

Notice of Meeting



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Western Area Planning Committee Wednesday 16th May 2018 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

Members Interests

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

Further information for members of the public

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



Agenda - Western Area Planning Committee to be held on Wednesday, 16 May 2018
(continued)

Any queries relating to the Committee should be directed to:

Jenny Legge on (01635) 503043, jenny.legge@westberks.gov.uk

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Date of despatch of Agenda: Tuesday, 8 May 2018



Agenda - Western Area Planning Committee to be held on Wednesday, 16 May 2018
(continued)

- To:** Councillors Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Billy Drummond, Adrian Edwards, Paul Hower, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing
- Substitutes:** Councillors Howard Bairstow, Jeanette Clifford, James Fredrickson and Mike Johnston
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Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 20
To approve as a correct record the Minutes of the meeting of this Committee held on 25th April 2018 (attached) and 8th May 2018 (To Follow).
 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: 18/00529/FULEXT, Land West of New Road, North of Pyle Hill, Newbury** 21 - 38
- Proposal:** Erection of 36 dwellings with associated roads, amenity open space, and access to New Road.
- Location:** Land West of New Road, North of Pyle Hill, Newbury
- Applicant:** Rivar Limited
- Recommendation:** **The Head of Development and Planning be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.**



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(continued)

- (2) **Application No. and Parish: 17/03553/FULD Land east of Curridge Green Riding School** 39 - 56
- Proposal:** Erection of a three bedroom rural workers dwelling associated with Curridge Green Riding School.
- Location:** Land east of Curridge Green Riding School
- Applicant:** Mr & Mrs Dempster
- Recommendation:** **The Head of Development and Planning be authorised to REFUSE planning permission**

Background Papers

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

Andy Day
Head of Strategic Support

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

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 25 APRIL 2018

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

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

Apologies for inability to attend the meeting: Councillor Billy Drummond and Councillor Paul Hewer

PART I

53. Minutes

The Minutes of the meeting held on 4 April 2018 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of an informative regarding sprinklers, as recommended by Royal Berkshire Fire and Rescue Service, in respect of application 18/00223/FULD.

54. Declarations of Interest

There were no declarations of interest received.

55. Schedule of Planning Applications

(1) Application No. and Parish: 17/03392/OUTD - Land at Windsor House Stables, Crowle Road, Lambourn

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/03392/OUTD in respect of land at Windsor House Stables, Crowle Road, Lambourn.
2. In accordance with the Council's Constitution, Councillor Jane Rowlinson, Parish Council representative, Mr David MacKinney and Mr Jerry Spary, objectors, and Mr Charlie Parker and Mr Aaron Peate, applicant and agent, addressed the Committee on this application.
3. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable, subject to the first completion of a s 106 planning obligation. Officers on balance recommended the Committee grant planning permission.
4. Paul Goddard was invited to make a comment of the highways matters. He advised that the Highways Officer had considered the design which complied with the Council's standards for road width, sight lines and parking. Objectors had raised concerns regarding traffic movements and potential conflict between the residents of the proposed dwellings and the activity of the stable yard. Officers had

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estimated that the development would generate 32 traffic movements per day, of which four would be in each of the morning and evening peaks. Paul Goddard admitted he was not an equine expert however the site would generate a small number of traffic movements so he did not think it would cause harm.

5. Councillor Rowlinson in addressing the Committee raised the following points:
 - Lambourn Parish Council supported the local racing industry. The relocation of the current trotting ring would make the stable yard inoperable and so they could not support the application.
 - There would be horses crossing the road from the stables to the relocated trotting ring several times per day. It would be difficult to maintain the safety of the road and road users because horses were unpredictable animals.
 - The number of traffic movements had been underestimated as there would also be horse boxes and delivery vehicles using the dual access.
 - The proposal would cause fragmentation of the stable yard, which Policy CS12 sought to prevent.
 - There had also been flood issues in the area.
6. Councillor Paul Bryant sought clarification on what had been meant by dual access as the proposal showed only one access point to the development. Councillor Rowlinson advised that she meant the access would have dual-use by residents and the stable yard.
7. Councillor Adrian Edwards asked whether pedestrians or horses had priority on the highway. Councillor Rowlinson advised that horses would keep left and they and their handlers wore high visibility jackets. Vehicles would be allowed to pass if it was appropriate but as it was likely that young horses would be using the road, there was a risk to pedestrians sharing the space because there would be no barrier or buffer. Councillor Edwards sought clarification that there would be no pedestrian footpath. Councillor Rowlinson advised that there would be a 2m wide pathway with no kerb and in her view this would not protect pedestrians.
8. Councillor Hilary Cole sought clarity on Lambourn Parish Council's position on housing development. Councillor Rowlinson advised that they supported housing in the right place. They considered that this application should not be in a race yard and the parking would be inadequate.
9. Councillor James Cole requested information regarding the running of the stable yard and the consequent traffic movements. Councillor Rowlinson advised that the racing day usually operated 6am-12pm, then 4pm-6pm. Horses would be lead in small groups to the warm up area. Councillor James Cole noted that this happened at present. Councillor Rowlinson continued that under the new development horses would have to cross the road to the new trotting area and this presented an increased risk to both horses and other road users. Councillor James Cole enquired whether the Parish Council objected to the trotting ring being located on the opposite side of the road. Councillor Rowlinson responded that in her view it would fragment the yard, which Policy CS12 sought to prevent. Councillor James Cole noted that the officers' interpretation of policy CS12 in the committee report accepted that the proposed development would support the racing industry. Councillor Rowlinson advised that the statement that the applicant would put reinvestment into the yard would be unenforceable.
10. Councillor Pick asked whether the relocation of the trotting ring to a larger field would be of benefit to the stable yard. Councillor Rowlinson expressed concern that the proposal was to create a small trotting ring in one corner of the field and horses might be able to escape.

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11. The Chairman permitted the objectors to table a plan depicting the access arrangements as it had been submitted as part of the application. Mr MacKinney and Mr Spary in addressing the Committee raised the following points:
 - Pedestrians would be encouraged to use a pathway which would run close to the entrance of the stable yard. Horses would have to cross this pathway to access the new trotting ring.
 - The development would prejudice the ability of the yard to continue operation.
 - The development could set a precedent for other yards in Lambourn.
 - While they did not question the integrity of the applicant, the assurance that there would be reinvestment into the yard was unenforceable.
12. Mr Parker and Mr Peate in addressing the Committee raised the following points:
 - Mr Parker advised that he had 40 years experience in the racing industry and was involved in the local community. He bought Windsor House in 2011; it was near derelict and he had invested £1m in the house and business. When he bought the house the only other interest had been from a developer.
 - A five-year lease with the trainer had been signed recently.
 - A new facility would be constructed in the paddock opposite the proposed site to improve the training environment for young horses before graduating to the gallops.
 - It was intended that some of the housing would be used by staff.
 - The applicant had worked with officers for a number of years to produce an acceptable scheme.
13. Councillor Bryant noted that concerns had been raised regarding large vehicles using the access and enquired whether there would be turning space in the yard. Mr Parker responded that larger boxes would not be able to turn in the yard and might have to reverse out, with a member of staff to check the safety of the road. Mr Parker confirmed that this was the case at present. Councillor Bryant asked how the safety of the public could be guaranteed. Mr Parker advised that the safety of the public and horses was paramount and was of the view that the plans were sensible.
14. Councillor Bryant further asked what assurances there were that the housing would be used to support those in the racing community. Mr Parker advised that one unit of affordable housing had been proposed and would be conditioned.
15. Councillor Clive Hooker asked who had ultimate responsibility for safety on the stable yard. Mr Parker advised that it was the trainer.
16. Councillor James Cole asked why he should not be concerned regarding potential conflict between young horses and pedestrians. Mr Parker responded that at present there was no proper access to the site. Under the application proposals there would be a formalised access with demarcated areas. As some of the housing would be used by staff if it was likely that they would walk to work and be confident enough around horses so as not to be presented with any risk should they come into contact on the pathway. At present there was potential conflict between horses and Mr Parker's guests and visitors but there had been no issues to date.
17. Councillor Garth Simpson asked what traffic analysis had been carried out on the potential conflict between the operation of the yard and residents. Mr Peate advised that a traffic assessment had been submitted with the application and it

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- was not anticipated that movement of horses would coincide with the morning or evening peak.
18. In response to a question from Councillor Pick, Mr Parker expressed the view that the new trotting ring would be better designed and a better training facility.
 19. Councillor Beck enquired where stable staff would park. Mr Parker advised that there were 5-6 spaces in the main yard. Councillor Beck further asked when the use of the alternative paddock would be formalised. Mr Peate advised that the legal agreement would cover this matter.
 20. Councillor Hilary Cole sought clarification on the intended use of the housing. Mr Parker advised that one unit would be managed by a housing association and the other may be offered to a member of staff on a lease. Councillor Hilary Cole noted that Mr Parker would be able to sell the site so there would be no guarantee. Michael Butler clarified that planning permission, if granted by the Committee, would be on the land and not personal to the applicant. He did not doubt that the applicant had legitimate intentions but it would be possible for the applicant to sell on the site. The S106 agreement would ensure one housing unit was used as affordable housing. The Registered Social Landlord would have the final say in which tenant would be offered the affordable property.
 21. Councillor Dennis Benneyworth asked where the loading ramp would be. Mr Peate advised that the layout of the site would be determined under reserved matters. Councillor Benneyworth noted that there would be manoeuvring issues on the site and asked if the trainer was aware that there may be development on the site prior to signing the five-year lease. Mr Parker confirmed that was the case.
 22. Councillor Gordon Lundie, speaking as Ward Member, in addressing the Committee made the following points:
 - He had lived close to the site for 16 years and knew the area well.
 - While a member of the Western Area Planning Committee, he had voted against any application which would diminish a yard's viability.
 - Windsor House had an illustrious history and the applicant had developed a thriving yard.
 - Policy CS12 was simple in that permanent fragmentation of yards should be avoided. The proposal before the Committee would challenge the viability and future of the yard.
 - In his experience, partial development of a yard would lead to full development and thus a risk to Lambourn's racing industry.
 - He noted that the trainer was not present at the Committee.
 - Lambourn needed small, medium and large yards to be viable.
 - While Windsor House did require investment, the proposal was not the appropriate solution and could lead to development of the entire site.
 23. Councillor Bryant asked whether Councillor Lundie's objection was regarding fragmentation. Councillor Lundie responded that Policy CS12 stated that the Council should permit development when it would benefit the racing industry and his view was that this proposal would not.
 24. Councillor Edwards asked whether there had been any accidents while Councillor Lundie lived in the area. Councillor Lundie advised that he was not aware of any involving horses but Crowle Road was often used as a shortcut to avoid the High Street and the road was therefore busy. Councillor Edwards asked whether additional pedestrians would be at additional risk. Councillor Lundie stated there

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- was an increased risk as new residents may not know how to be patient around horses.
25. Councillor James Cole sought clarification on Councillor Lundie's views on fragmentation. Councillor Lundie advised that over the years he had seen small yards fail because they had not been managed to be successful. He did not believe that development of the site would support the yard to be successful.
 26. Councillor Virginia von Celsing asked Michael Butler to provide more information about Policy CS12. Michael Butler explained that the council had adopted the policy to support the local racing industry. In the officers' report a balanced view had been taken and it had been recommended to the Committee that the application would support the local race horse economy. Councillor von Celsing further asked whether there was any legal agreement to ensure money raised from the development would be reinvested. Michael Butler advised that it would not be a personal consent so the Council had no control to prevent the applicant selling on the development if he wished. The S106 agreement would cover the affordable housing unit and the trotting area.
 27. Councillor Beck expressed the view that it was an error that the alternative trotting ring could not have been dealt with under the reserved matters application. Michael Butler stated that with hindsight the agent should have included in the red line of the development the trot up area, and therefore conditions could have been applied to it.
 28. Councillor Pick raised a query regarding the location of trees in relation to the position of the houses. Michael Butler advised that layout would be determined under reserved matters but the permission, if granted would allow six houses to be built on the site. Councillor Pick further enquired upon the drainage arrangements; Michael Butler responded that details would need to be submitted to discharge condition 14.
 29. Councillor James Cole asked whether an application which included the land for the alternative trotting ring would avoid the fragmentation issue. Michael Butler advised that an application with no alternative trotting area was likely to have been refused under delegated powers but as there was an alternative available a balanced view had been taken to recommend approval. The S106 agreement would be worded in such a way to require that an alternative trotting area was provided before development could commence.
 30. Councillor Bryant asked Paul Goddard for more information regarding the assessment of road safety. Paul Goddard advised that the anticipated traffic levels associated with six houses would be very low and horses were not likely to be on the road during peak hours. Taking a common sense approach, horses were likely to be managed by trained staff and drivers should allow horses to pass.
 31. Councillor Simpson expressed the view that he would have liked firmer information regarding traffic movements.
 32. Councillor von Celsing stated that on the basis of Councillor Lundie's presentation, she could not support the application. Councillor James Cole stated that he was not averse to the principle of the development and would be interested in Councillor Benneyworth's views.
 33. Councillor Hilary Cole stated that Lambourn was a racing village and of members of the Committee only she and Councillor Bryant had contributed to the development of policy CS12. It was a strong policy and councillor Lundie was right to be concerned about the impact on the racing industry. Smaller yards should be supported but the proposal before the Committee was not the way forward.
 34. Councillor Benneyworth expressed the view that the trotting ring was in its present location because that was the most appropriate location; he did not think the field

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opposite the site was the best place for it. Councillor Benneyworth advised that he was involved in racing and had seen the erosion of training facilities. Horses could be dangerous animals so it was not ideal that the access to the site would be shared. Horse management was a seven day per week business and he had reservations about the proposal.

35. Councillor Bryant posited that smaller stables might not continue to be economically viable. Councillor Hilary Cole suggested that smaller stables were essential to ensure trainers gained experience.
36. Councillor Edwards stated that he had listened to the speakers and the debate. He expressed concern regarding the direction of the conversation, in the light of the limited objections by consultees and speculated that had the Jockey Club Estates not submitted an objection the application might have been approved. Councillor James Cole expressed the view that the Jockey Clubs Estate objection was relevant to the Committee's consideration of Policy CS12. Further, he expressed the view that the application was not acceptable on grounds of safety.
37. Councillor Hilary Cole proposed that the Committee reject officers recommendation and refuse planning permission on the ground of Policy CS12, the lack of a S106 agreement and concerns regarding the adequacy of access and the safety of pedestrians. The proposal was seconded by Councillor Beck.
38. The Chairman invited the Committee to vote on the proposal of Councillor Cole as seconded by Councillor Beck. At the vote the motion was carried, with one abstention from Councillor Edwards.

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

1. The Council is not satisfied that the application to develop part of the stables at Windsor House is acceptable, having regard to the advice and policy thrust of CS12 in the WBCS of 2006 to 2026. This policy seeks, where possible, to retain and enhance existing race horse stables in the District area via non fragmentation and loss of facilities on site. This proposal does not satisfy that position, having regard in particular to the supporting text in the policy about protecting existing yards. In addition any development which could harm the future viability of a yard which supports local employment is contrary to the advice in policy CS10 in the WBCS of 2006 to 2026 and the advice in paras 28 and 70 of the NPPF of 2012. It is thus unacceptable.

2. The applicant has failed to enter into the required s106 obligation which would ensure the delivery of one affordable housing unit on the application site. This lack of an affordable unit is contrary to policy CS6 in the WBCS of 2006 to 2026. It is thus unacceptable. In addition a s106 obligation has not been agreed in terms of the delivery of the off-site trot / warm up area to replace the lost facility on site. This is contrary to the provisions of fragmentation in policy CS12 in the WBCS of 2006 to 2026.

3. The Council is concerned that the proposed shared access into the site for both the stables and the proposed new dwellings has the potential to cause and exacerbate conditions of road danger and conflict between pedestrians, road vehicles and race horses especially during peak periods in the mornings and evenings. Accordingly, notwithstanding the proposed s278 works for improving the local highways situation, the Council considers that the scheme is contrary to the advice in policy CS13 in the WBCS of 2006 to 2026, and in particular the advice in the NPPF of 2012 paragraph 32 – bullet point 2. The application is accordingly unacceptable.

- **INFORMATIVE:**

1. This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

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2. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

(2) Application No. and Parish: 17/03127/FULD - 39 Newbury Street, Lambourn, RG17 8PB

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/03127/FULD in respect of a full application to demolish the existing bungalow and redevelop to provide two one-bed flats and four two-bed flats with parking and ancillary areas.
2. In accordance with the Council's Constitution, Councillor Jane Rowlinson, Parish Council representative, Mrs Josephine Bull and Mrs Alison Graham, objectors, and Mr Richard Potter, applicant, addressed the Committee on this application.
3. Derek Carnegie introduced the report to the Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Paul Goddard confirmed that the proposed parking provision complied with the Council's adopted parking standards.
4. Councillor Rowlinson in addressing the Committee raised the following points:
 - The proposed development was tantamount to overdevelopment.
 - Ten parking spaces had been provided and this would be insufficient.
 - Lambourn Parish Council were seeking to obtain responsibility for the grass verge on the corner of the plot through a devolution agreement with West Berkshire Council. These discussions predated the planning application.
 - Sight lines from the access to the site were a concern. The site was on a busy junction close to the fire station and the school.
 - The parish council were not opposed to new housing in Lambourn but were of the view that the proposal would be overdevelopment of the site.
5. Mrs Graham and Mrs Bull in addressing the Committee raised the following points:
 - The proposed development would demolish a family home to build flats and should be rejected. There would be an increase in the number of people, levels of noise and pressure on parking.
 - The site would be on a blind bend and it was a busy route to the local primary school.
 - Members had observed that the street was blocked with parked cars at the site visit. Emergency vehicles would find it difficult to get through the road.
 - An application for two houses on the site had been rejected by the Council in 2015 so it was difficult to understand why six flats was acceptable.
6. Councillor Adrian Edwards asked whether there were any other flats in the area. Mrs Bull advised that there were some flats on Station Road and the road was full of cars overnight.

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7. Councillor Garth Simpson expressed the view that flats had higher occupancy levels and were likely to own more cars. He asked whether the occupants of the terraced housing were likely to own two cars per household. Mrs Graham noted that many of the terraced houses had driveways so did not need to park on the road.
8. Mr Potter in addressing the Committee raised the following points:
 - Officers had considered the application thoroughly.
 - A S106 agreement would be entered with the Council.
9. Councillor Anthony Pick asked what drainage would be used on the site. Mr Potter replied that an onsite SUDS solution would be used to ensure there was no run-on to the road.
10. Councillor Pick further asked about affordable housing provision. Mr Potter advised that a S106 agreement would be written to provide a contribution for affordable housing in Lambourn off-site. Derek Carnegie confirmed that housing officers would negotiate a sum with the developer and the Council would take a view on where to invest that money within Lambourn.
11. Councillor James Cole asked whether the parking provision met the Council's standards. Paul Goddard confirmed that paragraph 6.4.1 outlined that the parking standards required 11 spaces be provided and the proposal included 11 parking spaces. Councillor James Cole asked whether 11 spaces would be adequate for the needs of the site. Paul Goddard responded that the Council had set the standards based on surveys of the District and the standards had been deemed adequate by the Council and a public examination. Councillor James Cole asked whether the Committee could refuse permission on the basis of parking. Derek Carnegie advised that the Committee could make whatever decision they wished but should the applicant appeal a decision to refuse permission on those grounds the Planning Inspector would note that the parking provision complied with the Council's policy and would not take a favourable view upon the Council.
12. Councillor Edwards asked whether Paul Goddard agreed with the objections raised, as outline on page 45 of the agenda. Paul Goddard advised that he had recommended that the application was acceptable subject to conditions. The site would produce a low number of vehicle movements and while he accepted the existing issues in the area it would be difficult to argue that the proposed development would make them significantly worse.
13. Councillor Simpson expressed the view that residents would rely on their cars for transport and it was possible that occupancy of the flats could be higher than anticipated due to the generous sized rooms. He asked whether more parking provision could be found on the grass verge adjacent to the site. Paul Goddard advised that Lambourn was in zone 3 for parking standards purposes, which required more provision than areas such as Newbury and Thatcham. Lambourn Parish Council were seeking a devolution in respect of the grass verge and it would be for the parish council to determine whether to provide parking spaces on that land.
14. Councillor Dennis Benneyworth stated that he anticipated that the living rooms of the flats might be converted to bedrooms which would place further pressure on parking requirements.
15. Councillor Paul Bryant stated that he did not like garden-grabbing however government advice was clear and there were no Council policies to justify refusal.

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He proposed that the Committee accept officers' recommendation and approve planning permission. Councillor Jeff Beck seconded the proposal.

16. Councillor Jeanette Clifford expressed the view that the development would be a good use of the site and complied with parking standards as voted for by Members.
17. Councillor Simpson agreed that the development would be a good use of the land and hoped that the parish council could provide some extra parking spaces.
18. The Chairman invited the Committee to vote on the proposal of Councillor Bryant as seconded by Councillor Beck to approve planning permission. At the vote the motion was carried unanimously.

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

Conditions

1. Time Limit

The development hereby permitted shall be begun before the expiration of 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 to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 should it not be started within a reasonable time.

2. Plans Approved

The development hereby approved shall be carried out in accordance with drawing title number(s):

Location Plan and Block Plan 1682-A-001 rev B;

Proposal Site Plan 1682-A-003 rev F (received by e-mail dated 18th December 2017);

Proposed Floor Plans 1682-A-100 rev A;

Proposed Elevations 1682-A-202 rev A and A-202 rev B;

Existing Plans

Site Survey 1682-A-002;

Existing Elevations 1682-A-200 and A-201;

Supporting Documents:

Design and Access Statement (RPA Architects Limited);

Flood Risk Assessment (Stilwell Partnership) April 2016 V.1;

Arboricultural Method Statement and Constraints Plan (Sylva Consultancy), October 2015;

Additional Arboricultural Information (1682 Sketch RPA for T2 and accompanying e-mail) received by e-mail dated 18th December 2017.

All received with the application validated on 17th November 2017, unless otherwise specified or agreed in writing by the Local Planning Authority.

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Reason: To ensure that the development is carried out in accordance with the submitted plans. In the interest of amenity and in accordance with Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

3. Materials

No development shall commence until full details of proposed external facing materials (brick, render, roof covering, windows, doors and architectural features) have been submitted to and agreed in writing by the local planning authority.

A schedule shall be submitted listing all proposed materials, with samples made available on site upon request.

The new building shall be constructed using the approved materials unless alternative materials are agreed in writing by the local planning authority before being used.

Reason: In the interests of amenity and in accordance with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

4. Hours of Work (Construction)

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers.

5. CONS1 - Construction method statement

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

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

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

6. HIGH2 - Access Closure with reinstatement (YHA10)

The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has/have been brought into use. The footway/cycleway(s)/verge(s) shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

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Reason: In the interest of road safety and highway maintenance. 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).

7. HIGH4 - Footway/cycleway provision (construct) (YHA11A) variation

No development shall take place until details of a 1.5 metre wide footway to be constructed on the western side of Newbury Street fronting the application site is submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway. The Developer must enter into a S278 Agreement for the construction of the footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. 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. HIGH7 - Surfacing of access (YHA15)

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

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

9. HIGH9 - Visibility splays before development

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).

10. HIGH12 - Parking/turning in accord with plans (YHA24)

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.

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).

11. HIGH20 - Cycle storage (YHA41)

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No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times. This condition shall apply irrespective of any details shown on the submitted plans.

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).

12. Storage of refuse

No development shall take place until details of the provision for the storage of refuse and recycling materials, including means of enclosure for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

13. Landscape Scheme

No development (except demolition) shall commence on site until full details of proposed landscaping scheme have been submitted to and agreed in writing by the local planning authority.

The landscape scheme shall be implemented in full, within the next planting season following first occupation or completion of the development (whichever is the sooner).

The scheme will include the provision of at least two new trees on the highway and to the south of the application site. Maintenance for these trees and any required replacement will be limited to two years after first planting.

Any trees, shrubs or plants that die or become seriously damaged, on the application site) within five years of the scheme first being implemented (planted) shall be replaced in the following year by plants of the same size and species.

This condition shall be implemented in full unless an alternative scheme/timescale is agreed in writing with the local planning authority.

Reason: The landscape scheme will ensure that the visual character of the area and amenity is not unduly harmed. In accordance with the objectives of Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

14. AMS

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

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

15. Tree Protection

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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. On land to the south of the application site) 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.

16. Arboricultural supervision condition

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

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

17. Boundary and Hard Surfacing Treatments

No development or other operations (except demolition) shall commence on site until a scheme of fencing, other means of enclosure to be erected and hard surfacing on the site is submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied before the fencing, other means of enclosure and hard surfacing have been constructed in accordance with the approved plan and retained thereafter.

Reason: The fencing, 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 accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

18. SuDS

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;

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- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- e) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained 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.

19. PD Rights Fencing

Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision to the Order), no wall, fence, gate or other means of enclosure shall be erected between the forwardmost part of the buildings and the highway/ access drive boundary and to the rear and side boundaries to the area of open space (except where approved as part of condition details).

Reason: The detailed design of this development relies upon an area of unenclosed space to provide a setting for the buildings and overall development. The enclosure in whole or in part of this space would destroy the setting and have an adverse effect on the character and amenities of the development in conflict with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

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HI 1 Access construction

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

HI 3 Damage to footways, cycleways and verges

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

HI 4 Damage to the carriageway

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

HI 8 Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

HI 9 Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

Informative – Construction / Demolition Noise

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Quality Manager.

CIL liability

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

DEC4 - Approval - Need for Revision/Reps rec'd

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

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DC

56. 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 9.19 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	18/00529/FULEXT Greenham Parish Council	31 st May 2018.	Land West of New Road, North of Pyle Hill, Newbury Erection of 36 dwellings with associated roads, amenity open space, and access to New Road. Rivar Limited

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00529/FULEXT>

Ward Member(s):

Councillor Drummond
Councillor Bartlett

Reason for Committee determination:

Councillor Drummond has called the application to Committee, given the site history.

Committee Site Visit:

10th May 2018.

Recommendation.

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

Contact Officer Details

Name:

Michael Butler

Job Title:

Principal Planning Officer

Tel No:

(01635) 519111

E-mail Address:

michael.butler@westberks.gov.uk

1. Site History

126373 Application for gravel extraction. Refused in 1986.

17/02524/fulext. Identical application to the current one [save for the footpath access]. Resolved to be approved but subsequently found to be invalid - February 2018.

2. Publicity of Application

Site notice displayed 19th March 2018. Expiry 9th April 2018.

3. Consultations and Representations

Greenham Parish Council	Concerns raised re. the increase in local traffic and the footpath. Need a new transport plan for the parish. Permeability of the land is not joined up.
Newbury Town Council	No objection.
Highways	Conditional permission. Parking and access is acceptable as is the projected increase in local traffic generation.
Environmental Health	Conditional permission recommended.
SuDS	Conditional permission is now recommended.
Tree officer	Potential concerns with loss of Lime Tree group in site and the hedgerow along New Road. Clarification sought with amended plans –if acceptable conditional permission is recommended.
Planning Policy	Notes that the application exceeds the approximate number of 30 dwellings by 6, otherwise, acceptable in principle as a part of the HSA4 allocation. The case officer will need to be satisfied that the application is acceptable in drainage and ecological terms. The 40% affordable housing is acceptable.
Housing	14 of the dwellings proposed for affordable purposes. This equates to 40% for a greenfield site which is accepted. A degree of pepper potting on the site, in addition. 70% for affordable rent, 30% for shared equity. To be achieved via a s106 obligation.
Minerals	The site is underlain by potentially commercially valuable gravel deposits. Pre-condition recommended re exploratory works.
BBOWT	Object to the application on a range of grounds. Fails to mitigate impact on Greenham and Crookham Commons SSSI. No overall biodiversity net gain achieved on the site. If the Council is minded to grant permission, a range of conditions is advised regarding protected species on the application site. Amended details submitted

by applicant. BBOWT still object.

Natural England

No comments to make on the application.

Ecology

Originally objected but following negotiations and further information being submitted, satisfied that a slight net gain in biodiversity on the site is achievable.

Environment Agency

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

Waste Services

Application layout is accepted.

Education

CIL will be acceptable to mitigate the education services impact.

Thames Water

Conditional permission – impact studies on water supply required.

Archaeologist

Conditional permission – written scheme of investigation.

Fire Service

Additional hydrants required – condition as required.

Travel Policy

Conditional permission is recommended.

Mod

No safeguarding objections raised.

Public Open Space

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

Public Representations

7 letters of objection received. Town already overdeveloped. Impact on local infrastructure, including schools and health. Impact on drainage. Loss of green space. Impact on local highways. What is to happen to the boundary treatment of the hedge on New Road? Non-compliance with the policy in the HSADPD about comprehensive development of the 4 sites under HSA4 in Greenham. Need protection in perpetuity of internal green space. Loss of existing views. High density. Development out of character. Increased overlooking, impact on wildlife, increased noise and disturbance. One further letter welcoming the affordable units but querying the potential impact upon Greenham Church.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

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

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

5. Description of development

- 5.1 The application site lies immediately to the west of New Road in Greenham. The whole application site is roughly rectangular, but the actual form of built development is triangular, incorporating 36 dwellings, with associated access road direct onto New Road, with associated parking and individual garden areas. The northern part of the site will include a drainage swale pond plus public open space area. The whole red line site area is 3.05ha which gives a gross density of just 12 units per ha which is low, although the net density is about twice that. Included in the red line is a proposed new footway /cycle way link to the west to connect with the existing permission off Pyle Hill for over 70 dwellings.
- 5.2 Of the 36 dwellings, 40% will be affordable i.e. 14 in total and these will be pepper potted, to a reasonable extent through the site. In total there will be twelve 4 bed houses, fourteen 3 bed, and ten 2 bed houses. No flats are proposed. In terms of parking standards meet policy P1 in the adopted HSADPD of May 2017. The submitted application is full so no matters are reserved for future consideration. Finally, under the 2017 EIA regulations, no Screening Opinion was required, since the application site does not lie in a sensitive area as defined in the Regulations, nor does the size of the site, or number of dwellings, exceed the relevant thresholds in Schedule 2. In addition, although the application site is greenfield, outside any defined settlement boundary, it does not comprise a departure from the Development Plan as it is allocated under policy HSA4 in the HSADPD of 2017.

6. Consideration of the application

The application will be considered under the following headings.

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

6.1. Policy

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

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

affordable unit will be provided off site. On this basis the additional dwellings is considered acceptable, and not a diversion from policy.

6.2. Highways

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

6.3. Ecology

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

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

- 1] The site is allocated and already approved in principle under the adopted HSADPD. Ecological matters were discussed at the Local Plan Inquiry.
- 2] Natural England have not objected to the application in principle—they are the statutory consultee in this instance.
- 3] The Council’s Ecologist has determined, on balance, that it would not be correct to sustain an objection on ecological grounds.

4] The case officer, in advising the Committee on the application, has had due regard to the advice in the advice in the text of policy CS17 in the Adopted Core Strategy, and the advice in the NPPF on ecological issues, considers that given the purely technical basis upon which the BBOWT objection is sustained, and having regard to the substantial planning gains to be achieved from the development assuming it proceeds, approval is appropriate in this case.

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

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

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

6.4. Landscape Impact

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

6.4.2. The application site, by locating the built form to the south adjacent the existing settlement boundary, has ensured that open views will still be retained from New Road across towards West Wood and beyond. In addition the setting of the church will still be fully respected by the distances involved - over 100m separation. The hedgerow along New Road will be similarly re-inforced where possible, by condition to soften the overall appearance of the development. At the time of writing this report officers are seeking to see if the necessary footpath on the west side of New Road up to the new access for the scheme can be accommodated without too much detriment to the existing hedgerow. It is anticipated that an amended block plan will be reported on the update sheet. Given all of this officers are content that whilst there will clearly be a degree of visual and local impact on the local landscape, this will be minimised insofar as it is possible to do, to make the scheme acceptable in terms of the allocation process. Accordingly the scheme complies with the advice in policy CS19 in the Adopted Core Strategy.

6.5. Other issues

6.5.1. One issue which the officers consider the Committee should take into account is the potential impact upon local amenity for existing residents to the south of the site in Drayton's View

and Spa Meadow. It is noted that the closest dwelling proposed will be 20m distant from any existing dwelling so loss of privacy should not be an issue. In addition, whilst presently owners to the south enjoy open views across the site, these will be lost, to an extent; but a loss of view is not a planning matter. Clearly there will be a degree of noise and disruption during the construction process, but this is the same for any large application site: a construction management plan including hours of working will be included in any permission as conditions. A number of objectors have raised pressure on local infrastructure: this is the same for all new housing applications and the impacts will be mitigated by the CIL charges included in the development. Finally, the application is made in full, so design is a factor to be taken into account at this stage. The submitted elevation plans show dwellings of a traditional character, with full hips, gables, porch features and pitched roofs, all combining to create an attractive detail, with the proposed traditional materials of brick, tile, and slate. This will accord with the conservative character of the adjoining dwellings.

6.5.2 One objection in particular raises the point about the 4 sites allocated under policy HSA4 being comprehensively master planned. This is noted in policy GS1 and in addition, the wording of HSA4 in the adopted HSADPD. Officers were able to accommodate these linkages both physically and policy wise within the NEW047D sites to the west of Pyle Hill already approved by the Council. Members may recall that this connectivity issue was comprehensively discussed at the last Committee held in January this year. What has now been achieved in this application is the ability to link this new site with the one to the west under 17/00223/fulext. Via a proposed new footpath/cycleway link. This can be conditioned as it lies in the red line application site. This will of course enhance local permeability and make the scheme comply “more” with policy GS1. What the Council is still unable to control, unless CPO powers were to be used, is the protection in perpetuity of the intervening parcel of land, co incidentally owned by the applicant - if the application were rejected on the grounds of non-inclusion of this additional green space, the Council would have [without prejudice] almost nil justification at any appeal, given the generous amount of public green space already provided in the present application site. So, in the interests of maintaining the Councils 5 year housing land supply, and the fact that this application is policy compliant in all respects, it is strongly advised that it would not be appropriate to reject the application on this single basis. It is also noted that this identical issue was raised under the consideration of application number 17/00223/fulext, but the Committee elected not to reject that application.

7. Conclusion

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

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

8. Recommendation

The Head of Development and Planning be authorized to GRANT Conditional Planning Permission subject to the first completion of a s106 planning obligation, to secure the 14 affordable housing units plus the additional off site contribution of £175,000 towards affordable housing.

CONDITIONS

3 YEARS

Subject to the following conditions (if any):-

TIME

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.

FIRE HYDRANTS

5 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

6 No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of

dust during the development construction period. The construction process shall be carried out in accord with that scheme of works, once approved in writing by the Council.

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

LAND CONTAMINATION

7. 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

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

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

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

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (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

9 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

10. 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

11. 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

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

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

PLANTING SCHEME

13. 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

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

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

CEMP

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

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

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

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

LIGHTING STRATEGY

16. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:-

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

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

MINERALS

17 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

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

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- v) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;

- x) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- y) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

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

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

ARCHAEOLOGY

19 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 NPPF advice.

WATER SUPPLY.

20 Development must not commence until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand. In accord with advice in the NPPF.

TREE PROTECTION

21 No development (including site clearance and any other preparatory works) shall commence on site until an amended 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.

TREE WORKS

22 No development or other operations shall commence on site until an amended detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. In addition no development or other operations shall commence on site until an amended landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

AMENDED PLANS

23 To be annotated on the update sheet

INFORMATIVES

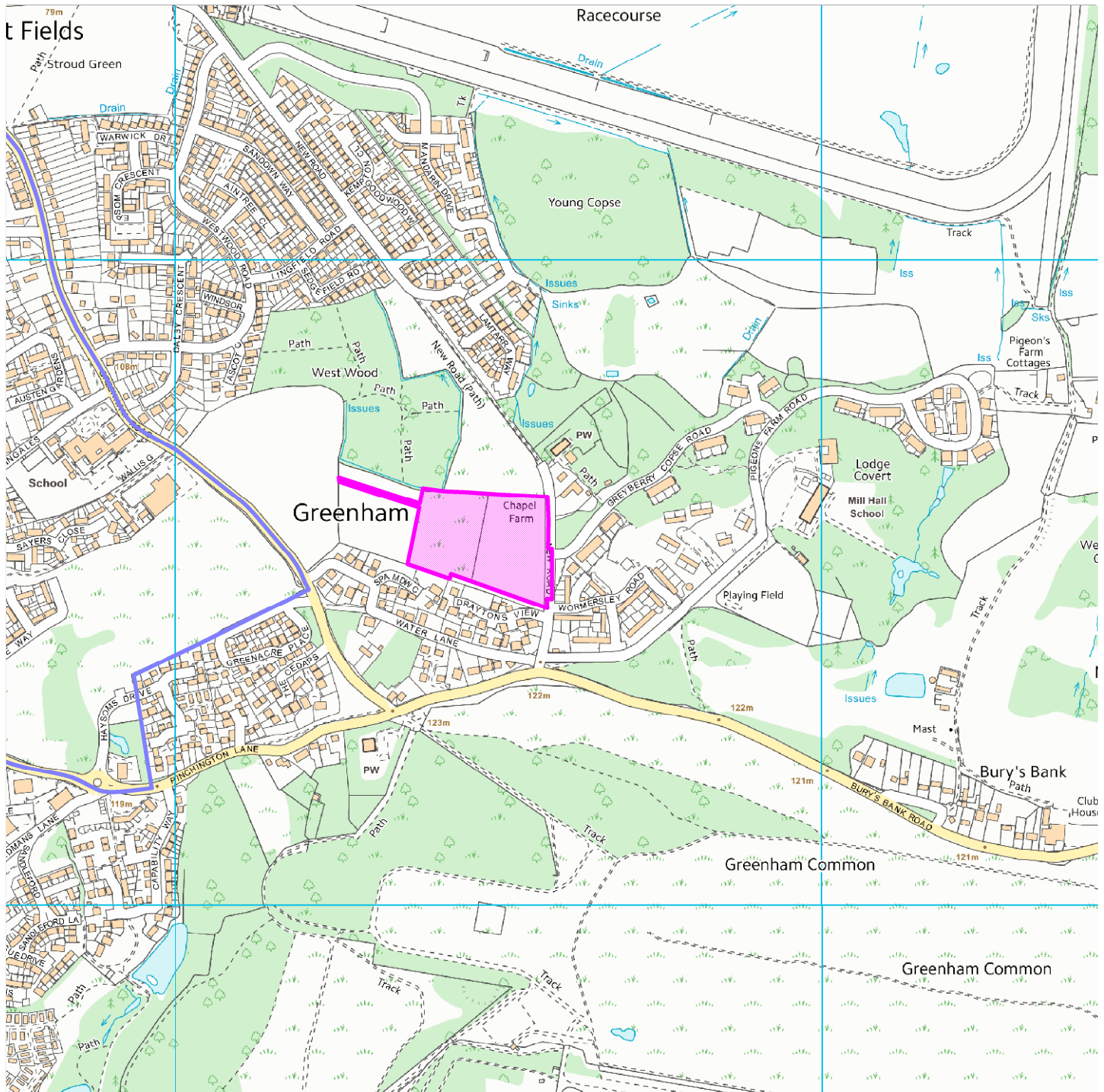
1 The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are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

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

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

DC

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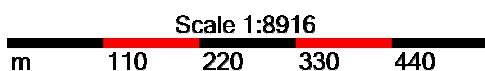
Map Centre Coordinates :

Scale : 1:8916

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	03 May 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)	17/03553/FULD Chieveley Parish Council	31 st May 2018.	Land east of Curridge Green Riding School. Erection of a three bedroom rural workers dwelling associated with Curridge Green Riding School. Mr & Mrs Dempster.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/03553/FULD>

Ward Member(s):

Councillor Hilary Cole

Reason for Committee determination:

Councillor Cole has called the application to Committee.

Committee Site Visit:

8th March 2018.

Recommendation.

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

Contact Officer Details

Name:

Jay Singh

Job Title:

Consultant Planning Officer

Tel No:

(01635) 519111

E-mail Address:

jay.singh@westberks.gov.uk

1. Relevant Site History

- 1.1 75/03997/ADD - Relocation of offices and stables
Approved - 3 March 1976.
- 1.2 83/20626/ADD – Proposed detached bungalow (now known as ‘Solo Chase’)
Approved – 3 April 1984.

Condition no. 6 of this permission restricted the use of the bungalow as follows:

“The occupation of the dwelling shall be limited to a person employed, or last employed at Curridge Green Riding School or a dependent of such a person residing with that person (but including a widow or widower of such a person).

- 1.3 94/45360/FUL – Extension to the existing bungalow to form an additional bedroom, study, dining room and lounge
Approved - 13 January 1995.

2. Publicity of Application

- 2.1 This application was advertised by way of neighbour notification letters which required responses by the 24 January 2018 and by way of Site Notice which expired on 8 February 2018.

3. Consultations and Representations

Consultations

<p>Chieveley Parish Council</p>	<p>Chieveley Parish Council have commented as follows:</p> <p>‘At the Parish Council meeting on Tuesday 10 April 2018 considerable discussion took place regarding this application and the local rural business and social need.</p> <p>In the Public Participation section comments were made, not by the applicant, but by Mr Mills concerning his view of the robustness of the West Berkshire Agricultural Consultant’s Report.</p> <p>During the Parish Council debate on the application comment was made on the fact that the application was not submitted by the business owner as would have been expected.</p> <p>Chieveley Parish Council places high emphasis on national and local policy considerations and this aspect weighed heavily in the debate as did the desirability of a much loved local business being sustainable in the future.</p> <p>In conclusion the Parish Council resolved that on this occasion it could not either object or not object to this application, but would remain silent on the matter explaining the reason for doing so.’</p>
<p>Reading Agricultural Consultants (assessing the</p>	<p>This consultation response is made following a site visit carried out by RAC on 20th March 2018, having had view of the various documents submitted in support of the application, accounts provided by the applicant and subsequent comments and information provided by the</p>

<p>need for the dwelling on behalf of the Council)</p>	<p>agent in their letter dated 11th April 2018.</p> <p>The proposed site for the dwelling is to be sold to the applicant, who is currently working as stable manager at the riding school. Mr Mills, the current owner of the proposed site, riding school and livery business will retain ownership of the business, the land and all other assets associated with them.</p> <p>This gives rise to concerns surrounding succession planning. Following the construction of the proposed dwelling, the only link the applicant and the proposed dwelling will have to the business and land in a different ownership title will be the applicant's employment. Even if the proposed dwelling were to be subject to an occupancy condition, if the applicant terminated her employment at the riding school or was otherwise unable to work, it could result in another house being occupied legitimately connection with the equestrian business but not actually fulfilling any essential need.</p> <p>It is the opinion of RAC that the essential need for a 24 hour onsite presence is currently met by the existing property, Solo Chase. Whilst it is understood that Mr Mills is retiring due to his age and ongoing health issues, he would not be considered physically infirm and unable to call for help or act appropriately in the event of an emergency such as a fire. Information provided by the agent has stated that the applicant, Mrs Dempster, currently moves into Solo Chase to look after the yard whilst Mr & Mrs Mills are away on holiday. It is not unreasonable to assume that this arrangement could continue during Mr Mills' retirement.</p> <p>Five years' of accounts for the period since 2012 have been submitted for both the livery and riding school businesses. These show the business to be profitable, although no full time salary has been shown for the stable manager. However, a suitable projected salary is shown for the stable manager in the financial forecast supplied by the agent, no sound reasons have been provided to demonstrate that the provision of the additional dwelling would increase turnover of an already successful business.</p> <p>For the reasons stated above, it is concluded that the essential needs of the riding school will continue to be met by the current dwelling, Solo Chase and there is no requirement for a second dwelling to supervise this enterprise.</p>
<p>Highways</p>	<p>No objections subject to informative notes to help avoid damage to the local highways infrastructure.</p>
<p>Waste Management</p>	<p>No objections</p>
<p>Archaeology</p>	<p>No objections subject to planning conditions to secure a written scheme of archaeological investigation</p>
<p>PROW, Ecology, Tree officer, Ramblers, SUDS, Thames Water, NWD AONB, Environmental Health, Royal Berkshire Fire and Rescue Service</p>	<p>No objections/comments received as of 26th April 2018.</p>

4. Representations

4.1 A total of 46 representations have been received comprising 39 letters of support (including one from Donnington Grove Veterinary Group), 6 letters of objection and 1 letter of comment.

The letters of support indicate (summarised by officers):

- i. The current owner of the riding school which has operated for over 40 years is due to retire but wishes to remain living at the property at the riding school and remain the owner of the enterprise. The applicant would take over the day to day running of the yard and needs to be on-site 24hrs a day to ensure this.
- ii. The applicant would support the demands of the business, including horse that need care 24hrs a day.
- iii. The riding school and the associated liveries and patrons of the school provide revenue and help support the long term viability of other local businesses and promote growth within the rural economy.
- iv. There are a shortage of such well-established community facilities within the area and therefore the growth of this facility should be supported which would attract investment into the physical infrastructure within the site,
- v. The proposal would help support existing and future generations undertaking such leisure/recreation activities.
- vi. The proposal within an appropriate location and of a sensitive design which would harmonise with the surroundings whereas other new dwellings at Carbrook and Marsh Lane were not in keeping with the area.
- vii. The need for on-site workers is essential due to the daily operational requirements of the enterprise such as the nature of horse injuries and ailments that don't occur during working hours and therefore it provides reassurance for the liveries to have Carol and Stewart on the site 24 hours a day.
- viii. The proposal would be restricted to agricultural related occupation only and would not set a precedent for similar applications elsewhere within the district.
- ix. The proposal would not result in a significant increase in traffic generation with the local roads. In addition, the applicant would repair any damage to the local highways infrastructure e.g. verges as result of the proposed development.
- x. The proposal would not have an adverse impact on the character and appearance of the area and would preserve the scenic beauty of the AONB.
- xi. The proposal would preserve neighbouring residential amenity and the nearby right of way.

The letters of objection indicate (summarised by officers):

- xii. The site is outside the settlement boundary and there are no exceptional circumstances to justify the proposal.
- xiii. The proposal would not meet the criteria/requirements of policy C5 of the adopted Housing Site Allocations DPD, in that the dwelling is not essential for the continuation of the rural enterprise, amongst other reasons, and therefore would be in conflict with relevant development plan policy.
- xiv. Even if the need for the dwelling can be justified, the proposed house, at 220m², is disproportionately large in scale for a rural workers dwelling and could be sited in less sensitive location.
- xv. The proposal would, through increased traffic generation, would have an adverse impact on highway safety of users of the access track into the site, there would insufficient off road parking and would result in damage to the local roads.
- xvi. There is already a residential property for the stables to serve the enterprise – the overnight staff accommodation needs could be provided within this property.
- xvii. The proposal set a precedent for similar applications within the AONB.
- xviii. Lack of public consultation on the application.

Other comments:

- xix. If the application is supported planning conditions should be imposed to ensure appropriate off-street parking areas are provided within the site.
- xx. The existing stables, land and associated infrastructure are in poor condition where investments should be made into the welfare and accommodation of the horses.
- xxi. If the application is approved, it should be restricted to ensure it does not set a precedent for similar applications within the locality designated as AONB.
- xxii. If the application is refused:

- Mr Mills may be able to defer his retirement, but, given his age and state of health, this is unlikely to be for long.
- The Riding and Livery Stables would close, with the loss of a valuable resource for the area.
- The owners may be forced to sell their horses, as there are few livery stables close by and those that exist have few places and long waiting lists.
- The fate of the riding school ponies would be uncertain.
- The stable blocks would fall into disrepair and dilapidation.
- Mr Mills may be forced to realise his assets by selling land for possible redevelopment.

If the application is successful:

- A dwelling would be erected on the part of the paddock close to the stables' yard.
- The Riding and Livery Stables would operate as it does now, with no increase in traffic.
- Car parking facilities on the yard would be improved.
- The stables and associated buildings would be better maintained.

- Well cared for horses and ponies would continue to live in the nearby fields and customers of the stables would continue to be able to take healthy exercise and enjoy the wonderful countryside nearby.

5. Planning Policy Considerations

5.1 The statutory development plan comprises:

- West Berkshire Core Strategy (2006-2026)
- Housing Site Allocations DPD
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

5.2 The following policies from the West Berkshire Core Strategy are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
- CS 1: Delivering new homes and retaining the housing stock
- CS 5: Infrastructure requirements and delivery
- CS 13: Transport
- CS 14: Design Principles
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 18: Green Infrastructure
- CS 19: Historic Environment and Landscape Character

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

- TRANS1: Meeting the Transport Needs of New development.
- OVS5: Environmental Nuisance and Pollution Control.
- OVS.6: Noise Pollution

5.4 The following Housing Site Allocations Development Plan document policies carry full weight and are relevant to this application:

- C1: Location of New Housing in the Countryside
- C5: Housing related to Rural Workers
- P1: Residential Parking for New Development

5.5 Other material considerations for this application include:

- The National Planning Policy Framework (March 2012) (NPPF)
- Planning Practice Guidance
- The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019
- Quality Design Supplementary Planning Document (SPD)

6 Proposal

- 6.1 The application seeks full planning permission for the development of a 3 bedroom rural workers dwelling associated with an existing riding school and livery business 'Curridge Green Riding School'. The supporting plans indicate 1.5 storey 3-bedroom 'L' shaped dwelling with over 220 sq.m of internal floor space and a max height of 6.5m. The proposal would include 4 off road car parking spaces. The external materials include oak timber cladding, brick and render, and slate roof tiles. The proposal would be accessed through an existing shared access track leading into the riding school yard area. The applicant proposes, as this property would be classed as a rural worker's dwelling, to have its occupancy restricted by planning condition.
- 6.2 The applicant intends to sell their existing house in Thatcham and buy approximately 0.94ha of land from Mr and Mrs Mills, the current owners of the riding school and livery business, on which to site the proposed rural workers dwelling. The applicant intends to fund the construction of the proposed workers dwelling.
- 6.3 Mr and Mrs Mills would retain ownership of both the land and buildings associated with the equestrian enterprises as well as the riding school and livery businesses. It also noted that the redline boundary plan extends around the proposed house and curtilage but does not include any land or buildings used by the riding school or livery yard.

7 Site Description

- 7.1 The application site is to the east of the Curridge Green Riding School located within the open countryside designated as AONB. The site comprises approximately 940 sq.m of agricultural land with access via existing shared rural track into the school. To the north and west of the site are 2 existing public rights of ways. The northern boundary of the site is tree lined. To the south-west, approx. 30m away, are the riding schools stables and yard area, beyond which is an existing rural workers dwelling 'Solo Chase' occupied by the current owners and operators of the riding school. To the east, approx. 50m away, there is a small grouping of housing.

8 Applicants Supporting Comments (summary):

- 8.1 'The application for the development of a rural workers dwelling to support the Curridge Green Riding School is necessary to ensure the ongoing operation and vitality of this rural enterprise.
- 8.2 The original consent for the existing rural workers dwelling (Solo Chase) associated with the business establishes the essential need for a dwelling associated with the riding school and livery. There has been no change in the necessity for a rural workers dwelling to support the rural business since.
- 8.3 Mr Mills, the owner of the Riding School, will imminently be retiring in full from any active work associated with the business in light of his age and deteriorating health. Mr Mills will continue to reside at Solo Chase subsequent to his retirement, as permitted by the original consent (83/20626/ADD), thus this property would no longer fulfil the requirements of a rural workers dwelling.
- 8.4 The essential need for the rural workers dwelling is due to the requirement for 24-hour on-site presence. The supporting evidence identifies the need for permanent, on site and skilled presence to ensure the safety and health of horses particularly in the event of an emergency such as a fire.

8.5 There are no existing buildings on site that would be suitable for residential conversion, nor would any property located off-site fulfil the essential needs of the rural enterprise.

8.6 The business is financially viable at present however this is considered to be as a result of Mr Mills continued work with the business which will cease once he retires fully. The onsite presence of a full time worker at the proposed rural workers dwelling would support and ameliorate the financial viability of the business, fulfilling the more active role once fulfilled by Mr Mills prior to the worsening of his health conditions.

8.7 The benefits of the proposal would demonstrably outweigh any arising harm responding positively to the designated landscape setting through a small-scale development, as well as ensuring maximum protection for existing biodiversity, and in turn would ensure the ongoing vitality of an enterprise supporting a prosperous rural economy as guided by the national planning policy framework.'

9 Determining issues:

- The principle of development;
- The impact on the character and appearance of the area including the AONB;
- The impact on neighbouring amenity;
- Highway safety;
- Drainage and flooding;
- Ecology;
- Other matters;
- The assessment of sustainable development;
- Community Infrastructure Levy; and
- Environmental Impact Assessment.

9.1. The Principle of Development

9.1.1 The starting point for all decision making is that applications that accord with the development plan should be approved unless material considerations indicate otherwise. The current development plan for West Berkshire comprises several documents including the West Berkshire Core Strategy (adopted 2012), Housing Sites Allocation DPD and the Saved Policies of the West Berkshire District Local Plan 1991-2006. The NPPF is also an important material consideration.

9.1.2 Core Strategy Area Delivery Plan Policy 1 (ADDP1) sets out a settlement hierarchy for directing development within the District. Within the open countryside, the policy indicates only appropriate limited development will be allowed focused on addressing identified needs and maintaining a strong rural economy. Policy ADDP5 sets out the strategy for development within the AONB, identifying opportunities for limited development to accommodate local needs including housing and employment, within service villages. The policy supports the equestrian and racehorse industry, recognised as contributing to both the local and national economy. Any form of development is expected to conserve and enhance the local distinctiveness, sense of place and remote setting of the AONB.

9.1.3 Core Strategy Policy CS1 sets out a housing target of 10,500 dwellings to be delivered over the plan period (2006 to 2026) in accordance with the settlement hierarchy (set out in Area Delivery Plan Policy 1). The policy states that homes will be primarily developed in the following areas; suitable previously developed land within settlement boundaries; other Suitable Land within settlement boundaries; strategic sites and broad locations identified on

the Core Strategy, and Land allocated for residential development in subsequent Development Plan documents.

- 9.1.4 Core Strategy Policy CS10 seeks to support existing small businesses within rural areas to provide local job opportunities and to support the vitality of small rural settlements. Policy CS12 promotes equestrian related development proposals that strengthen the rural economy and offer increased opportunities for the enjoyment of the countryside in a sustainable manner. In relation to equestrian development, the policy seeks that the re-use of existing buildings is first considered and the scale, form, and siting of the proposals are in line with the area it is situated in. Proposals for new residential development in the countryside will be permitted where genuine need can be demonstrated and where appropriate accommodation could not otherwise be secured within existing settlements.
- 9.1.5 Housing Site Allocations DPD Policy C1 indicates there is a presumption against new residential development outside of defined settlement boundaries. Exceptions to this include, amongst others, housing to accommodate rural workers. All proposals will need to satisfy the other policies in this section of the Plan. The policy goes on to say planning permission will not be granted if the proposal does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB.
- 9.1.6 Policy C5 indicates, in respect of new housing for rural workers within the countryside related to rural enterprises will be permitted where they comply with the following criteria:
- i. It is proven as essential to the continuing use of land and buildings for agriculture, forestry or a rural enterprise;
 - ii. Detailed evidence is submitted showing the relationship between the proposed housing and the existing rural enterprise and demonstrating why the housing is required for a full time worker in that location;
 - iii. It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion.
 - iv. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
 - v. The financial viability of the business is demonstrated to justify temporary or permanent accommodation;
 - vi. The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings;
 - vii. The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration;
 - viii. No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need.
- 9.1.7. The policy goes on to say where a new dwelling is essential to support a new rural enterprise, temporary accommodation will normally be sought for the first 3 years. Any permission will be subject to a condition restricting the use of the property to persons employed within the rural enterprise. Agricultural occupancy conditions will be retained unless demonstrated there is no continuing need, that appropriate marketing has been undertaken and that it cannot meet an existing local housing need.
- 9.1.8. Paragraph 28 of the NPPF indicates planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and

neighbourhood plans should support sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses.

- 9.1.9. Paragraph 55 of the NPPF promotes sustainable development in rural areas that should be achieved by locating housing 'where it will enhance or maintain the vitality of rural communities'. Local planning authorities should avoid new, isolated dwellings in the countryside unless special circumstances apply, including 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'.

9.1.10. Assessment of the Principle of Development:

- 9.1.11. The proposal is located outside of any defined settlement boundary where special justification is required for new housing. The primary test, having regard to the above policies, is whether or not it is essential for a rural worker to live at, or near, their place. In this regard, the Council have sought expert advice from Reading Agricultural Consultants (RAC) to assess the applicant's case for the new dwelling. RAC have advised as follows:
- 9.1.12. The proposed site for the dwelling is to be sold to the applicant, who is currently working as stable manager at the riding school. Mr Mills, the current owner of the proposed site, riding school and livery business will retain ownership of the business, the land and all other assets associated with them.
- 9.1.13. This gives rise to concerns surrounding succession planning. Following the construction of the proposed dwelling, the only link the applicant and the proposed dwelling will to the business and land in a different ownership title will be the applicant's employment. Even if the proposed dwelling were to be subject to an occupancy condition, if the applicant terminated her employment at the riding school or was otherwise unable to work, it could result in another house being occupied legitimately connection with the equestrian business but not actually fulfilling any essential need.
- 9.1.14. It is the opinion of RAC that the essential need for a 24 hour onsite presence is currently met by the existing property, Solo Chase. Whilst it is understood that Mr Mills is retiring due to his age and ongoing health issues, he would not be considered physically infirm and unable to call for help or act appropriately in the event of an emergency such as a fire. Information provided by the agent has stated that the applicant, Mrs Dempster, currently moves into Solo Chase to look after the yard whilst Mr & Mrs Mills are away on holiday. It is not unreasonable to assume that this arrangement could continue during Mr Mills' retirement.
- 9.1.15. Five years' of accounts for the period since 2012 have been submitted for both the livery and riding school businesses. These show the business to be profitable, although no full time salary has been shown for the stable manager. However, a suitable projected salary is shown for the stable manager in the financial forecast supplied by the agent, no sound reasons have been provided to demonstrate that the provision of the additional dwelling would increase turnover of an already successful business.
- 9.1.16. For the reasons stated above, and taking into account additional representations from the applicant including those dated 11th April 2018, RAC conclude that the essential needs of the riding school will continue to be met by the current dwelling, Solo Chase and there is no requirement for a second dwelling to supervise this enterprise.
- 9.1.17. On the basis of the above expert professional advice, it is considered the proposed workers dwelling has not been proven as being essential to the continuing use of land and buildings for the rural enterprise taking into account the financial viability of the business contrary to provisions of Housing Site Allocations DPD Policy C5 and Core Strategy Policy CS12.

- 9.1.18. In respect of other assessment criteria set out in bullet point (iii) of policy C5, at the time of writing this report, there are no properties for sale or rent nearby that would facilitate on-site supervision of the enterprise. However, it is understood that the applicant regularly moves into the existing workers dwelling on the site 'Solo Chase' when Mr and Mrs are away to provide a continued on-site presence. It would not be unreasonable for the applicant to stay on the odd occasion that a horse maybe unwell and require overnight care. For this reason, it is considered that the current workers dwelling on site 'Solo Chase' can continue to meet the needs of the rural enterprise despite the owners impending retirement.
- 9.1.19. It is also noted, whilst the location/siting of the proposed dwellings is relatively well related to the stables and paddocks, it would have a gross internal area in excess of 220m² which is considered too large and out of scale with any business need contrary to the provisions of bullet point (vi) of policy C5.
- 9.1.20. In terms of other environmental criteria identified at bullet point (vii) of policy C5, as set out further below, the proposal, subject to appropriate landscaping mitigation and appropriate external materials would not have an adverse impact on the character and appearance of the area, or any heritage assets, and would preserve the special quality and natural beauty of the AONB.
- 9.1.21. In relation to criterion at bullet point (viii), based on the council's records, the proposal would accords with the requirements of this element of the policy in that no dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years.

9.1.22. Conclusion on the Principle of Development:

- 9.1.23. It is considered that the proposed workers dwelling, located within the open country within a unsustainable location, has not been proven as being essential for the rural enterprise known as the Curridge Green Riding School contrary to the overall aims and objectives of Core Strategy Policies ADDP1, ADDP5, CS1, CS12, Housing Site Allocations DPD Policies C1, C5 and Paragraph 55 of the NPPF. For these reasons, and subject to the considerations set out below, the proposal is considered unacceptable in principle.

9.2. The Impact on the Character and Appearance of the Area including the AONB

- 9.2.1. Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.
- 9.2.2. Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional components of its character as a whole. Particular regard will be given to the sensitivity of the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 9.2.3. Paragraph 115 of the NPPF places great weight to conserving the landscape and scenic beauty in AONBs, which is also reiterated by Core Strategy Policy ADPP5.

- 9.2.4. Housing Site Allocations DPD Policy C3 indicates the design of new housing must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' – West Berkshire Supplementary Planning Document and the design principles set out in the North Wessex Downs AONB Management Plan and on the rural environment, amongst other criteria.
- 9.2.5. Notwithstanding the principle of proposed dwelling is not considered acceptable, in terms of the general form of the proposed dwelling being limited to 6.5m in height and incorporating a rural vernacular design approach, would mean on balance it would harmonise with the surroundings. Furthermore, whilst outside any defined settlement boundary, subject to suitable landscaping mitigation, the proposal is not considered to cause unacceptable harm to either the character of the area or the AONB.
- 9.2.6. The proposed dwelling would be visible from nearby public rights of way and rural lane to the north of site. However, subject to the retention of the existing tree lined boundary, with additional planting, the proposal would not result in a significant adverse on the visual amenity of the area or have a significant adverse impact on the amenity of users of the public rights of way.
- 9.2.7. It is considered that the proposed development would not adversely affect the character and appearance of the area, the AONB and would not detract from the amenity of users of nearby public rights of way in accordance with the provisions of Core Strategy policies ADPP5, CS14, CS18, CS19 and the NPPF.

9.3. The impact on neighbouring amenity

- 9.3.1. Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. SPD Quality Design - West Berkshire outlines considerations to be taken into account with regard to residential amenity, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies considers the potential noise impact of development.
- 9.3.2. The proposed dwelling would be located at least 50 metres from neighbouring dwelling. At this distance, and having regard to the scale and nature of the proposal, it would preserve neighbouring residential amenity. Planning conditions could be imposed to ensure the hours of any construction works are appropriate.
- 9.3.3. The supporting plans show a large dwelling with over 200 sq.m of internal floor space and in excess of 200 sq.m external garden space which would ensure the creation of a good quality living environment for future occupiers.
- 9.3.4. For these reasons, the proposal, in so far as it relates to protecting residential amenity and creating a high quality living environment, would be in accordance development plan policies CS14 and OVS.6, as well as guidance in SPD Quality Design and the NPPF.

9.4. Highway safety

- 9.4.1. The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.

- 9.4.2. The proposal would be served by a single point of access on to Curridge Green Road. The access would provide both vehicular and non-vehicular access into the site. The proposed layout also shows a minimum of 4 off road parking spaces.
- 9.4.3. The proposal has been assessed by the Councils Highway Officer, which included a review of the access arrangements and parking provision, amongst other elements, and raises no objection to the proposal subject to informative notes to help avoid damage to footways, cycleways, verges and damage to the carriageway.
- 9.4.4. For these reasons, notwithstanding the principle of development is not considered acceptable as set out above, in terms of proposed site access arrangements and traffic generation, it is considered that the proposal would not have an adverse impact on highway safety or local highways infrastructure having regard to the provisions of Core Strategy Policies CS9, CS13, Saved Local Plan policy Trans1 and the NPPF.

9.5. Drainage and Flooding

- 9.5.1. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS 16 addresses issues regarding flood risk. The application site falls within flood zone 1, and is not within a critical drainage area. Subject to the imposition of conditions to ensure the implementation of appropriate sustainable drainage measures, the proposal would not have an adverse impact on the risk of flooding within the site or the locality.
- 9.5.2. For these reasons, the proposal would be in accordance with policy CS16 of the Core Strategy and advice contained within the NPPF.

9.6. Ecology

- 9.6.1. Policy CS 17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The NPPF supports the overall aims and objectives of this policy.
- 9.6.2. The application site is located within an area of low ecological value with limited potential to support protected species and other biodiversity. Subject to the provision of an ecological mitigation and biodiversity enhancement scheme being secured via planning condition, the proposal would not have an adverse impact on features of ecological importance within the site.
- 9.6.3. For these reasons, the proposal would be in accordance with the provisions of Core Strategy CS17 and advice within the NPPF.

9.7. Other Matters

- 9.7.1. The proposed development is located at distance from any listed buildings or conservation areas such that their settings would be preserved. The Councils Archaeological officer has also assessed the proposal and confirms the proposal is unlikely to have an adverse impact on features of archaeological importance within the site subject to planning conditions to secure a written scheme of archaeological investigation.
- 9.7.2. For the above reasons, the proposal would not have an adverse impact on any heritage assets in accordance with the provisions of Core Strategy Policy CS19 and the NPPF.

9.8. The Assessment of Sustainable Development

9.8.1. The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.

9.8.2. The proposal would amount to new housing with the open countryside within an unsustainable location without satisfactory justification, including any demonstrable economic benefits, resulting in unacceptable social and environmental harm. For these reasons, the development cannot be considered to be sustainable development.

9.9. Community Infrastructure Levy (CIL)

9.9.1. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations the proposal would normally be liable for CIL. However, the applicant has submitted a self-build exemption form and therefore the proposal is not considered to be CIL liable.

9.10. Environmental Impact Assessment

9.10.1. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority is required to adopt a screening opinion as to whether the proposal constitutes 'EIA development', and therefore whether Environmental Impact Assessment (EIA) is required as part of the above application.

9.10.2. The proposed development falls within the column 1 description at paragraph number 10 (b) *Infrastructure Projects* if Schedule 2. It is within a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. Having regard to the nature and scale of the proposed development it is not considered to be EIA development.

10. Conclusion

10.2. The application site is located within the open countryside where special justification is required for new housing. The Council has carefully considered the applicants supporting evidence and sought expert professional advice following which it is concluded that the essential needs of the riding school can continue to be met by the current workers dwelling on the site 'Solo Chase' and there is no requirement for a second rural workers dwelling to supervise this enterprise.

10.3. In these circumstances, the proposal would be contrary to the overall aims and objectives of Core Strategy Policies ADDP1, ADDP5, CS1, CS12, Housing Site Allocations DPD Policies C1, C5 and Paragraph 55 of the NPPF. The development has therefore been found to conflict with the policies of development plan when considered as a whole and advice set out in the NPPF. No material considerations of sufficient weight have been put forward that outweigh this conflict and therefore the application is recommended for refusal.

11. Recommendation

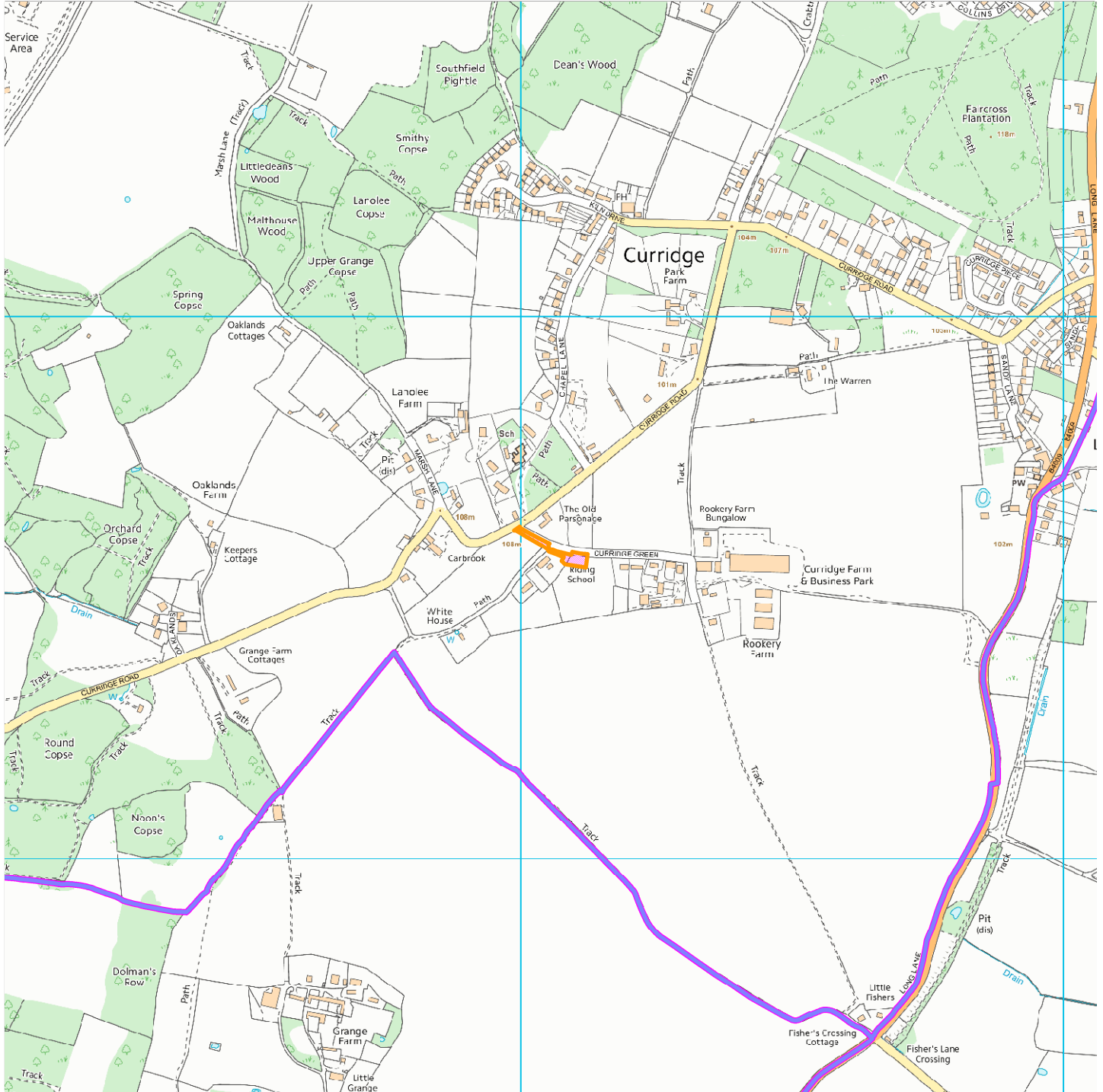
The Head of Development and Planning be authorised to REFUSE Planning Permission for the following reasons:

1. The application site is located within the open countryside, outside of any defined settlement boundary where there is a presumption against new housing subject to certain exceptions including, amongst others, housing to accommodate rural workers where genuine need can be demonstrated. In these particular circumstances, the applicant has failed to demonstrate essential need for the proposed house. Furthermore, the size of the proposed house, at 220sq.m is considered too large and out of scale with any genuine business need. In the absence of satisfactory justification, the proposal would amount to

new housing located outside of any defined settlement boundary within an unsustainable location in conflict with the overall aims and objectives of Core Strategy Policies ADDP1, ADDP5, CS1, CS12, Housing Site Allocations DPD Policies C1, C5 and Paragraph 55 of the National Planning Policy Framework.

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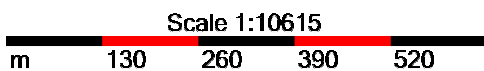


Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	
Date	08 May 2018
SLA Number	0100024151

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