision: it is clear that since the existing site is to be redeveloped over time it is necessary to provide an alternative site for schools car parking. Next, policy CS13 concerns itself with Transport as a whole and seeks sustainable options for transport. Given that Newbury is the central focus for built development in the District it is appropriate that this central facility continues to be located in the town boundary, i.e. it is the most sustainable option available - within reason.

6.1.3 Policy CS17 in the same Plan seeks to conserve local biodiversity. The Committee will be aware from their site visit that to the south of the application site lies Barn Copse an ancient woodland. Whilst not a SSSI, it is important to protect the biological integrity of the woodland as evidenced by the response of Natural England and the Woodland Trust. Whilst the application red line does not impinge upon the woodland it is necessary to have an offset 10m boundary/margin against the boundary and this will be conditioned as required. Next, policy CS19 considers landscape character: the application site is fortunately very well screened from wider views by virtue of the fact of existing built form, the fact that it lies at lower level than much of the surroundings and the fact that the woodland screening to the south is excellent. Accordingly the visual impact of the additional vehicles parked on the site will be minimal in the officer's view. Accordingly there will be little harm to local landscape character and of course the wider Sandeford housing allocation needs to be borne in mind in this respect.

6.1.4 Officers accordingly conclude that there are no policy objections to the application being approved.

6.2. Highways

6.2.1 The highways officer has carefully examined the proposal and has no objections to the application scheme. There is increasing concern regarding the access onto Monks Lane and how busy it can become. The area is also sensitive traffic wise due to the allocated Strategic Housing site of Sandlesford Park. The following points are raised.

1 - The large part of the expected traffic movements, generated to and from the site, will be off peak between 06.00 and 08.00 and 18.00 to 20.00. There is also a given fact that an early start is required for many of the traffic flows prior to school opening times to access the pupils in question who will live around the District. Similarly school closure times tend to occur before the evening peak rush hour periods. In addition when the Rugby Club is used the most in the evenings and weekends the school transport service users demand will be at its lowest.

2 - There is some concern that buses will be arriving back on site simultaneously with visitors to the Rugby Club and the Leisure Centre, however this will be off peak after 18.00 when traffic levels on Monks Lane will be lower. Furthermore the number of vehicle movements generated by the 30 vehicles parked will not, over a period of two to three hours, be so significant as to have a "severe" impact on the local road network which is the test to be applied in the advice in para 32 of the NPPF. On this basis, notwithstanding the fact that additional planning commitments such as the new care home will impact upon Monks Lane, in terms of further traffic flows, the application is acceptable.

3 - Highways Officers had concerns regarding car parking levels within the location. However the application site in any event had a de facto use for the Southern Ambulance service who used the site to park their vehicles, but have since relocated to an alternative site in the Hambridge Lane industrial area. It is understood up to 30 vehicles were parked on the site.

6.2.2 In conclusion Highway Officers raise no objection and it is accordingly concluded that the application meets the advice in policy CS13 in the Core Strategy which relates to transport matters.

7. Conclusion

7.1 All planning applications must be determined in accord with the three tenets of sustainability in the NPPF. In economic terms the application is neutral since it involves no new employment but merely the relocation of an existing facility. In social terms, the application is encouraged, since it will continue to support a much needed transport service for special needs pupils. Finally, the potential environmental impacts of landscape, and access have been examined and found to be acceptable - in addition given the lack of any nearby housing there will be minimal if any impact on local amenity by virtue of increased noise from traffic movements.

7.2 In conclusion, given the strong reasons to support the application, a conditional permission is considered to be fully justified.

8. Recommendation

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

CONDITIONS

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.

2 No development shall commence until a scheme to indicate a physical barrier no more than 0.5m high to be constructed a minimum of 10m distance from the boundary of the woodland to the south of the application site along the south boundary has been submitted to and approved in writing by the Council. This scheme shall then be implemented prior to the first use of the car park hereby permitted.

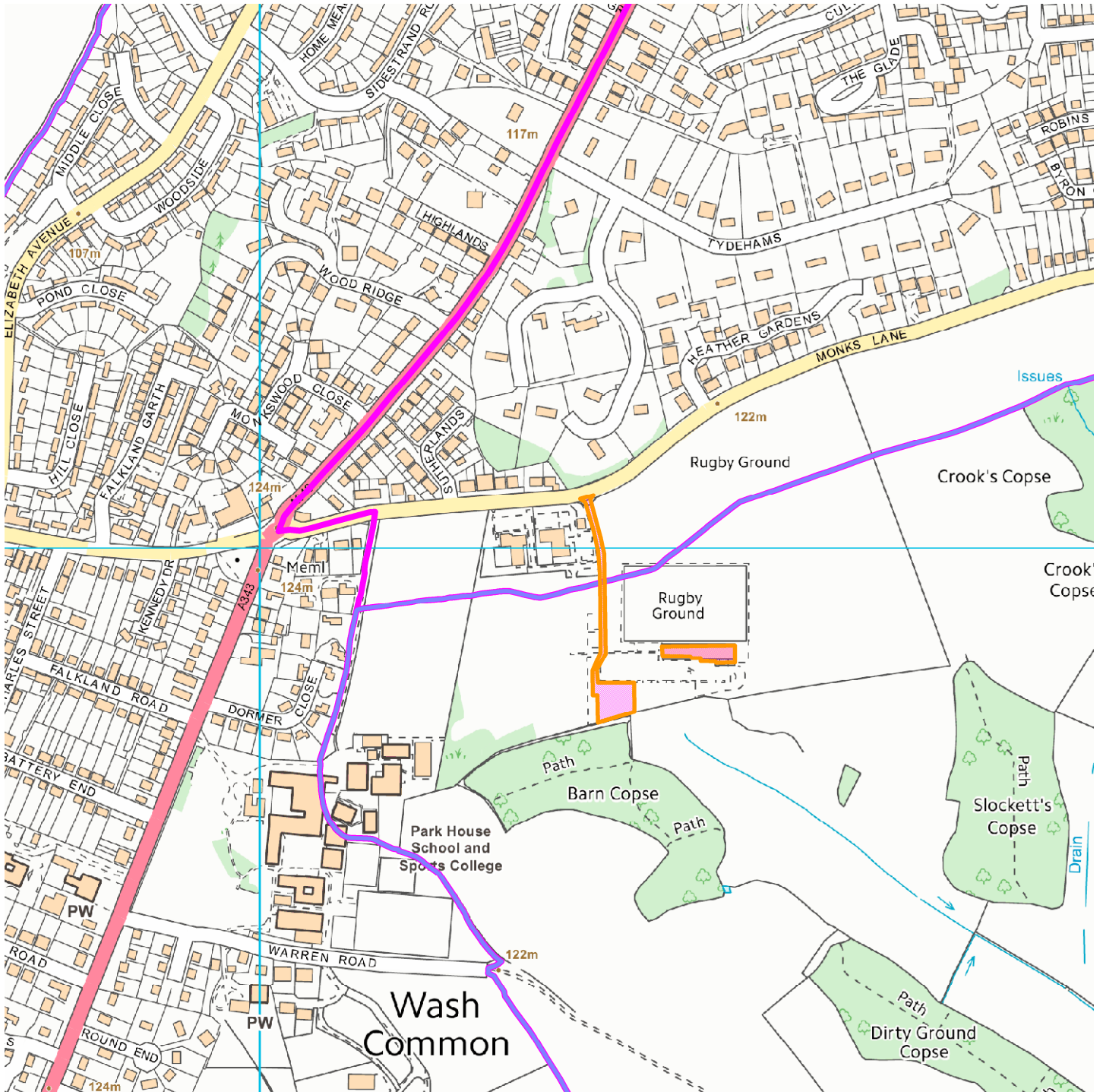
Reason: To protect the margins of the woodland to the south in accord with policy CS17 in the WBCS 2006 to 2026.

3 No development shall commence on the site until a scheme to improve the current hard surface of the application site has been submitted to and agreed in writing by the LPA. Before the car park is put to use, the hard surface shall be laid down to the satisfaction of the Council.

Reason: To ensure the parking surface is suitable for vehicle parking in accord with policy CS13 in the WBCS of 2006 to 2026.

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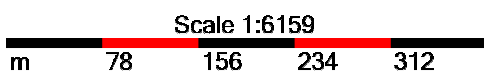
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 February 2018
SLA Number	0100024151



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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
GREAT SHEFFORD 16/02954/FUL Pins Ref 3176451	Wessex Saw Mill Wantage Road Great Shefford J Passey and Sons	Change of use of Old Wessex Saw Mill from the repair, storage and sale of agricultural and heavy goods vehicles to an animal by- product, intermediate plant and horse cremation facility.	Delegated Refusal	Allowed 9.1.18
FARNBOROUGH 16/03381/FULMAJ Pins Ref 3180405	Coombe Lodge Farnborough Wantage Mr White	Replacement of C20th barn with new barn to improved form.	Delegated Refusal	Dismissed 19.1.18
HUNGERFORD 17/01270/HOUSE PINS Ref 3185071	87 Priory Road Hungerford Edward Marshall	Proposed two storey side and rear extension as previous application with the addition of render to be used on the external facade.	Delegated Refusal	Allowed 19.1.18

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GREAT SHEFFORD 16/02954/FUL Pins Ref 3176451	Wessex Saw Mill Wantage Road Great Shefford J Passey and Sons	Change of use of Old Wessex Saw Mill from the repair, storage and sale of agricultural and heavy goods vehicles to an animal by- product, intermediate plant and horse cremation facility.	Delegated Refusal	Allowed 9.1.18
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Decision

The appeal is allowed and planning permission is granted for the change of use of Old Wessex Saw Mill from the repair, storage and sale of agricultural and heavy goods vehicles to an animal by-product intermediate plant and horse cremation facility at Wessex Saw Mill, Wantage Road, Great Shefford, Hungerford RG17 7DQ in accordance with the terms of application Ref 16/02954/FUL, dated 25 October 2016 and in accordance with the 15 conditions in the attached Schedule.

Main Issues

The main issues in this case are the effect of the proposal on:-

- the biodiversity and geodiversity of the area, including the River Lambourn Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), having particular regard to foul and surface water drainage;
- the living conditions of nearby occupiers;
- the landscape character of the area, including the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and its enjoyment by users of nearby public rights of way.

Reasons

The proposal includes a disposal service for fallen animal carcasses and the cremation of horses. The operation of the facility would entail the collection and the return to site of fallen stock. On site, the fallen stock would be stored temporarily in a covered skip in the main building, whilst awaiting onward transfer for incineration at regulated facilities elsewhere. The cremation of horses would be likely to occur between 2 and 3 times a week and the incinerator which would be served by a chimney stack which would be approximately 7.81 metres in height.

Biodiversity and Geodiversity

The appeal site is located within Flood Zone 1 to the north of the River Lambourn SSSI and SAC which the appellants have calculated to be 2.5 kilometres distant. SAC are afforded protection under the EU Habitats Directive (92/43/EEC) and the Conservation of Habitats and Species Regulations 2010. SSSI are afforded protection under the Wildlife and Countryside Act 1981 (as amended).

One of the aims of Policy CS 16 of the West Berkshire Local Plan, West Berkshire Core Strategy (2006-2026) (CS) is for development to manage surface water in a sustainable manner and where possible provide benefits to water quality, biodiversity and amenity. CS Policy CS 17 seeks to conserve and enhance biodiversity and geodiversity. Saved Policy OVS.5 of the West Berkshire District Local Plan (LP) has similar aims and states that development will only be permitted where it would not give rise to unacceptable pollution of the environment.

Paragraph 109 of the National Planning Policy Framework (the Framework) states that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible; and preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution. Paragraph 120 of the Framework states that to prevent unacceptable risks from pollution ... planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area ... should be taken into account.

The Council and interested parties are concerned that there is the potential for activities upon the site to pollute ground water within the locality, including the aquifers below the site which would be harmful to the River Lambourn SAC and SSSI.

To address such concern, the appellants have indicated that they would install a new drainage system upon the site. This system would include new surface water drains with grit and silt separators and the provision of a reed bed. The existing septic tank on the site would accommodate waste water from the proposed office use, and an above ground waste water storage tank located outside of the building would be installed to accommodate other waste water from the site including that from the washing down and disinfecting of vehicles once they have been unloaded. Whilst indicating within the planning application that this would be second hand, the appellants have indicated that a new tank would be installed.

It is asserted by the Council that contamination from vehicles transporting carcasses would be likely to pollute nearby watercourses. This concern has not however been substantiated. In any event, it is reasonable to assume that containers transporting animals are sealed and the likelihood of waste seeping from them would be low. The appellants submit that the transportation of animal by products would be by licenced transportation companies which are governed by other legislation outside of the planning system. The Inspector had no evidence before him to doubt the effectiveness of other regulatory controls which would apply to such operations.

The Council and Environment Agency did not raise flood risk as a specific concern in respect of the proposal. Local residents have however expressed concern that during times of flood, pollution to ground water sources and nearby bore holes would be likely to occur. A photograph submitted in evidence shows water upon the site.

Whilst considering that the flood event shown in the photograph was the result of a blocked culvert, the appellants have indicated that they would widen, deepen and re-profile the existing ditch and provide an overflow ditch to reduce flood risk to the site. Material from the works to the ditch would be added to the existing bund to provide additional flood protection. The proposed works to nearby ditches would be likely to reduce the risk of flooding upon the site and the associated risk of pollution to water sources. In considering this matter, the Inspector noted that the Environment Agency and the Council raised no objections in this regard.

Representations have been submitted that the ditch to the south of the site falls outside of the control of the appellants. Whilst noting this matter, the Inspector considered the appeal proposal on its merits. In the event that the proposal includes land outside the control of the appellants, the granting of planning permission does not allow development to take place upon such land without the necessary consents being obtained. Accordingly, his decision did not turn on this matter.

In light of the foregoing, the advice from the Environment Agency and Natural England, and in the absence of convincing evidence to demonstrate otherwise, he was satisfied that the proposed drainage measures would reduce the likelihood of contaminants from the activities on the site entering ground water sources in the locality, including nearby boreholes. Even if a second hand waste water storage tank was used, its design above ground would allow the operators of the site to detect any defects in this system. This would be unlikely to be the case if it were underground. The Inspector therefore found that the proposal would be unlikely to have an adverse effect upon the biodiversity and geodiversity of the area or result in harm to the conservation value of the River Lambourn SAC and SSSI. There would be no conflict with the aims of CS Policies CS 16, CS 17 and LP Policy OVS.5 or the biodiversity objectives of CS Policy CS 14. The statutory tests would be met.

Living Conditions

Amongst other matters, CS Policy CS 14 requires development proposals to make a positive contribution to the quality of life in West Berkshire. This policy recognises that good design relates not only to the appearance of a development but the way in which it functions.

It had been put to him that the proposal would have an adverse effect on the living conditions of nearby occupiers, as a result of odours from the site and air quality, including from outdoor storage of containers and from the cremation of horses.

The closest residential property to the appeal site is Wessex Rise, which adjoins the southern boundary of the site. Although not shown on the submitted drawings to be within the appellants' control, the Council has indicated that Wessex Rise is tied to the appeal site by way of a legal agreement. This is not disputed. The Council has indicated that as a result, the proposal would be unlikely to have an adverse effect upon the living conditions of occupiers of this property.

There are a number of other properties within the locality, with the closest being Trindeldown Farm which is approximately 200 metres from the appeal site.

There is the potential for odours from animal carcasses polluting air quality which could be detectable over a wide area. The appellants have however indicated that animal carcasses would not be stored outside of the building. By being stored within the building, odours from animal carcasses would be contained and would be unlikely to be detected outside of it. An odour elimination system is proposed and measures contained within an Odour Management Plan (OMP) would be implemented. The Council would be able to ensure that both the odour control system and OMP was suitable for the proposed use.

In terms of fumes from the proposed incinerator, the appellants submitted a report¹ with the planning application which assessed the impact of its use on air quality in the locality, including at nearby residential properties. The report found that fumes from this process would be unlikely to result in complaint from nearby occupiers. Whilst noting the concerns raised by nearby occupiers, the Inspector noted that the Council's Environmental Health Officer found that the incinerator would have a low impact on local air quality. In the absence of substantive evidence to demonstrate otherwise, he had no reason to find differently in this regard.

Concern has also been raised about the hours that the facility would operate. The appellants have indicated within their report that although they would offer a call out service 24 hours a day, the operation of the business on the site would be from 09:00 to 17:00 Monday to Friday. The Inspector noted that the Council did not raise this matter as a specific concern. He found that the hours proposed would not commence unreasonably early in the morning, late at night or at the weekend when nearby occupiers would be at home. They are therefore reasonable and would be unlikely to have an adverse effect upon living conditions.

The Inspector also noted the concerns raised about the operation of the appellants' existing facility near Newbury, however the appeal proposal is on a different site, some distance from this facility. He was obliged to determine the appeal on the planning merits of the case, and the operation of a similar business elsewhere carries very limited weight in his consideration of this case.

Whilst he noted nearby occupiers concerns about the impact of odours and fumes, and the suitability of the odour control system and incinerator, the Inspector was satisfied on the basis of the evidence before him that the proposal would be unlikely to result in levels of odours or pollution that would be harmful to the health or living conditions of nearby occupiers. The location of the storage of carcasses, type of odour and fume control systems and the OMP could be controlled by planning conditions. He therefore concluded that there would be no conflict with the aims of CS Policy CS 14 or with the Framework's core planning principle which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Landscape Character and Enjoyment of the Countryside

The appeal site is located within the North Wessex Downs AONB. It is included within Character Area 1b: Lambourn Downs of the North Wessex Downs Integrated Landscape Character Assessment (March 2002). The character of the Lambourn Downs is described as 'largely created by the strong structural landform and the spacious rolling topography typical of the Open Downlands. Long views can be gained across a series of subtly receding ridges, which form strong open horizons.'

Policies of the development plan, namely CS Policies CS 19 and CS 14 require development to be informed by the wider context and conserve and enhance the diversity and local distinctiveness of the landscape character of the area. Policy CS 19 also requires new development to be appropriate in terms of location, scale and design to the existing settlement form, pattern and character. Area Delivery Plan Policy 5 of the CS sets out the Council's strategy for the AONB, including the economy, housing, and the environment. This policy supports small, local businesses in the AONB and requires development to conserve and enhance local distinctiveness, respecting landscape features and natural beauty.

At paragraph 115 the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to landscape and scenic beauty.

There is no dispute that the proposal would support a local business. The Council is however concerned that the proposed use would not maintain or enhance the AONB. CS Area Delivery Plan Policy 5 states that characteristics of the AONB include its tranquillity and dark skies. In terms of the processing on the site, whilst

vehicles would arrive and depart throughout the day, including larger vehicles carrying containers, he was not convinced that the frequency of movements or the size of vehicles would be materially different to those associated with the permitted use of the site. In terms of the processing that would take place on the site, no convincing evidence has been provided that this would have an adverse effect upon the tranquillity of the area. Indeed he noted that the AONB Planning Advisor raised no objection to the principles of the change of use of the building. Lighting upon the site could be controlled by planning condition to ensure that the area's dark skies were preserved.

Turning to the buildings upon the site, their appearance would change primarily as a result of the incinerator flue. This would be taller than the existing building. However the submitted drawings indicate that it would not project significantly above the existing ridge line. From his observations and as a result of the local topography and landform, he considered that the change to the building and the visual impact of the flue would be principally confined to the site and the immediate surrounds, including from the Wantage Road, in close proximity to the site. The flue would not be prominent in the wider landscape.

Whilst the appearance of the building would change as a result of the flue, this would not be significant. He was satisfied that the scheme would not adversely affect the landscape or scenic beauty of the AONB or the landscape qualities of the area as a result.

Whilst acknowledging the Council's concern that the appellants' Landscape and Visual Impact Assessment did not assess the impact of the proposal from nearby public rights of way, given his findings above, the Inspector found that harm to the enjoyment of the countryside would be unlikely to result from the use of the appeal site or the visual impact of the building.

In light of the foregoing, he concluded that the proposal would conserve the landscape character of the area and the AONB and would not have an adverse effect upon the enjoyment of the countryside by its users. The proposal would support a local business and the nature and scale of the proposed use in an existing building with limited alterations would not materially impact on the visual or spatial qualities of the area. There would be no conflict with the aims of CS Policies CS 14, CS 19 or Area Delivery Plan Policy 5. Furthermore there would be no conflict with the AONB aims of the Framework.

Other Matters

Local Businesses

It is submitted that the proposal would have an adverse effect on nearby businesses including horse racing yards. It is acknowledged that policies of the development plan support the equestrian and racehorse industries in the area. However, the Inspector had not been provided with convincing evidence that the proposal would have an adverse effect on the local economy in terms of employment opportunities or the success of local businesses. He noted that the Council reached a similar conclusion in this regard.

The risk of disease concerns to livestock close to the site has not been substantiated, nor has the effect of the scheme on horses including race horses nearby. He therefore could only attach very limited weight to these matters in his consideration of the proposal.

Highway Safety

Concerns have been raised about the suitability of the access to serve the scheme. He observed that visibility at the access was good in both directions at the time of his site visit so vehicles exiting the site would be able to see other road users in the highway and vice versa. Furthermore, there is an apron to the front of the site which would allow vehicles to pull off the road before accessing it. In the event that the gates to the premises were closed, vehicles using it would be able to drive onto the apron off the highway whilst waiting for them to be opened. Vehicles accessing the premises would not therefore be stationary in the highway whilst waiting to access the site.

Local residents consider that the local road network would not be able to accommodate traffic associated with the proposal safely. Reference is made to the 'S' bends and footway provision in Great Shefford. Whilst noting this matter, the Wantage Road is a main road through the area and he had not been provided with convincing evidence to demonstrate that the local highway network could not accommodate vehicles associated with the development safely. It is noteworthy that the Highway Authority raised no objections to the appeal scheme and having regard to his findings, he had no reason to find that harm to highway safety would occur as a result of the proposal.

Effect on Bats

No substantive evidence has been provided to substantiate this concern and the Inspector noted that the Council did not include the effect on protected species as a reason for refusing the planning application.

Whether EIA Development

Representations have been submitted that the proposal comprises Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The application form indicates that the floor area of the proposal would be 453 metres squared. This falls below the threshold set out in Schedule 2 of the Regulations for a knackers yard. On this basis he was satisfied that it was not necessary for the appellants to submit a screening opinion for the proposal. The Council and appellants found similarly when asked this question during the course of the appeal.

Asbestos in Building

It is submitted that there is asbestos within the building. Whilst noting this matter, the removal of such material is regulated by other legislation and does not form part of his consideration of the proposal.

Conditions

The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was allowed. The Inspector had considered the suggested conditions against the guidance on conditions set out in the Planning Practice Guidance and the Framework at paragraph 206.

In the interests of biodiversity and geodiversity a condition is necessary requiring a monitoring and management schedule associated with the existing and proposed foul drainage systems. A condition is also necessary in respect of surface water drainage works to ensure that the proposal does not result in flood risk.

In the interests of pollution control a condition is necessary requiring an assessment to be made in respect of any contamination on the site, along with necessary mitigation.

In the interests of living conditions and pollution control, conditions are necessary to prevent external storage of containers and vehicles with carcasses in or on them, controlling the number of storage containers on the site and the length of time they can be stored. Conditions are also necessary requiring details of equipment to control the emission of fumes and odours from activities on the site and their implementation, and the submission and implementation of an OMP. To protect the character and appearance of the area, conditions are necessary requiring a landscaping scheme to be submitted, implemented and maintained, and to control external lighting.

Although not suggested by the Council, a condition requiring that the development is carried out in accordance with the approved drawings is necessary to ensure that the scheme is developed as approved.

The condition suggested by the Council's Environmental Health Officer to cease the activities at the appellants' existing operation is not reasonable and the Inspector had therefore not attached such a condition. On the basis of the evidence before him that Wessex Rise is tied to the appeal site, it is not necessary to control the occupation of this property by planning condition.

Conclusion

For the above reasons, and having regard to all other matters raised, the appeal is allowed.

DC

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FARNBOROUGH 16/03381/FULMAJ PINS Ref 3180405	Coombe Lodge Farnborough Wantage Mr White	Replacement of C20th barn with new barn to improved form.	Delegated Refusal	Dismissed 19.1.18
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Main Issue

The main issue is the effect of the replacement barn on the character and appearance of the surrounding area and North Wessex Downs Area of Outstanding Beauty.

Reasons

Coombe Lodge is a recently built replacement dwelling which occupies a relatively large rural estate in the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This includes an existing mono pitched barn to the south-east of the main dwelling. The barn fronts directly onto a Public Right of Way (PROW) and has an area of hardstanding to the front.

The existing barn is of modern construction and has a functional appearance. Nevertheless, it blends in with its rural surroundings being not particularly high, partly timber clad and sitting amongst existing mature trees. It is proposed to replace this with a barn of a more traditional design, constructed of traditional materials and with a rural vernacular appearance. It is also to be re-orientated away from, and side onto, the PROW.

Policy ENV20 of the West Berkshire District Local Plan (2007) (LP) concerns the redevelopment of existing buildings in the countryside. This sets out the criteria that such proposals should meet, which includes that it has no greater impact (in terms of the size and bulk of the buildings or site coverage) than the existing development and that it would not be visually intrusive or harmful to the amenities of the site or surrounding countryside.

The replacement barn would have a larger footprint and would be taller than the existing barn therefore the Inspector considered it would have a greater visual impact on the surrounding countryside and AONB in spite of its lower eaves. She also had concerns over the position of the replacement barn. The existing barn is tucked into the edge of a field adjacent to the PROW which is lined by very large, mature trees. This significantly reduces its visual impact. The proposed replacement barn, however, along with being bigger and taller, would project out from the field boundary away from the screening provided by the trees along the PROW. It would therefore appear more prominent in the wider landscape due to its new siting.

As set out in the National Planning Policy Framework great weight should be given to conserving landscape and scenic beauty in AONBs. For the above reasons the proposal would clearly conflict with Policy ENV20 of the LP resulting in harm to the character and appearance of the surrounding area and the AONB. She also found conflict with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) which, amongst other things, seek to conserve landscape character including that of AONBs.

That the proposal would be an upgrading in design and would move the barn away from the PROW does not override my findings above. She understood that an enlarged barn is required for various reasons including the storage of gardening equipment, a game larder and provision of shelter and toilet facilities for staff but this does not justify the harm that she found. Furthermore, there was nothing before the Inspector to suggest that the proposal would significantly change the fact that the appellant is a local employer such that my concerns above would be outweighed.

The appellant argues that a much larger barn could be erected for agricultural purposes under permitted development rights. However, there is nothing before me showing that this 'fall-back' is actually available and lawful. Furthermore, given the appellant's concern over the visual impact of the existing smaller barn, their obvious interest in design, and their desire to use the

replacement barn for, amongst other things, entertaining, the Inspector considered that even if such rights did apply there is no greater than a theoretical possibility that the appellant would exercise these regardless of how economically viable such an option might be. This therefore limits the weight the Inspector could attach to it as a 'fall-back' position.

The Inspector understood the appellant received positive pre-application advice for the proposed development and can understand their frustration at then receiving a refusal of planning permission. Nevertheless, local planning authorities are not bound to accept the recommendations of their officers. She also noted discussion regarding the extension of the existing barn between the appellant and the Council, but that is not what was before her and she had to arrive at a decision based on the merits of the proposal on which the Council's decision was based. Finally, the absence of letters of objection or presence of letters of support is not a determining factor in this appeal which has been determined on its own planning merits.

For the above reasons, and having had regard to all matters raised, the appeal is dismissed.

DC

HUNGERFORD 17/01270/HOUSE	87 Priory Road Hungerford	Proposed two storey side and rear extension as previous application with the addition of render to be used on the external facade.	Delegated Refusal	Allowed 19.1.18
PINS Ref 3185071	Edward Marshall			

Preliminary Matter

Both main parties agree that the proposed works are identical to a proposal previously approved under reference 16/03237/HOUSE; however this appeal proposal introduces render to all four elevations, albeit on west and south elevations this would only be at first floor level.

Main Issue

The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

The appeal property is a two storey detached dwelling in an area with a range of primarily detached and semi-detached homes. The locality is of established residential character with a pleasing appearance which could be described as suburban in style. The appeal proposal is as described above.

The Council is concerned that the scheme proposes that most of the new and some parts of the existing walls would be rendered. It underlines that this site is located within the North Wessex Downs AONB in an area of Hungerford characterised by red and brown, brick built dwellings. The case is put that existing dwelling protrudes further forward than neighbouring properties and the proposed rendering would increase the prominence of the dwelling within the street scene. The Council considers that this would result in a property that is intrusive and incongruous when read against the prevailing built character of the area and hence the scheme fails to secure high quality design that responds and reflects local character.

The Inspector agreed with the Council's analysis that the area, which is effectively a large housing estate, is principally made up of dwellings in red or brown brick. He did note some instances of render in use but this is very much in the minority. The property does project forward of its immediate neighbours although this is not the case when compared to much of the rest of the street along the eastern side of Priory Road. He did not class it as particularly prominent given building line variation, height uniformity, frontage soft landscape, the proximity of a corner on the highway, a nearby junction arrangement and other elements within the scene.

The Inspector was not convinced that in every instance materials for every dwelling need to slavishly copy their neighbours or indeed the external appearance of the original un-extended dwelling. The extension works in themselves would make quite a radical change to the elevational form and scale of the dwelling and the Appellant has chosen to go down a route with a relatively modern design. Over time he could foresee that others may follow as clearly this type of dwelling in this scale of plot lends itself to extension work and it would be quite likely some degree of individuality and update would wish to be expressed. The Inspector considered that the planned render is not an aesthetic problem in this part of a sizeable settlement which, whilst falling within an AONB, was not to his eye a principal defining or presumably determining part of this designation. Indeed parts of Hungerford are specifically drawn out in development plan policy as key elements of the AONB and this is not one of them. In any event he saw no aesthetic harm in having some degree of visual punctuation by the use of varied materials in this neighbourhood. Furthermore the Inspector took the

Appellant's points about energy efficiency being assisted by the intended finish and the intent to use a render with more subtlety than brilliant white.

The West Berkshire Core Strategy 2006-2026 includes Policies ADPP5, CS 14 and CS 19. Taken together, and amongst other matters, they seek to ensure that development is of good design reflecting local distinctiveness and the sense of place of the AONB and being of an appropriate form and appearance to safeguard the character and landscape qualities of a locality. Given the nature of the scheme and this location, the Inspector concluded that the appeal proposal would not run contrary to these policies.

Conditions

Works have commenced at the site which negates the need for a standard condition on this matter. The Council suggests a specific condition relating to materials which the Inspector agreed with in the interests of visual amenity. He also agreed that window restrictions should apply in line with the Council's suggested two conditions in order to protect residential amenity. There should also be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. A specific condition relating to car parking seemed unnecessary to his mind given the scale of the front garden area and the layout of the local road system. Given that works are very well progressed, he also saw no need for specific limitation on hours of construction.

Overall conclusion

For the reasons given above, the Inspector concluded that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is allowed.

Decision

The appeal is allowed and planning permission is granted single and two storey side and rear extensions at 87 Priory Road, Hungerford, Berkshire, RG17 0AW in accordance with the terms of the application, Ref 17/01270/HOUSE, dated 4 May 2017, subject to the following conditions:-

- 1 - The materials to be used in the development hereby permitted shall be as specified on the plans and the application form with the exception of the brick and render which shall be as specified in the emails from the agent to the Council dated 30th August 2017.
- 2 - The development hereby permitted shall be carried out in accordance with the following approved plans: 16036/001D, 002D & 003D.
- 3 - The kitchen window at ground floor level in the North elevation, the first floor window in the North Elevation and the first floor window in the South elevation shall be fitted with obscure glass before the extensions hereby permitted are brought into use. The obscure glazing shall be permanently retained in that condition thereafter.
- 4 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows which would otherwise be permitted shall be constructed at first floor level or above in the northern or southern elevations of the extension hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

DC