

Notice of Meeting



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Western Area Planning Committee Wednesday 30 January 2019 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

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

Date of despatch of Agenda: Tuesday 22 January 2019



Agenda - Western Area Planning Committee to be held on Wednesday, 30 January 2019
(continued)

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

Substitutes: Councillors Jeremy Bartlett, Jeanette Clifford, Mike Johnston and Gordon Lundie

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 7 - 22
To approve as a correct record the Minutes of the meeting of this Committee held on 12 December 2018.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. and Parish: 18/03144/FUL - Newbury** 23 - 40

Proposal:	Demolition of the Sports pavilion and erection of a single storey replacement pavilion and new parking area.
Location:	Newbury Athletics Club Fifth Road Newbury Berkshire
Applicant:	St Bartholomews School
Recommendation:	The Head of Development and Planning be authorised to GRANT planning permission.



Agenda - Western Area Planning Committee to be held on Wednesday, 30 January 2019
(continued)

- (2) **Application No. and Parish: 18/02799/HOUSE - Boxford Parish Council** 41 - 48

Proposal:	Single storey side extension to create enlarged kitchen, dining, utility area with internal alterations.
Location:	2 Shepherds Hill, Boxford, RG20 8DU
Applicant:	Mr and Mrs Amorelli
Recommendation:	The Head of Development and Planning be authorised to GRANT planning permission subject to conditions.

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 49 - 62
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.

Background Papers

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

Andy Day
Head of Strategic Support

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



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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 12 DECEMBER 2018

Councillors Present: Jeff Beck, Hilary Cole, James Cole, Paul Hewer, Clive Hooker (Chairman), Garth Simpson and Virginia von Celsing

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

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

PART I

34. Minutes

The Minutes of the meeting held on 21 December 2018 were approved as a true and correct record and signed by the Chairman, subject to the correct of the following typographical errors:

Page 9, third bullet from the top: replace 'would be a carbunkle' to 'was a carbunkle'.

Page 9, paragraph 22: replace 'not development' with 'no development'.

Page 10, paragraph 29: replace 'asked of' with 'asked if'.

Page 10, paragraph 38: replace 'risk that' with 'risk to'.

Page 12, paragraph 5: replace 'sauna wound' with 'sauna would'.

Page 13, paragraph 18: replace 'clos' with 'close'.

Page 16, paragraph 3: remove repeated 'Derek Carnegie'.

Page 17, paragraph 8: replace 'i' with 'if'.

Page 17, paragraph 10: replace 'render' with 'rendered'.

35. Declarations of Interest

Councillors Jeff Beck and Paul Hewer declared that they had been lobbied on Agenda Item 4 (1).

Councillors Jeff Beck, James Cole and Virginia von Celsing declared an interest in Agenda Item 4 (3) but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

36. Schedule of Planning Applications

(1) **Application No. and Parish: 18/02623/FULD - Hungerford**

(Councillors Jeff Beck and Paul Hewer declared that they had been lobbied on this item.)

WESTERN AREA PLANNING COMMITTEE - 12 DECEMBER 2018 - MINUTES

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02623/FULD in respect of the resubmission of a previously approved scheme for a replacement dwelling (17/03089/FULD) to provide a summer house/exercise room to the rear of the dwelling house.
2. In accordance with the Council's Constitution, Mrs Jan Giggins and Mrs Doris Colloff, objectors, and Mr John Downe, applicant, addressed the Committee on this application.
3. The Chairman notified the Committee that a member of the public was recording the meeting and asked whether any members of the public had any objections to being filmed. No objections were raised.
4. The Chairman also notified the Committee that Mrs Giggins had submitted a request to extend speaking time to 10 minutes from the usual 5 minutes. The Chairman declined the request on the basis that this was not a major application and it would be unfair to other speakers who would have prepared shorter presentations.
5. Lydia Mather introduced the report and update sheet to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers recommended the Committee grant planning permission.
6. Mrs Giggins and Mrs Colloff in addressing the Committee raised the following points:
 - The application was incomplete and invalid. The committee report was incomplete, convoluted, contradictory and incorrect. Before the Committee determined the application all Members should visit the site.
 - The Committee should reconsider the extant permission for the house.
 - Mrs Giggins advised she had also requested that her husband be registered to speak by the Planning Registration Team but this request had not been acknowledged.

(Post meeting note: The Planning Registration Team confirmed that Mrs Giggins had not submitted a request for her husband to speak.)

- Formerly an application on the site had been approved with permitted development rights removed; this restriction should be maintained.
- The application requested retrospective permission for the house in order to cover mistakes. A basement swimming pool had been approved under a previous permission but had not been built.
- Approval of the application would reset permitted development rights and so encourage overdevelopment.
- The house that had been built on the site was larger than neighbouring properties.
- They disputed that the previous permission should have been granted.
- The applicant had not submitted a view of the street scene with the application.
- The applicant had ignored the conditions of previous permissions and approval of this application would reward bad behaviour.
- The landscaping scheme had not yet been planted.

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- Restrictions should be imposed to prevent the pool building being converted into a dwelling in the future.
7. Councillor Jeff Beck asked why the application was invalid and contradictory. Mrs Giggins stated that the application description on the planning portal only made reference to the pool house and other amendments when in fact the application was also retrospective for the dwelling which was already being built on the site. No street scene had been submitted as part of the application. Submitted plans were also based on previously approved plans rather than up to date architectural drawings and this was misleading. Permitted development rights had previously been restricted on the site which was why the application required determination. Different protections were proposed as part of this application to what had previously been agreed. Mrs Colloff added that the plans implied that there was a gap between the garage and the neighbouring property. The site plan also made neighbouring houses appear larger than they were.
8. Mr Downe, in addressing the Committee raised the following points:
- He and his wife sought to create an energy efficient lifetime home to enjoy with their grandchildren.
 - This application sought to add to the house a south facing summer house to accommodate a small exercise pool. It would be low level and of a timber construction.
 - No environmental concerns had been raised by the Environmental Health Team.
 - Any of their neighbours would be free to construct a similar summerhouse as the dimensions were permissible under permitted development rights, even in the Area of Outstanding Natural Beauty.
 - In response to claims that the site was overdeveloped, the house footprint was less than 1% greater than the previous dwelling on the site. The car port included in the S73 application added only another 2% to the overall developed proportion of the site. This application would add another 3.5%. Overall less than one fifth of the site would be built on and the site would include 650m² of open garden.
9. Councillor Paul Hewer sought confirmation of the position of the car port. Mr Downe advised that from the road the car port was on the right of the building.
10. Councillor Hewer asked officers to clarify the status of the application. Lydia Mather confirmed that the application covered the construction of a house and outbuilding. The application was retrospective in as much as a house had already begun to be built on site, although in accordance with a previous permission.
11. Councillor Hewer in addressing the Committee as Ward Member raised the following points:
- He had sympathy with the neighbours. He had been taken aback by the scale of the development.
 - The summerhouse would be 2.3m high, just over the height of a standard fence.
 - The planting scheme would block the views of the summer house.
 - The application was acceptable and he could not find a reason not to support the application.

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12. Moving to questions to officers, Councillor Hilary Cole asked whether street scenes were required to be submitted with every application. Derek Carnegie confirmed that they were not required.
13. Councillor Hilary Cole sought clarity on the permitted development rights, and asked whether the matter was irrelevant considering that the application was being determined by the Committee. Lydia Mather confirmed that permitted development rights had been removed under a previous application, however this was not the permission which had been implemented on the site. If the Committee were minded to approve the application they could apply a condition to remove permitted development rights. Councillor Hilary Cole confirmed that construction of the house could still go ahead under the previous permission, should the Committee be minded to refuse the application. Lydia Mather stated that she had sought legal advice which confirmed that was the case.
14. Councillor Hilary Cole commented that a number of the objection letters were from residents outside Hungerford and she felt this was an abuse of the call-in process.
15. Councillor James Cole sought clarification on why the application had been resubmitted and asked if the plans for the main house had changed. Lydia Mather advised that the application was identical and the house plans had the same reference numbers. When the application was submitted, the Planning Registration Team queried the resubmission of the plans for the house but this application was what was presented by the applicant. Proposed conditions had been amended from the former permission to include trigger points for actions to be taken.
16. Councillor Simpson sought clarification on the site history. Lydia Mather advised that application number 17/01709/FULD had been approved and then varied via application 17/03089/FULD, which had been implemented. Application 17/02942/COND1 had approved details of conditions.
17. In commencing the debate, Councillor James Cole expressed the view that there was no difference between the previously approved house on the site and the retrospective application before the Committee. The only feature for the Committee to determine was the outbuilding and this would not have been a matter for the Committee if submitted on its own.
18. Councillor Hilary Cole agreed with Councillor James Cole and proposed that the Committee accept officers' recommendations and grant planning permission. The proposal was seconded by Councillor Virginia von Celsing.
19. The Chairman invited the Committee to vote on the proposal, which at the vote was carried unanimously.

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

Conditions

1. Commencement of Outbuilding

Development of the domestic outbuilding hereby permitted as shown on the block plan shall be begun before the expiration of three years from the date of this permission.

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

2. Approved Plans

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The development hereby permitted shall be carried out in accordance with the approved drawings 001 Rev B, 002 Rev B, 518/026/01 Rev A, 518/026/02 Rev A, 003 Rev A, 004 Rev A, 005 Rev A, and 17.DWN.501 Rev C and Planning Statement by Altas Planning received on 10 October 2018.

Reason: For the avoidance of doubt and in the interest of proper planning in accordance with policies ADPP1, ADPP5, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, policy P1 of the West Berkshire Housing Site Allocations DPD 2006-2026, and the National Planning Policy Framework 2018.

3. Construction Management Statement

The development hereby permitted shall incorporate and be undertaken in accordance with the Construction Method Statement received on 24 October 2017 approved by 17/02942/COND1.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety in accordance with the National Planning Policy Framework 2018, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS. 1 of the West Berkshire District Local Plan Saved Policies 2007.

4. Hours of Work

No external construction works shall take place outside the following hours:

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

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers in accordance with the National Planning Policy Framework 2018 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

5. Deliveries

During the development no deliveries shall be taken at the site within the following hours:

08:20am - 09:05am and 14:50pm - 15:50pm, Mondays to Fridays.

Reason: To safeguard the living conditions of adjacent occupiers, and the interests of highway safety particularly pedestrians at the neighbouring school in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

6. Materials schedule for outbuilding

No development above ground level of the outbuilding hereby approved as shown on the block plan shall take place until a schedule of the materials, including final colour, to be used in the construction of the external surfaces of the outbuilding has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework 2018, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

7. Surfacing

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The dwelling hereby permitted shall not be occupied until the driveway has been surfaced in accordance with the approved details on drawing 17.DWN.501 Rev C received on 10 October 2018.

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 2018 and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

8. Parking

The dwelling hereby permitted shall not be occupied until the vehicle parking and turning space have been surfaced and provided in accordance with the approved drawing 17.DWN.501 Rev C received on 10 October 2018. 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 in accordance with the National Planning Policy Framework 2018, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

9. Balcony Screen

The dwelling hereby permitted shall not be occupied until the balcony at first floor level on the northern side of the rear elevation (adjacent to 143 Priory Road) has been fitted with an obscure glass screen in accordance with approved drawings 005 Rev A and 004 Rev A received on 10 October 2018. The obscure glazed screen shall be retained in perpetuity, until the balcony is removed. Any replacement shall be like for like, or details of an alternative screen shall be submitted to and agreed in writing by the local planning authority before the screen is changed and which shall then be retained in perpetuity or until the balcony is removed.

Reason: In the interests of neighbouring amenity and to minimise overlooking of the private amenity space at 143 Priory Road in accordance with the National Planning Policy Framework 2018, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

10. Plant Machinery in Outbuilding

The domestic outbuilding hereby permitted as shown on the block plan shall not be brought into use until the plant for the endless pool has been installed in accordance with paragraphs 2.15 to 2.20 of the Planning Statement by Atlas Planning received on 10 October 2018. Any replacement of the plant machinery for the endless pool shall be like for like or details of an alternative along with details of its noise output shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity and to minimise noise in accordance with the National Planning Policy Framework 2018, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

11. Landscaping

All landscape works shall be carried out in accordance with the approved plan 17.DWN.501 Rev C received on 10 October 2018 and with the exception of the dates stated the Landscape Implementation, Maintenance and Management Plan by RALD received on 12 June 2017 approved by 17/01709/FULD and 17/03089/FULD. The landscaping scheme shall be implemented within the first planting season following the

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework 2018, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

12. Spoil

All spoil arising from the development hereby approved shall be removed from site within 3 months of completion of the development.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area in accordance with the National Planning Policy Framework 2018, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

(2) Application No. and Parish: 18/01315/HOUSE - Greenham

The Committee noted that this item had been withdrawn after the publication of the agenda.

(3) Application No. and Parish: 18/01090/FULD - Welford and Wickham

(Councillors Jeff Beck, James Cole and Virginia von Celsing declared a personal interest by virtue of the fact that they were acquainted with the applicant in his capacity as the Lord Lieutenant for Berkshire. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/01090/FULD in respect of the proposed conversion of four agricultural buildings to residential use including parking, landscaping and associated works at Elton Farm, Weston.
2. In accordance with the Council's Constitution, Mr James Puxley, applicant, and Mr Justin Packman, agent, addressed the Committee on this application.
3. Derek Carnegie 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. Officers recommended the Committee grant planning permission.
4. Paul Goddard drew the Committee's attention to the Highways report on page 50 of the agenda and advised that while concerns regarding sightlines were shared by Highways Officers, it was likely that residential traffic from the site would be less than or equal to agricultural traffic.
5. Mr Puxley and Mr Packman in addressing the Committee raised the following points:
 - The application for the conversion of redundant agricultural buildings to residential dwellings was compliant with the Council's policies.

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- They had worked constructively with the Council to resolve matters and the plans had been amended in response to comments raised, such as maintaining the historical width of the Public Right of Way.
 - There had been drainage issues on a nearby site but this had nothing to do with the applicant.
 - The applicant's family had been custodians of the land on which the site sat for over 400 years and wished to maintain the health of the River Lambourn.
 - The site was not connected to mains waste water and relevant tests had confirmed that the proposed drainage solution would be adequate and meet the Sustainable Drainage System requirements. The removal of the hardstanding and the creation of gardens would reduce rainwater run off by 30%.
 - The foul drainage of the farmhouse, although outside of the application, would also be improved.
 - Natural England and the Council's Drainage Officer considered that the application was acceptable.
6. Councillor James Cole asked whether the applicant would be amenable to a condition to secure the long term maintenance of the drainage system. Mr Packman advised that the applicant wanted to ensure that the drainage system was maintained and understood that there was a condition proposed by officers to keep it in full working order.
7. Councillor Jeff Beck asked whether the roofs of the current farm buildings was concrete or asbestos, and if it was asbestos it would be removed. Mr Packman responded that if any asbestos was discovered on the site it would be removed safely.
8. Councillor Hilary Cole asked if the applicant was aware that the Council had adopted a Sustainable Drainage Supplementary Planning Document at the meeting on 6 December 2018 and whether the proposals were compliant with this new policy. Mr Packman advised that he was aware and had not yet compared the document to the plans.
9. Councillor James Cole in addressing the Committee as Ward Member raised the following points:
- A previous development in Weston had caused a number of drainage issues in the area and had become known as 'Weston-gate'.
 - There were the necessary field areas to deal with the soakaway drainage.
 - The applicant owned three miles of the River Lambourn downstream of the site so was not likely to wish to ruin it.
 - He supported the replacement of the farmhouse's drainage system.
 - The application was better for the river and for the appearance of the Area of Outstanding Natural Beauty.
 - Residential traffic was acceptable; farms could be very busy places.
10. Turning to questions to officers, Councillor Beck asked whether a condition regarding the disposal of asbestos should be recommended. Derek Carnegie advised that this was a Building Regulations issue. Councillor Beck further asked whether the maintenance of the drainage system could be ensured. Derek Carnegie advised that the proposed condition was adequate and enforceable.

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11. Councillor James Cole sought assurance that maintenance of the drainage system would be long term; Derek Carnegie advised it would be forever.
12. Councillor Clive Hooker sought assurances that scrutiny of the application had been consistent with other applications pertaining to residential conversions of redundant agricultural buildings in the Area of Outstanding Natural Beauty. He also questioned whether appropriate ecological surveys had been undertaken. Derek Carnegie confirmed that the applicant and his agent had been careful to ensure that each element of the application had been completed properly and he was content that due diligence had been applied by the case officer.
13. In commencing the debate, Councillor Hilary Cole welcomed the application to bring redundant buildings back into use and the consideration around the River Lambourn Site of Special Scientific Interest. She had considered the traffic issues and concluded that farms could be very busy. Residents would know to take care on country roads.
14. Councillor Virginia von Celsing proposed that the Committee accept the officers' recommendation and approve planning permission. The proposal was seconded by Councillor Jeff Beck.
15. The Chairman invited the Committee to vote on the proposal of Councillor von Celsing, as seconded by Councillor Beck. 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. Full planning permission time limit

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

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

2. Approved Plans

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

Site Location Plan 2152 P1-01 rev A

Proposed Site Plan 2152 P1-03 rev C (received by e-mail dated 5th December 2018)

Proposed House 1

Proposed Ground Floor Plan 2152 P2-01-H1

Proposed First Floor Plan 2152 P2-02-H1

Proposed Roof Plan 2152 P2-03-H1

Proposed Elevations 2152 P3-01-H1, P3-02-H1 and P3-03-H1

Proposed House 2

Proposed Ground and First Floor Plan 2152 P2-04-H2

Proposed Roof Plan 2152 P2-05-H2

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Proposed Elevations 2152 P3-04-H2 and P3-05-H2

Proposed House 3

Proposed Floor Plan 2152 P2-06-H3

Proposed Roof Plan 2152 P2-07-H3

Proposed Elevations 2152 P3-06-H3 and P3-07-H3

Proposed Outbuilding - Proposed Plan and Elevations 2152 P2-11-S3

Proposed House 4

Proposed Floor Plan 2152 P2-08-H4

Proposed Roof Plan 2152 P2-09-H4

Proposed Elevations 2152 P3-08-H4 rev A

Garage H4 - Proposed Plans and Elevation 8152 P2-10-G4

Associated Documents and Background Documents

Figure Ground Plans 2152 P1-02 rev A

Contextual Analysis 2152 P1-04 rev A

Existing Plans Building 1

Floor, Roof, Elevations 2152 E2-01-H1; E2-02-H1; E2-03-H1; E3-01-H1; E3-02-H1 and E3-03-H1.

Existing Plans Building 2

Floor, Roof and Elevations 2152 E2-04-H2; E2-05-H2; E2-04-H2; E2-05-H2.

Existing Plans Building 3

Floor, Roof and Elevations 2152 E2-06-H3; E2-07-H3; E3-06-H3.

Existing Plans Building 4

Floor, Roof and Elevations 2152 E2-08-H4; E3-08-H4.

Contextual Site Sections 2152 P5-01 rev A

Topographic Survey 2152/SK00 rev A

Planning, Design and Access Statement April 2018 (Pro Vision)

Structural Report four barns (Archibald Shaw) Issue 30th May 2017

Structural Report Large Barn (Pro Vision) (26th March 2018)

Drainage

Drainage Design Strategy Issue 4 dated October 2018 (Cole Easdon) received by e-mail dated 24th October 2018

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Ecology

Covering Letter 23rd February 2018

Phase I Ecological Assessment (October 2016) (PV Ecology)

Phase II Bat and Reptile Report (November 2017) (PV Ecology)

All received with the application validated on 9th May 2018 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework, policies ADPP1, ADPP5, CS 13, CS 14, and CS 19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006.

3. Materials as specified

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms unless alternative materials are first submitted to and approved in writing by the local planning authority.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP 1, ADPP 5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).

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

5. Parking/turning in accord with plans

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, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. Schedule of materials for access road

No development above ground level shall take place until a schedule of materials to be used in the access road and car park areas has been submitted to and approved in writing by the Local Planning Authority. The materials should be permeable. This condition shall apply irrespective of any indications as to these matters which have been

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detailed in the current application the use shall not commence until the access and car park has been constructed in accordance with the approved schedule.

Reason: To ensure that the appearance of the access is appropriate to the character of the area and will not affect 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).

7. Vehicle passing area

No dwelling shall be occupied until the vehicle passing area shown on drawing 2152/P1-03 rev C (received by e-mail dated 5th December 2018) is provided in accordance with the approved details prior to any further use of the site.

Reason: To ensure the private drive is provided with adequate passing spaces/areas, in order to reduce the likelihood of vehicles reversing into the highway which would adversely affect road safety and the flow of traffic in accordance with 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).

8. Unforeseen Contamination

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

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. In accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

9. Landscaping

No development above ground level shall commence until full details of all soft and hard landscaping, including means of enclosure have been submitted to and agreed in writing by the local planning authority. The approved details shall be implemented in full before the dwellings hereby approved are first occupied, unless an alternative timescale is first agreed.

The details shall include the treatment of hard surfacing and means of enclosure (and materials to be used), a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development;
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species;
- c) The completion of all hard surfacing and means of enclosures, before first occupation.

Thereafter the approved scheme shall be implemented in full.

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

10. External lighting (details required)

No external lighting shall be erected/installed on the site until full details have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings hereby permitted are occupied. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. To protect the amenities of adjoining land users and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADDP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

11. Drainage Strategy

The development hereby approved shall be carried out in accordance with the Approved Drainage Strategy Issue 4 (Cole Easdon) dated October 2018 (received by e-mail dated 24th October 2018) and e-mail from agent dated 23rd October 2018.

No dwelling shall be occupied until the strategy has been constructed, the measures shall be installed and thereafter maintained and kept in full working order in accordance with the report and manufacturers specifications and instructions for the lifetime of the development hereby approved.

All sewage package treatment plans and drainage fields should be a minimum of 20 metres away from the River Lambourn, with drainage fields maintaining a buffer of adequate height above the groundwater.

Reason: To ensure that the surface and foul water from the development is managed and does not harm the sensitive ecology of the River Lambourn SSSI and SAC or protected species within the locality. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

12. Ecology Mitigation (implement)

The development hereby approved shall be carried out in accordance with the Phase I and Phase II Protected Species Survey (PV Ecology dated 23rd February 2018, October 2016 and November 2017). The required EPS Licence shall be obtained and all mitigation measures shall be implemented in full, unless alternative details are required as part of the EPS Licence process.

Reason: To ensure the protection of species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

13. Spoil

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

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

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

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

14. PD Rights Extensions

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwelling, shall be built or ancillary buildings or structures erected within the curtilage, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site, to safeguard the amenities and visual character of this rural area within the AONB. In accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

15. PD Rights Fencing and Other Means of Enclosure

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no fences, walls or other means of enclosure shall be erected on the boundaries of the site, unless approved as part of other conditions attached to this permission or permission in writing has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To safeguard the amenities and visual character of this rural area within the AONB. In accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

HI 3 Damage to footways, cycleways and verges

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

HI 4 Damage to the carriageway

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

Environmental Health Informative

Property is on a Private Water Supply

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The applicant shall ensure the private water supply for the house/development complies with the Private Water Supplies (England) Regulations 2016. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to West Berkshire Council Environmental Health in line with the above regulations.

Waste Management

The collection point for refuse and recycling from the new dwellings and with the existing farm house is on the public highway at Elton Lane.

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

NPPF

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.

PROW

I10) The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.

I12) The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.

I13) Nothing connected with either the development or the construction must adversely affect or encroach upon the Public Right of Way, which must remain available for public use at all time. Information on the width of the PROW can be obtained from the PROW Officer.

I14) The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.

I15) Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the Public Right of Way, to a specification agreed with the Local Authority, prior to development commencing.

I16) The applicant is advised to give the Local Authority 21 days prior notice to the development commencing. Before the applicant starts, the Local Authority must obtain from the applicant a written undertaking that they will meet any costs incurred by the

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Authority in the repair of the surface of the Public Right of Way, as a result of construction traffic using the route.

119) No alteration of the surface of the Public Right of Way must take place without the prior written consent of the Rights of Way Officer.

(The meeting commenced at 6.30 pm and closed at 7.46 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	18/03144/FUL Newbury Town Council	30 th January 2019	Newbury Athletics Club Fifth Road Newbury Berkshire Demolition of the Sports pavilion and erection of a single storey replacement pavilion and new parking area. St Bartholomews School

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03144/FUL>

Ward Member(s):

Councillor H Bairstow

Councillor A Edwards

Reason for Committee determination:

The application has received 10 or more objections and the Case Officer is recommending APPROVAL

Committee Site Visit:

24th January 2019

Recommendation.

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

Contact Officer Details

Name:

Mr. Matthew Shepherd

Job Title:

Senior Planning Officer

Tel No:

(01635) 519111

E-mail Address:

Matthew.Shepherd@westberks.gov.uk

1. Relevant Site History

- 1.1. 76/05284/ADD. Continued use of building as headquarters for Newbury Athletic Club. Approved 24.11.1976.
- 1.2. 81/016314/ADD. Renewal of temporary planning permission no 105284. Approved 19.01.1982.
- 1.3. 16/03263/FUL. Demolition of existing Newbury Athletic Clubhouse building and construction of new clubhouse building with new access and parking layout. Demolition of existing building proposed before first occupation of replacement building. Approved 07.02.2017.
- 1.4. 17/02804/FUL. Demolition of existing Clubhouse building and construction of new clubhouse with new access and parking layout. Demolition of existing proposed before first occupation of replacement building. Approved 19.12.2017
- 1.5. Full planning history available on file.

2. Publicity of Application

- 2.1. This application was advertised by way of Site Notice to which was posted to the front entrance of the site on 20th December 2018 and expired on 10th January 2019.

3. Consultations and Representations

3.1. Consultations

Newbury Town Council	No objection/comments: 1) The applicant should consult with the adjoining houses in Fifth Road to agree on screening which is both effective and attractive to look at. 2) Potential noise and light pollution from the building should be examined and appropriate action taken. The lighting should be low density. 3) The parking facilities should be studied to see if the number of spaces can be increased, to limit the on-street parking by visitors. 4) Use of the building should be limited to sporting and allied activities.
Highways	I have no objection to this planning application. Please apply suggested condition in regards to parking in accordance with the approved plans.
Sustainable Drainage Team	No response 17/01/2019
Sport England	Thank you for consulting Sport England on the above named application. It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its

	<p>own playing fields policy, which states:</p> <p>'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:</p> <ul style="list-style-type: none"> • all or any part of a playing field, or • land which has been used as a playing field and remains undeveloped, or • land allocated for use as a playing field <p>unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'</p> <p>Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: www.sportengland.org/playingfieldspolicy</p> <p>Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:</p> <p>'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'</p> <p>This being the case, Sport England does not wish to raise an objection to this application.</p> <p>The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.</p>
<p>Archaeology</p>	<p>Thank you for your consultation of 13/12/2018 on the above planning application, following other applications on this field and my previous comments apply.</p> <p>The application to demolish the existing clubhouse and construct a new building is of some archaeological interest. The site is within the Registered Battlefield of the Civil War First Battle of Newbury (though this is apparently not noted in the submitted documents), and archaeological evidence was also found at Enborne Gate Farm to the north that suggests Iron Age activity in the immediate area. As such, there is some potential for in situ archaeological features and deposits (as well as artefacts associated with the Civil War battle) to remain on site.</p> <p>I would therefore recommend that the applicant(s) be asked to commission a programme of archaeological supervision (watching brief) during the excavation of the foundations and any related groundworks for the new club house and associated landscaping. This should be secured by applying the following condition to any approval granted:</p>

	<p><i>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.</i></p> <p><i>Reason: To ensure that any significant archaeological remains that are found are adequately recorded.</i></p> <p>Such an approach follows the guidance set out in paragraph 199 of the 2018 National Planning Policy Framework.</p> <p>It was previously mentioned that the existing clubhouse (to be demolished) is a surviving World War II former billet hut. It is recognised that no viable use can be found for the building, but this represents a previously unrecognised surviving piece of military heritage that should be recorded before demolition. It is important that the works do not contribute to a significant loss of character or to the loss of historic information. Should planning approval be likely then I would advise that the following condition should be appended to any permission to ensure that the structure is adequately recorded, and that historic information is not destroyed as part of the development process without record:</p> <p><i>No demolition/ site works/ development shall take place within the application area until the applicant has secured the implementation of a programme of building recording 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.</i></p> <p><i>Reason: To ensure that an adequate record is made of these buildings of architectural, historical or archaeological interest.</i></p> <p>Such an approach is in line with paragraph 199 of the NPPF. The level of recording necessary should be guided by the advice specified by Historic England in <i>Understanding Historic Buildings: A guide to good recording practice</i> (2016). I believe a Level 2 descriptive record would be appropriate in this instance, supplemented by any accounts of the building's origins and use if these can be tracked down.</p>
Public Rights of Way Officer	No response 17/01/2019
Ramblers Association	No response 17/01/2019
Environmental Health	I have assessed the information on this consultation and I have no comments.

3.2. Representations

3.2.1. The Local Planning Authority received 30 letters of objection to the proposed development.

3.2.2. The matters raised in the letters of objection (summarised by officer) are:

- The development is too near to adjacent houses causing nuisance to the residents who will be disturbed by noise and light pollution.
- The development will also overshadow the nearest neighbouring dwellings.
- The landscaping referred to in the plans is not adequate to protect the neighbouring amenity.
- The proposed development would open it up to other profit making functions
- There is inadequate parking on site
- The inadequate parking on the site could lead to an increase in on street parking in the area raising concern in regards to road safety for all users.
- The new pavilion position would ruin the outlook of neighbours over the meadow
- The new positioning is too near residential properties which will cause more noise and light pollution.
- The now 8 parking spaces fall far short of all the extra traffic that will be generated.
- The now 3 lacrosse pitches indicate that matches will be held on a more regular and intense basis.
- In inclement weather, parents often sit in their vehicles with engines running for warmth - causing a high pollution risk - particularly as there are chronic asthma sufferers in the area and children regularly use this route.
- Objection to other uses of the pavilion being proposed such as a leisure club
- The design of the building is considered an eyesore
- Concern in regards to noise and music being played from the proposed pavilion and its impact on neighbouring amenity.
- Objection to the lack of landscaping proposed between the pavilion building and adjacent houses but the objector also had an adversity to the loss or change to this landscaping given its ecological value.
- The development could increase occurrences of crashes and incidences to which objectors already believe are high in the area.
- Objection to the arrival of coaches to drop teams off at the venue which causes chaos in the area in regards to traffic.
- If the facility is approved, especially with the expansion of the facility to have a clubhouse, kitchen & improved lacrosse facilities etc. that the sports ground will become more frequently used for sport & social use.
- The pitches will take up virtually the whole of Brown's Field so parents will no longer be able to park there
- Previous application 17/02804/FUL was approved. This new application just seems like an attempt to get major changes through under the net without being fully noticed.
- The scheme will have a direct and adverse effect on the wellbeing and amenities of the neighbouring houses and residents
- It will also have an adverse effect on the safety of all the residents in this area of Fifth Road through the increase in the traffic.
- The Design and Access Statement alludes to the fact that ample parking and drop off places are available and that an up to date travel plan is in operation however this has not come to fruition and the reality is that the proposed development is likely to causes traffic chaos despite these factors.
- The decked area may cause disruption if let out to other parties.
- Public consultation was not considered meaningful
- Objection to the 2m high netting that will be placed around the front of the new building.
- The proposed design of the building does not fit in the rural area.

- This new pavilion has a far larger capacity for changing and a hall with double doors onto a large decked area. It is designed for a far wider and all year / all week use to the wider community and organisations.
- Given the increase in pitches and new location of pavilion visitors will be unable to park on the grass
- Currently the school is advising parents to park at the school car park. This has always been ignored. People do not want to walk the half a mile from there to the field when there is “parking” nearer the facility.
- The planning applications consultation period occurred over Christmas given less time to comment.
- The site is of historical interest and should not be developed.
- The view over the field is enjoyed by walkers and local residents. This view would be impaired by a building in the proposed location.
- The roads in the surrounding area are already poorly maintained and the increased footfall from this development would make these worse.

4. Planning Policy Considerations

4.1. 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)

4.2. The following policies from the West Berkshire Core Strategy carry full weight and are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 5: Infrastructure requirements and delivery
- CS 11: Hierarchy of Centres
- CS 13: Transport
- CS 14: Design Principles
- CS 17: Biodiversity and Geodiversity
- CS 18: Green Infrastructure
- CS 19: Historic Environment and Landscape Character

4.3. 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 future 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
- ENV.27 Development on Existing Institutional and Educational Site in the Countryside

4.4. 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
- P1: Residential Parking for New Development

4.5. Other material considerations for this application include:

- The National Planning Policy Framework (2018), (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design Supplementary Planning Document (SPD)

5. Proposal

- 5.1. The application proposes the demolition of the sports pavilion and erection of a single storey replacement pavilion and new parking area. The site lies outside, but adjacent to the defined settlement boundary of Newbury. The pavilion to be demolished is an existing World War II billet hut which is unlisted, additionally the development falls within a registered battle field of the Civil War First Battle of Newbury.
- 5.2. The proposed pavilion will be 25.2 metres long, by 8.9 metres wide and have an overall height of 3.35 metres (approx.). It is of a contemporary design clad in modern materials and flat roofed in design.

Determining issues:

- The Principle of Development;
- The Impact on Highway safety;
- Ecology of the Site;
- Archaeology of the Site;
- Community Infrastructure Levy.

6. The Principle of Development

- 6.1. The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy, the Saved Policies of the West Berkshire District Local Plan and the West Berkshire Housing Site Allocations Development Plan Document.
- 6.2. The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system including the need to support sustainable economic growth. The first core planning principle set out in the NPPF is that planning should be genuinely plan led.
- 6.3. As the site falls outside the settlement boundary the application must be considered against ENV.27 as St Bartholomew's School and Newbury Athletics Club are both institutions to which would use this facility and this clubhouse is considered development on an existing institutional site. ENV.27 sets out criteria to which proposals for educational and related development on existing school or institutional sites located in the countryside must be meet for development to be acceptable. The following points need to be fulfilled;
- a) it is demonstrated to the satisfaction of the Council that such development is necessary to meet the reasonable needs and operational requirements of existing educational and institutional establishments; and*
 - b) there are no existing buildings or accommodation within the site or in proximity that might reasonably be used; and*
 - c) it is reasonable in proportion to the size and nature of the existing establishment; and*

- d) *it is well designed and constructed of appropriate materials, is located close to or within an existing group of buildings and is not inappropriate or intrusive in its setting; and*
- e) *it is not harmful to or would result in any significant loss of open space areas, landscape or habitat features found within the site or impact unduly on the amenities of adjoining residential or other properties; and*
- f) *it makes provision for landscape enhancement within or adjoining the site where this would help to screen and integrate the new development into its rural surroundings; and*
- g) *it would not generate traffic of a type or amount prejudicial to highway safety or the amenity of the area.*

- 6.4. Policy ENV.27 goes on to say that in general terms the scale and balance of development (existing and proposed) should be in keeping with the existing nature and character of the site and not harm its location and setting.
- 6.5. The development is proposed to facilitate the use of the site for St Bartholomews School for Physical Education Lessons, for sports such as Lacrosse, and for Newbury Athletics club to continue training within the grounds. The development proposed has a similar footprint to that of the existing pavilion on site (this is required to be replaced given its age and structural safety). The existing pavilions footprint is 202 sqm (approx) and the proposed pavilion is 224 sqm (approx). They both contain similar uses in terms of large halls for activities, stores, kitchens, and changing facilities. The proposed development provides a modern facility with improved facilities for changing and supporting the use of the site for sports. It is considered that the proposed design would meet the needs of the users in regards to the use of the site for sports and athletics. The movement of the pavilion from previously approved schemes will allow for a third lacrosse field to be utilised. The development there for is not only necessary but beneficial to the use of the site. This therefore meets section A and section C of ENV.27 as displayed above.
- 6.6. As briefly touched upon above the existing pavilion on site is unsuitable, outdated, and fails to meet the needs of the sports clubs and school that uses it. The removal and demolition of the existing pavilion has been accepted in two previous permissions. This therefore meets criteria B of the ENV27.
- 6.7. 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 whilst making a positive contribution to the quality of life in West Berkshire. It further states that the 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.
- 6.8. The development is proposed to be a pre-fabricated single storey structure with a flat roof design, this results in a low profile building on the site. This has the effect of reducing the proposed developments impact upon the wider site and steps development away from the existing settlement boundary into the countryside. The materials proposed are metal cladding in various subtle colours to reflect the design of the school. Although objections have been received to this design the case officer does not find the development unacceptably designed. It may be different, however being a sports pavilion building a different design is reflective of its unique nature on the site. The National Planning Policy Framework speaks of how LPA's should ensure design is of the highest quality. Although it is accepted the design may not strictly accord with the traditional urban street scene it does not afford harm to it. It is not considered poor quality design but adds to the variety and architectural features of Newbury in its unique design. The development therefore

meets criteria D of ENV.27 and it is considered the proposed development would not adversely affect the character and appearance of the area in accordance with the provisions of Core Strategy policies ADPP1, ADPP2, CS14 and the NPPF.

- 6.9. The development is re-located away from the existing footprint of the pavilion on site. It is moved away from the previously approved schemes also. The proposed pavilion is moved towards the south of the site, west of the entrance. The development therefore keeps development close to the boundaries of the site and adjacent to existing settlement boundary to which minimises the impact on the open area and landscape. More importantly with the movement of the pavilion this will allow room for three lacrosse pitches to be accommodated on the site. This allows for the maximum and most efficient use of the open space for sports.
- 6.10. 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. This policy requires appropriate measures to be taken in the location, design, layout and operation of development to minimise any adverse impact as a result of noise generated from the proposal.
- 6.11. A number of objections have been received in regards to the impact the development will have upon dwellings to the south of the proposed location of the pavilion namely Nos. 61 to 67 Fifth Road. The separation distances between the proposed development and the residential dwellings is approx. 18 metres. Between the proposed pavilion and dwellings is an un-adopted roadway and a bramble hedgerow of varying thickness and density. The proposed pavilion is approx. 3.35 metres high. With the orientation of the pavilion and separation distances issues of overshadowing of the neighbouring amenity are not raised as concerns of the case officer. Given the separation distance and height of the proposed pavilion the development does not raise concern in regards to overbearing on the neighbouring amenity. No windows are proposed that would face towards neighbouring amenity on the southern elevation therefore overlooking issues are not present.
- 6.12. Concerns have been raised by objectors in terms of the use of the site increasing occurrences of light and noise pollution. The case officer is reactive of these comments and has ensured that reasonable hours of use are conditioned, both on going and during construction. The use has been restricted via planning condition and a restrictive condition has been used to control music until acceptable details of noise impact assessment have been submitted. The objections raised by neighbours in regards to the increased use of the site as a result of the new pavilion building are not shared by the case officer and can be controlled via planning condition.
- 6.13. The hedgerow between the proposed pavilion and the residential amenity assists in breaking up the pavilions southern façade. The hedgerow is no relied upon to make the proposed development acceptable but does assist in reducing the impact upon neighbouring amenity. The movement of the proposed pavilion is to the benefit of the sports field allowing it to fit three lacrosse fields onto the site. The previous two proposals did not allow for a third lacrosse pitch that meets regulations standards to be accommodated on site. Given the lack of harm identified by the case officer in regards to neighbouring amenity and the clear benefit to the schools ability to provide another lacrosse field to its children the issues of neighbouring amenity do not raise concern for the case officer.
- 6.14. For these reasons, the proposal subject to conditions, would be in accordance with development plan policies ADPP1, ADPP2, CS14, ENV.27, and OVS.6, as well as guidance in SPD Quality Design and the NPPF.

7. Highway safety

- 7.1. 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.
- 7.2. The current site has no formally laid out parking, it provides no cycle parking or disabled parking on site. The proposed development would provide 8 parking spaces to which two would be for disabled users. It would also provide 10 cycle storage stands. These can be guaranteed to be delivered through planning conditions. A large degree of objection has been received from the public consultation in regards to parking on match days. The design and access statement would suggest that the school has an active travel plan in place to ensure parking is not an issue for the area. The school must ensure this is adhered to ensure the impact to the residents is not unacceptable. The case officers acknowledges the objections in regard to parking but finds that the provision on site has increased by 8 formally laid out spaces and 10 cycle storage spaces compared to the original provision which is zero. Additionally the internal use of the site is similar to that of the existing pavilion. This is displayed by the comparable internal floor areas and uses. The LPA's Highways team have raised no objection to the application. The objections to the parking provision on site is balanced against the community benefit of the proposed pavilion and the numerous benefits to school children playing sports on the site. What tips the planning balanced in favour of this development is that provision of formally laid out parking has increased. Therefore the benefits of the development outweigh the objections in the case officers opinion.
- 7.3. The increase in car parking for this site is much welcomed and is a requirement of this application. The highway recommendation is for conditional approval as set out the Highways Officers email response.
- 7.4. Therefore the proposal is considered to be, on balance, acceptable and in accordance with CS13 of the West Berkshire Core Strategy (2006-2026), Saved Local Plan policy TRANS1 and the NPPF (2018), subject to conditions.

8. Ecology

- 8.1. 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. The existing pavilion has been surveyed for protected species and the ecology survey has suggested how to demolish the pavilion to protected any species that may inhabit the development.
- 8.2. It is considered that the development will comply with CS17 of the Core Strategy and advice within the NPPF.

9. Archaeology of the Site

- 9.1. The application to demolish the existing clubhouse and construct a new building is of some archaeological interest. The site is within the Registered Battlefield of the Civil War First Battle of Newbury (though this is apparently not noted in the submitted documents), and archaeological evidence was also found at Enborne Gate Farm to the north that suggests Iron Age activity in the immediate area. As such, there is some potential for in situ archaeological features and deposits (as well as artefacts associated with the Civil War

battle) to remain on site. An archaeological investigation should be commissioned and this should be secured via planning condition.

- 9.2. The existing clubhouse (to be demolished) is a surviving World War II former billet hut. It is recognised that no viable use can be found for the building, but this represents a previously unrecognised surviving piece of military heritage that should be recorded before demolition. It is important that the works do not contribute to a significant loss of character or to the loss of historic information. A programme of building recording will be secured via planning condition via planning condition.
- 9.3. It is therefore planning conditions are reasonable and the proposed development can therefore be considered in line with CS19 of the Core Strategy and Advice within the NPPF.

10. BREEAM

- 10.1. In accordance with CS15 of the West Berkshire Core Strategy 2006-2026 development should seek to be constructed in a sustainable way to help achieve a reduction in emissions. The applicant has made arguments that the implementation of a BREEAM condition could make the proposed development unviable and would therefore remove its clear community benefit. The decision not to place a BREEAM condition is finely balanced but it is considered the reduction of size from a previously approved scheme, and the arguments made on community benefit would make the condition overly onerous.

11. The Planning Balance and Assessment of Sustainable Development

- 11.1. The NPPF states there is 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.
- 11.2. Being a proposed replacement clubhouse the scheme has economic considerations in conjunction with the short term benefit of construction and long term benefit to the community. The Environmental considerations have been assessed in terms of design, amenity and impact on the area. Social considerations overlap those of the environmental in terms of amenity.
- 11.3. The development is considered to benefit the school by providing updated changing facilities and room for an extra lacrosse field. The benefit of this to the health of children and the increased opportunity for children to participate in sport is given great weight by the case officer. In addition to the benefit to the school there is a wider benefit to which the proposed pavilion will have by allowing Newbury Athletics club to continue to use the site and enjoy the proposed facilities. Although a number of objections have been received to the design, lack of parking provision and increased use of the site. These are balanced against the opinion that the proposed pavilion is designed in a contemporary manner to which is high quality and does not cause harm to the character of the area. The parking provision on site will increase from zero to eight spaces and 10 cycle stands. The site will also benefit from additional room for a third lacrosse field.
- 11.4. In summary the keys issues are the extra provisions in regards to parking and cycle stands, lack of harm to the character of the area, lack of harm to neighbouring amenity and the large public benefit the proposed development will bring. In the planning balance, the case officer finds the public benefits exceed those of the negatives of the site to which are minimised and can be controlled via planning condition.
- 11.5. The application is therefore recommended for conditional APPROVAL.

11.6. The proposal for a replacement sports pavilion is considered in accordance with National Planning Policy Framework (2018), policies ADPP1, ADPP2, CS11, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and OVS.5 and OVS.6 of the West Berkshire Local Plan Policies 1991-2006 (Saved 2007). In addition to these the proposal is in line with supplementary planning guidance Quality Design (June 2006).

The Head of Development and Planning be authorised to Grant Planning Permission subject to the following conditions:

1. Full planning permission time limit

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

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

2. Approved Plans

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

- Drawing title "Existing Site Location Plan". Drawing 1720 AP. 00.04 Rev A. Date received 5th December 2018.
- Drawing title "Proposed Site Plan". Drawing number 1720 AP.00.93 Rev A. Date received 5th December 2018.
- Drawing title "Proposed Sport Pitches". Drawing number 1720 AP 00.05 Rev A. Date received 5th December 2018.
- Drawing title "Proposed Elevations". Drawing number 1720 AP 40.02 Rev A. Date received 5th December 2018.
- Drawing title "Proposed Elevations". Drawing number 1720 AP 40.01 Rev A. Date received 5th December 2018.
- Drawing title "Proposed Floor Plan". Drawing number 1720 AP 10.01. Rev A. Date received 5th December 2018.
- Drawing title "Proposed Roof Plan". Drawing number 1720 AP 10.02. Rev -. Date received 5th December 2018.
- Drawing title "Proposed Ground floor". Drawing number 1720 AP 10.06. Rev A. Date received 5th December 2018.

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

3. Schedule of materials (optional samples)

No works above ground level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) AND Supplementary Planning Document Quality Design (June 2006).

4. External Lighting

No external lighting of the proposed building shall be erected without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. To protect the amenities of adjoining landusers and the character of the area. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

5. Landscaping

No development shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscaping scheme within the first planting season following completion of development/first occupation of the dwelling(s)/first use of the development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.

b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6. Restriction of Use Class to D2

The premises shall be used solely as an indoor and outdoor sports and leisure facility as detailed within the submitted planning application and for no other purpose including any other purpose in Class D2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification).

Reason: Careful consideration has been given to this application for planning permission and any other use may not be acceptable on the site. This condition is imposed in accordance with the National Planning Policy Framework 2018 and Policies, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.2007.

7. Programme of Archaeological Work

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. Such an approach follows the guidance set out in paragraph 141 of the National

Planning Policy Framework. Such an approach is in line with paragraph 141 of the National Planning Policy Framework and with CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8. Building Recording

No demolition / site works / development shall take place within the application area until the applicant has secured the implementation of a programme of building recording 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 an adequate record is made of these buildings of architectural, historical or archaeological interest. Such an approach is in line with paragraph 141 of the National Planning Policy Framework and with CS14 and CS19 of the West Berkshire Core Strategy (2006-2026). The level of recording necessary should be guided by the advice specified by Historic England in Understanding Historic Buildings: A guide to good recording practice (2016). A Level 2 descriptive record would be appropriate in this instance, supplemented by any accounts of the building's origins and use if these can be tracked down.

9. Ecology of the Site

Development shall proceed in accordance with the measures detailed within "Updated Preliminary Bat Roost Assessment" Reference R2093/b November 2018 by John Wenman Ecological Consultancy unless otherwise agreed in writing by the Local Planning Authority.

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

10. Demolition before use begins

The approved Clubhouse building at Newbury Athletics Fifth Road Newbury Berkshire that is subject to this permission shall not be brought into use until demolition of the original club house on site have been completed fully as shown in approved plans. Demolition will be completed fully and all spoil removed from the site.

Reason: In the interests of maintaining the appearance of the area in in accordance with policies ADPP1, ADDP2, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). Additionally in the interest of good planning and clarity.

11. Parking / turning in accord with plans (YHA24)

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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. HIGH19 – Cycle parking (YHA35) - variation

The development shall not be brought into use until cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking cycles at all times.

Reason: To ensure the development reduces assists with the parking, storage and security of cycles and motor cycles. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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).

13. Hours of use

The use hereby permitted shall not be open to customers outside the following hours:

08:00:00 to 22:00:00 Mondays to Fridays;
08:30:00 to 22:00:00 Saturdays;
09:00:00 to 18:00:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

14. No music until details submitted

No music shall be played until details of a noise impact assessment have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

15. Hours of work (construction)

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

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

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

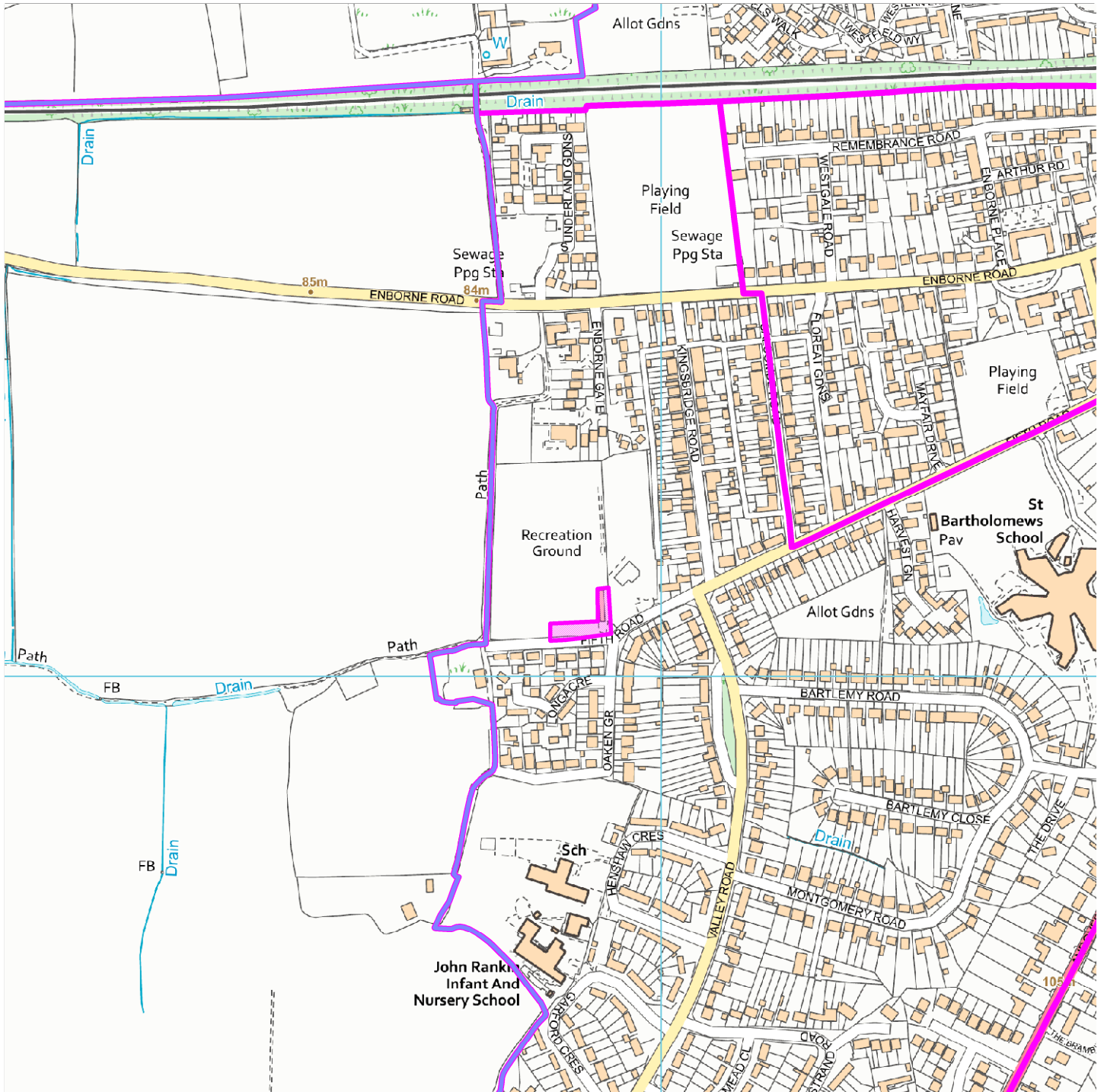
16. Preventing the implementation of two schemes

The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Local Planning Authority under application 16/03263/FUL granted on the 07.02.2017 or under planning application 17/02804/FUL granted 19.12.2017 is begun.

Reason: To prevent the implementation of both schemes which would to which would intensify the use of the use. This condition is applied in accordance with The National Planning Policy

Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

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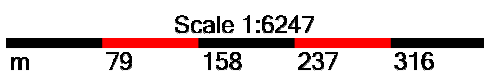


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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	17 January 2019
SLA Number	0100024151

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Agenda Item 4.(2)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	18/02799/HOUSE Boxford Parish Council	20 th December 2018	Single storey side extension to create enlarged kitchen, dining, utility area with internal alterations. 2 Shepherds Hill, Boxford, RG20 8DU Mr and Mrs Amorelli

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/02799/HOUSE>

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

Ward Member(s): Councillor Paul Bryant
Councillor Marcus Franks

Reason for Committee Determination: The applicant is a member of planning staff.

Committee Site Visit: 24th January 2019

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

1. Site History

- 16/02941/HOUSE: Proposed single storey side extension and associated internal alterations. Approved. 22.12.2016.
- 06/00212/HOUSE: Re-siting of domestic oil tank from side of house to side of garage alongside road frontage. Approved. 20.03.2006.
- 03/01009/HOUSE: Removal of condition 3 of application 115226 (to maintain hedge on the road frontage to a minimum height of 7'6"). Approved. 28.08.2003.

2. Publicity of Application

Site Notice Expired: 13.12.2018

3. Consultations and Representations

Parish Council:	No objections.
Highways:	No highways objections subject to informatives.
North Wessex Downs Management:	No comments received.
Public Consultation:	No letters of representation received.

4. Policy Considerations

- 4.1 The statutory development plan includes the West Berkshire Core Strategy (2006-2026), Housing Site Allocations DPD (HSA DPD) (2006-2026) and the saved policies in the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007).
- 4.2 Other material considerations include government guidance, in particular:-
- The National Planning Policy Framework (July 2018) (NPPF)
 - The Planning Practice Guidance
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:-
- Area Delivery Plan Policy 1: Spatial Strategy
 - Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
 - CS 13: Transport
 - CS 14: Design Principles
 - CS 19: Historic Environment and Landscape Character
- 4.4 The following policies from the West Berkshire District Local Plan are relevant to this application:
- OVS.6: Noise Pollution
- 4.4 The following policies from the Housing Site Allocations Development Plan Document (HSA DPD) are relevant to the following application:
- P 1: Residential Parking for New Development
- 4.6 In addition, the following locally adopted policy documents are relevant to this application:
- Supplementary Planning Guidance: House Extensions (2004)
 - Quality Design: West Berkshire Supplementary Planning Document (2006)

5. Description of Development

- 5.1 Planning permission is sought for a single storey side extension attached to the north elevation of an existing projection on the dwelling. The approximate dimensions of the proposed extension are: (w): 2.2 metres x (d): 3.95 metres x (h): 4.5 metres.
- 5.2 The application site is located on the western side of School Lane in the east of Boxford, within the settlement boundary. Boxford is located in the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB). Shepherds Hill is formed of 6 semi-detached dwellings constructed in the late 20th Century. These dwellings all have a similar character and appearance.
- 5.3 No. 2 Shepherds Hill is positioned on the bend in School Lane and which creates a larger front garden than the neighbouring semi-detached dwellings in Shepherds Hill. As a result a detached garage is positioned to the north-east of the dwelling in the front garden. A low boundary fence and hedge runs along the front and north site boundaries.
- 5.4 This planning application follows the approval of 16/02941/HOUSE, which granted planning permission for a single storey side extension in the same location. The proposed development is therefore an alternative to this approved scheme. The extension proposed on this application had a larger footprint, however this application included the demolition of the existing garage.

6. Consideration of the Proposal

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

- 6.1 The principle of the development
- 6.2 The impact on the character of the area
- 6.3 The impact on neighbouring amenity
- 6.4 The impact on highway safety
- 6.5 Community Infrastructure Levy (CIL)

6.1 The principle of the development

6.1.1 The application site is located within the defined settlement boundary of Boxford. According to Core Strategy Policy ADPP1, Boxford is a smaller village with a settlement boundary and therefore suitable only for limited infill development subject to the character and form of the settlement. The extension of an existing dwelling within the settlement boundary is generally in accordance with the development plan in principle. However, the development plan also includes general development management policies which seek to ensure that the impacts of any development are acceptable (e.g. design, ecology and the historic environment); such policies are considered below.

6.2 The impact on the character of the area

6.2.1 Boxford is a rural settlement within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB). Through the NPPF, the Government, advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The character of settlements within the NWD AONB make an important contribution to the value of these protected landscapes.

6.2.2 Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 seeks the enhancement of the natural and built environment.

It states that 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.

6.2.3 The proposed single storey extension is considered to be appropriate in terms of scale. The extension is designed to sit below the eaves of the main dwelling and there will not be a significant increase in footprint of the dwelling, as a result the proposal is considered to be subservient.

6.2.4 The proposed design and materials of the extension will closely match the existing dwelling and are considered not to have a harmful impact on the character of the existing dwelling.

6.2.5 Due to the location of the dwelling, on the bend in the School Lane, both the front and side elevation of the proposal will be visible from the public highway. However, due to the position of the extension the existing detached garage partially obscures the proposal in the street scene. Furthermore, due to the depth of the front garden the proposal is approximately 6 metres from the public highway. As a result it is considered that the proposed extension will not appear prominent in the street scene.

6.2.6 The dwellings in Shepherds Hill have a similar character and design. It is considered that the sympathetic design of the extension will mitigate any harmful impact on the character of these properties by ensuring the extension does not appear incongruous.

6.2.7 Due to the appropriate scale, design and position of the single storey side extension it is considered that there would not be a significant impact on the character and appearance of the area and the NWD AONB setting.

6.3 The impact on neighbouring amenity

6.3.1 The proposed single storey extension retains a separation distance of approximately 3 metres between No. 2 Shepherds Hill and No. 3 Shepherds Hill. The extension is small in scale and the hipped roof design helps alleviate the impact on neighbouring amenity, in terms of overbearing impact and daylight/sunlight received. It is therefore considered that the impact on neighbouring amenity will not be adverse to No. 3 Shepherds Hill.

6.3.2 It is considered that due to the positioning of the openings there will not be a significant impact on privacy for No. 3 Shepherds Hill.

6.3.3 16/02941/HOUSE considered that the single storey side extension in the same location would not have a significant impact on neighbouring amenity. Similarly, it is considered that this proposal will not have an adverse impact on neighbouring amenity for the surrounding properties.

6.4 The impact on highway safety

6.4.1 This application does not propose changes to the parking or vehicular access to No. 2 Shepherds Hill.

6.4.2 The Highway Officer raised no objections to the proposal and recommends standard informatives.

6.5 Community Infrastructure Levy (CIL)

6.5.1 The proposed internal floor space will not increase by more than 100m². Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council the development is not liable to pay CIL.

7. Conclusion

7.1 Having taken in to account the relevant policy considerations and the material considerations referred to above, it is considered, the development is acceptable and conditional approval is justifiable for the following reasons: due to the appropriate location, scale and design of the proposal. The proposal accords with the NPPF (July 2018) and Policy ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8. Full Recommendation

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

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

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

2. The development hereby permitted shall be carried out in accordance with the approved drawing number 1217- EX 01 (Existing Plans and Elevations) and 1217- PL 01 (Proposed Plans and Elevations) received on 22.10.2018.

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

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

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

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

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

Informatives: DEC1 (Approval- no objection and no revision), HI3 (Damage to footways, cycleways and verges) and HI4 (Damage to carriageway).

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18/02799/HOUSE

2 Shepherds Hill, Boxford RG20 8DU



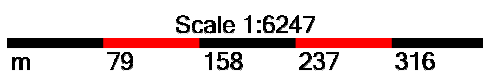
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	17 January 2019
SLA Number	0100024151



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Agenda Item 5.

APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
NEWBURY 18/02060/OUTD PINS Ref 3212680	3 Chesterfield Road Newbury Mrs J Joy	Outline application with all matters reserved. Two storey 4 - 5 bed detached house with crossover.	Delegated Refusal.	Dismissed 27.12.18
LAMBOURN 18/00062/FUL Pins Ref 3211821	Keeps Cottage Woodlands St Mary Hungerford Andrew Werrell	Erection of outbuilding and change of use from ancillary domestic to office use	Delegated Refusal	Dismissed 4.1.19
NEWBURY 18/00876/FULD Pins Ref 3210045	6 Northwood Drive, Newbury Mr Hamey and Mrs Woodhead	New single family dwelling	Delegated Refusal	Dismissed 9.1.19
NEWBURY 17/02682/PACOU Pins Ref 3202287	Unit 4 36 Queens Road Newbury A W S Communications Ltd	Application to determine if Prior Approval is required for conversion of first floor office accommodation into two one-bedroom flats.	Delegated Refusal	Allowed 14.1.19
NEWBURY 18/01429/PACOU Pins Ref 3202287	4 Gordon Road Newbury Mr and Mrs S Holland	Application to determine if Prior Approval is required for the change of use to two-storey one-bedroomed dwelling	Delegated Refusal	Allowed 14.1.19

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NEWBURY 18/02060/OUTD PINS Ref 3212680	3 Chesterfield Road Newbury Mrs J Joy	Outline application with all matters reserved. Two storey 4 - 5 bed detached house with crossover.	Dele. Refusal	Dismissed 27.12.18
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Procedural Matter

The application, the subject of the appeal, was made in outline with all matters reserved. The Inspector considered the appeal on the same basis and assessed the drawings as merely illustrative insofar as they refer to the reserved matters.

Main Issues

The main issues are whether the proposed development would preserve or enhance the character or appearance of the Newbury Town Centre Conservation Area (CA), with particular regard to:-

- the effect of the proposed house; and,
- its effect on the yew tree to be retained.

Reasons

The effect of the proposed house

The Inspector appreciated that the patterns of development in the CA vary. However the variety does not undermine its architectural and spatial character. Indeed, there is coherence within each section and an overall distinctiveness across the whole of the CA which is enriched by its constituent parts. In this section, between Thompson Lodge and 29 St. John's Road, the pattern of development is distinctive for the spaciousness between the large, elegant houses set in large gardens planted with trees and shrubs.

While the proposal is indicated to retain some gaps beside the neighbouring houses, it would effectively close the existing gap and reduce the garden space beside No. 3, which makes a significant contribution to the significance of the CA. It would undermine its distinctive spacious character. The Inspector took into account that all matters are reserved and that siting and scale are only indicative. Nonetheless, he could not see how a proposal of the scale indicated could be developed without harm to the distinctive spacious character and significance of the CA.

He acknowledged that the proposal may reflect the development pattern across the road and further along this side. However, the appeal site lies within the CA, to which in this section, the open space and garden beside No. 3 makes a significant contribution in terms of both its landscape and spatial character.

The Inspector therefore concluded that the proposed development would harm the distinctive spatial character of the CA. While he saw less relevance of policy CS18 of the West Berkshire Core Strategy 2012 (CS) which concerns green infrastructure and to which the Council refers, it would nonetheless conflict with CS policies CS14, CS19 and ADPP2. These expect development to respect the historic environment of the town, the character and landscape of the surrounding area, to contribute to local distinctiveness, and to conserve and, where appropriate, to enhance heritage assets.

The effect on the Yew tree to be retained

In the garden of No. 3 stands a 12m high Yew tree, in good condition. It contributes to the landscape of large gardens containing trees and shrubs which characterise this section of the CA. Taking account of its spread indicated in the appellant's Arboriculture Report, the erection of the house in the position indicated would intrude into its dense, evergreen canopy, which has a relatively low crown. Apart from the damage this may cause, there would likely be pressure to fell the tree to relieve the effect of its overshadowing of the rooms on the same side of the house.

Moreover, a substantial area of the root protection area (RPA) of the Yew, which stands only a few metres from the existing house, would be under the new house. Given that the proposal indicates access and parking for 3 cars within the RPA, and even taking into account the present storage below its canopy, there is a risk that the tree would be substantially harmed or lost, and its contribution to the significance of the CA diminished.

The house could be designed to maximise openings with alternative aspects, and it could be sited further back into the plot to avoid conflict with the canopy and RPA of the Yew. However, such a deep position within the plot may conflict with the characteristic front building line depth of the houses on the adjoining plots, which may harm the distinctive pattern of development of this section of the CA and its significance. Moreover, it may harm the living conditions of the occupiers of the houses in the adjoining plots.

Without evidence that mitigation could overcome the risks to the health of the Yew as identified above, the proposed development would be likely to lead to its demise. It would therefore be in conflict with CS policies CS14, CS19 and ADPP2.

Conclusion

The proposed development would harm the distinctive spatial and landscape character of the CA, and therefore fail to preserve it in accordance with the requirements of section 72 of the Act, the special attention to which, the Courts have determined, the Inspector is required to give considerable importance and weight.

In the context of paragraph 193 of the National Planning Policy Framework he would, in relation to the CA as a whole, define the magnitude of the harm identified as less than substantial. Nevertheless, paragraph 196 still requires that any such harm be considered against any public benefits a scheme may bring. However, no public benefit has been put forward to be weighed against the harm identified.

The proposal would provide a modest social benefit of one additional dwelling to local housing supply. It would bring economic benefits too, from the spending in the local economy of future occupiers who would have access to a range of local amenities and public transport, which would have environmental advantages.

However, it would harm the CA, which would place it in clear conflict with the development plan. It would conflict with the environmental dimension of sustainable development set out in paragraph 8 of the Framework and there are no considerations which outweigh the harm identified.

For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.

DC

LAMBOURN 18/00062/FUL Pins Ref 3211821	Keeps Cottage Woodlands St Mary Hungerford Andrew Werrell	Erection of outbuilding and change of use from ancillary domestic to office use	Delegated Refusal	Dismissed 4.1.19
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Procedural Matter

The application was originally submitted as “*change of use from ancillary domestic to office use*”. However, the Council noted that the building involved was materially different to that previously permitted and, with the agreement of the appellant, revised the description to the one set out above. The Inspector therefore used this amended description.

Main Issue

The Inspector considered the main issue in this case to be the effect of the proposal on the character and appearance of the area, within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Permission was granted for a garden store (under permission 09/00248/HOUS) in the same location as the building the subject of this appeal. However, it is clear that this building was constructed differently to that shown on the permitted plans. It is taller, contains a first floor, is clad in dark stained timber, includes a rooflight and has door and window openings in different locations and framed with white PVCu. The appeal proposal seeks permission for the building on site and also to change its use to office use.

The Inspector viewed the site from a number of different positions, including from the single track road that serves it, from the B4000 and from the B4001. He noted that there are clear views of the building the subject of this appeal from several places along the B4001 north of the M4 and from the B4000 to the north of the appeal site. These latter views were through the roadside hedge and would not be possible in the summer months, when the hedge would be in full leaf.

From all of these viewpoints, the white PVCu windows and doors in the appeal building were very noticeable and stood out starkly against the dark stained timber walls. In the Inspector’s opinion, these appear unduly prominent and incongruous in this rural setting and would harm the special character of the AONB, which is characterised by long distance views across areas of chalk uplands laid to grass. The appellant makes the point that permission would not be required to paint timber window frames white. That may be, but the frames in this building are not made of timber, and it is the combination of their colour and the material from which they are constructed that makes them stand out to the extent that they do.

The appeal building is very close to substantial evergreen trees and from all viewpoints is seen in conjunction with these. In his view, in this context, the building does not appear unacceptably high and nor is the rooflight, which does not have white PVCu frames, unduly prominent. However, this does not alter his opinion that the frames of the other windows and doors in the building make it unacceptably harmful as it stands.

During the Inspector’s site visit, he noted many of the other examples of rural buildings in the vicinity of the appeal site mentioned by the appellant. However, none of these featured the same combination of materials and prominence as the appeal site and, in any event, the Inspector must deal with each case on its merits.

The Council does not object to the proposed change of use of the building, and he saw no reason to disagree with it in this respect.

Conclusion

The Inspector concluded that the proposal would have an unacceptably adverse effect on the character and appearance of the area, within the North Wessex Downs AONB, contrary to Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

For the reasons given above, he concluded that the appeal should be dismissed

DC

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NEWBURY 18/00876/FULD Pins Ref 3210045	6 Northwood Drive, Newbury Mr Hamey and Mrs Woodhead	New single family dwelling	Dele. Refusal	Dismissed 9.1.19
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Procedural matters

The revised National Planning Policy Framework (the Framework) was published in July 2018. The main parties have had the opportunity to comment on its relevance to this appeal.

Main Issues

The main issues are the effect of the development on: the living conditions of the occupiers of No. 6 Northwood Drive, with particular regard to outdoor amenity space; and the character and appearance of the surrounding area.

Reasons

Living conditions

The proposal would result in a significant reduction in No. 6's outdoor amenity space. Part 2 of the Council's Supplementary Planning Document 'Quality Design – West Berkshire' (2006) (SPD Quality Design) sets out a general guide for garden sizes from 100 square metres for 3 or more bedroom dwellings. It also emphasises the importance of the outdoor area's quality. Although focused on the living conditions of future occupiers in new developments, the Inspector had little evidence to indicate that the SPD's aim of ensuring adequate living conditions through the provision of sufficient outdoor amenity space is not also applicable to existing occupiers. He was satisfied that its guidance on garden sizes is therefore relevant to the proposal's effect on the living conditions of the occupiers in No. 6.

The Inspector recognised that future occupiers of No. 6 may prefer a small garden, and he noted that the existing garage would provide some storage space. However, the garden area remaining for No. 6 would provide very limited outdoor space, with room only for a small patio and few other features or play space. Although No. 6's existing garden area is generally larger than surrounding properties, its reduction to approximately 35 square metres would in most cases leave it significantly smaller than those of neighbouring properties and result in inadequate and poor quality external amenity space for the occupiers for the 3 bedroom dwelling of No. 6.

For the above reasons, the Inspector concluded that the proposal would not provide adequate living conditions of the occupiers of No. 6. He therefore found that the proposal does not accord with Policy CS14 of the West Berkshire Core Strategy (2006-2026) 2012 (West Berkshire CS) and the guidance contained within Part 2 of the SPD Quality Design. Amongst other aspects, these require developments to make a positive contribution to the quality of life in West Berkshire and provide suitable outdoor amenity space. It would also fail to accord with the provisions of the Framework in so far as it relates to ensuring a high standard of amenity for existing users.

The Council alleges that the proposal's harm to the living conditions of No. 6's occupiers would also be contrary to Policy ADPP1 of the West Berkshire CS. However, the Inspector found that the proposal does not conflict with this policy because ADPP1 sets out the Council's spatial strategy and approach to accommodating new development and does not cover existing occupiers' living conditions.

Character and appearance

The site currently forms part of No. 6's side garden, and provides an open character to the corner of Northwood Drive. The surrounding area generally consists of semi-detached and terraced properties.

While Nos. 2 - 4 and 6 Northwood Drive are set back from the road, the set back is not identical, there is a large gap between them, and boundary treatments differ. Consequently, the building line along the eastern end of Northwood Drive is not a significant attribute of the area. The proposal would therefore not harm the surrounding area simply because it would extend the building line further beyond that of Nos. 2 - 4.

While the proposal would reduce the open space in the corner of Northwood Drive, the new dwelling would be set back from the road and spacing to surrounding buildings would not be significantly affected. Combined with the trees opposite continuing to provide a natural and undeveloped environment in the

corner of Northwood Drive, the proposal would not have a significantly enclosing effect on the streetscene or unacceptably reduce the area's open character.

The proposed plot size of No. 6 would be generally smaller than surrounding plots. However, its size would not be particularly noticeable from the public realm, while the size of the appeal site would not appear significantly different to that of surrounding plots. The Inspector was therefore satisfied that the resulting plot sizes would not appear out of character or result in a cramped appearance.

There are variations between the surrounding semi-detached dwellings, such as the additional width arising from the attached garages and a first-floor side projection opposite the appeal site. There are also terraced properties on Northwood Drive, a short way and visible from the appeal site. The creation of a short terrace in this part of the road would therefore not be incongruous or out of character. The proposal's similar architectural design and proportions would also ensure a similar appearance to surrounding properties, while a condition could secure the use of suitable external materials.

For the above reasons, the Inspector concluded that the proposal would not harm the character and appearance of the surrounding area. He therefore found that the proposal accords with Policies ADPP1 and Policy CS14 of the West Berkshire CS and the guidance contained within Part 2 of the SPD Quality Design and the Newbury Town Design Statement. Together, these require, amongst other aspects, high quality design that respects and enhances the area's architectural style and which relates to and respects the character and appearance of the surrounding area. It would also not conflict with the provisions of the Framework relating to character and appearance.

Other matters

The Inspector recognised the appellants undertook pre-application discussions with the Council, that the site is within the settlement boundary and that there is a presumption in favour of development that complies with the Development Plan. However, while he had found no harm to the character and appearance of the surrounding area, the significant harm that he had identified to the living conditions of the occupiers of No. 6 means that the proposal does not accord with the Development Plan and is sufficient for him to find against the proposal.

The Inspector noted third parties' concerns about overshadowing and overlooking, highway safety and parking, trees, structural stability, house prices and flooding. However, given that he was dismissing the appeal on the basis of the main issues that he had set out above, it was not necessary for him to consider these matters in greater detail.

Conclusion

For the reasons above, the appeal is dismissed.

DC

NEWBURY 17/02682/PACOU Pins Ref 3202287	Unit 4 36 Queens Rd. Newbury A W S Communications Ltd	Application to determine if Prior Approval is required for conversion of first floor office accommodation into two one-bedroom flats.	Dele. Refusal	Allowed 14.1.19
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Background and Main Issue

Schedule 2, Part 3, Class O of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule.

Development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as regards the transport and highways impacts of the development; contamination risks on the site; flooding risks on the site; and impacts of noise from commercial premises on the intended occupiers of the development. The single issue between the parties concerns noise. The main issue is, therefore, whether the proposal would provide adequate living conditions for its intended occupiers with particular regard to the impacts of noise from commercial premises.

Reasons

The appeal site is part of an office and industrial complex. It occupies the first floor of a 2-storey office building. To one side of it is a garage, with a railway line beyond, and to the opposite side, 2 commercial units used as a builder's store and, beyond that, a third used as by a windscreen repairer.

There would be little risk of noise disturbance from the offices below, which are small. The builder's units appear to be used only for the storage of materials, and the windscreen repairer's unit appears to be used as a place to store and collect windscreens rather than to fit them. The Inspector appreciated that occupiers may change. However, given the distance of the windows of the flats, which on this side would serve living rooms, from the openings of the commercial units and their likely hours of operation, the risk of noise disturbing the future occupiers would be unlikely. The small size of the car-park and the limited space in the yard, as well as its location off the beaten track also suggest that the activity levels at this complex are unlikely to disturb future occupiers.

The garage on the opposite side of the office building repairs and services cars and light vehicles from within 4 bays enclosed by roller shutters. It is to this aspect that the more noise-sensitive rooms of the flats would be located.

From his site visit, the Inspector saw processes in the garage involving hand tools and inspection ramps, but the noise generated was steady and not excessive and was contained within the building. He could not identify any specific character to the noise such as strong, low-frequency or continuous tones. The openings in the garage, alongside the office building, appeared to serve its offices and were not used for servicing. Given the location of the openings in the garage and their distance from the bedroom windows of the flats, and the nature of operations within, there is little risk of a significant adverse impact on the occupiers from noise from within the garage.

There was in his view more risk of disturbance from the manoeuvring of cars in the car-park onto which the bedroom windows would open. However, he noted that the garage operates only from 08:00 to 17:30 on Mondays to Fridays and between 08:00 and 12:00 on Saturdays. The operating hours would restrict the opportunity for disturbance from operations, and the number of spaces would limit the risk of disturbance from manoeuvring.

The appellant's noise survey recorded 6 peaks of 40dB, including 58 events of 30dB during the night. The survey does not attribute the peaks, but with the garage closed from 17:00, night-time peaks cannot be attributed to it. The other source of noise which the Council identifies is the railway, running just beyond the end of the garage unit.

The Inspector saw modern blocks of flats nearby with habitable room windows closer to the railway than this proposal. In these circumstances, he was not convinced that railway noise would result in a significant adverse impact on the occupiers. In any event, the Order concerns only noise from commercial premises.

The survey shows that the habitable room most exposed to noise would have an indoor ambient daytime sound level of 24dB $L_{Aeq,16hour}$ against the recommended bedroom level in British Standard BS 8233₁ of 35dB $L_{Aeq,16hour}$. Against the night-time level recommended in the British Standard of 30dB $L_{Aeq,8hour}$ the survey recorded 20dB $L_{Aeq,8hour}$. This suggests that the ambient noise levels in the proposed flats would be acceptable.

The Inspector understood the Council's concern about converting a unit in the middle of an industrial and office complex to residential. However, as well as the noise assessment, the Inspector took into account the size of the surrounding uses and their location, the size of the parking area serving them, and the displacement of the proposal from their openings. On the basis of not only the noise assessment, but the configuration of the buildings in the complex, their size and location, the displacement of openings and the character of the uses, he concluded that the proposal would provide adequate living conditions for its intended occupiers with particular regard to the impacts of noise from commercial premises.

Conditions

The GPDO imposes standard conditions including those relating to commencement and that the development should be carried out in accordance with the submitted details. It permits conditions reasonably related to the subject matter of the prior approval. As the Inspector had found no significant adverse impact on the future occupiers from commercial premises, and having regard to other dwellings closer to the railway, a noise mitigation condition is not necessary to make the development acceptable in planning terms. However, given the central location of the site and the lack of surrounding spaces, a condition to provide and retain the identified parking spaces is necessary to prevent unsustainable stress on the street parking in the area.

Conclusion

For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be allowed and prior approval granted. In granting approval, the appellant should note that O.2. (2) of the GPDO states that development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Decision

The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the conversion of first floor office accommodation into two one-bedroom flats at Unit 4, 36 Queens Road, Newbury RG14 7NE in accordance with the terms of the application Ref 17/02682/PACOU, dated 25 September 2017, and the plans submitted with it, subject to the following condition:-

- 1) The car parking spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

DC

NEWBURY 18/01429/PACOU Pins Ref 3202287	4 Gordon Road Newbury Mr and Mrs S Holland	Application to determine if Prior Approval is required for the change of use to two- storey one-bedroomed dwelling	Delegated Refusal	Allowed 14.1.19
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Background and Main Issues

Schedule 2, Part 3, Class PA of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule.

This is subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as regards the transport and highways impacts of the development; contamination risks in relation to the building; flooding risks in relation to the building; and where the building is within an area that is important for providing industrial services or storage or distribution services, whether the introduction of, or an increase in residential use of premises in the area would have an adverse impact on the sustainability of those services.

The Council is concerned that the proposed use so close to a neighbouring building in office or B2 (general industrial) use may threaten its sustainability. It also objects to the lack of car and cycle parking. The main issues are, therefore:-

- whether the proposed change of use would have an adverse impact on the sustainability of the industrial, storage or distribution services in the area; and
- whether the proposed change of use would have an adverse impact on transport and highways, in particular, the surrounding roads in terms of safety and congestion, and the amenity of surrounding occupiers.

Reasons

Impact on the sustainability of services in the area

The appeal building stands next to an industrial estate in an area designated in the development plan as a Protected Employment Area. A second area under the same designation lies to the north. However, it is separated from this area by housing and it is sufficiently distant not to be a compelling factor in the consideration of the sustainability impacts of this proposal.

The Council has granted planning permission for the redevelopment of the industrial estate which contained around 4,100m² of floor space, for 167 flats. At the time of the Inspector's visit, its demolition appeared almost complete, with only one building still standing and in use. It appears, therefore, that the only services in the area whose sustainability could be adversely affected by the proposal are those provided by the last building standing (the B2 building).

This B2 building is well separated from the appeal building, and its elevation facing the appeal building contains windows serving offices and the main entrance, which are unlikely to cause disturbance. The appeal building has no openings facing directly towards the B2 building. It has only a small window in the wall looking onto the parking area of the B2 building. The Inspector could identify no conflict between the proposed change of use and the B2 building which would prejudice its sustainability.

Further, the appeal building is domestic in footprint and height and accessed from the back of the houses fronting Gordon Road, whereas the B2 building is of a completely different, greater scale and accessed off Kings Road via the entrance to what used to be the industrial estate. Given the disconnection between the buildings, their difference in scale, and their different accesses, he saw no adverse impact from the proposed change of use on the sustainability of the light industrial, storage or distribution services in the area.

Impact on transport and highways

The Council advises that future occupiers of the development, being residents of Gordon Road, a private street, would be unable to obtain permits to park on Kings Road, which is in a controlled parking zone. However, they would be able to park on Gordon Road. This appeared to the Inspector to contain sufficient

space to accommodate the parking needs of the houses which are accessed from it. At the time of his visit, on a weekday morning, the parking space in Gordon Road was substantially under-occupied.

The Inspector appreciated that parking demand may increase in the evenings and at weekends, and that Gordon Road appeared to be an uncontrolled street in an area of parking pressure. However, there is no substantive evidence that there would be insufficient space to accommodate the additional car parking space which the Council's parking standards indicate that a development like this might generate. Moreover the Council acknowledges that the parking requirement for the proposed use would be less than for the light industrial use.

The Council seeks storage for a cycle, referring to its cycle standards. However, the building is located very close to the centre of Newbury and to its station, shops and services. A lack of space to store a cycle would not prejudice the future occupiers' access to these facilities, or result in additional pressure on parking in Gordon Road. The lack of storage for a cycle would not result in an adverse impact on the surrounding roads.

In these circumstances, the Inspector could not conclude that the proposed change of use would have an adverse impact on transport and highways, in particular, the surrounding roads in terms of safety and congestion, and the amenity of surrounding occupiers.

Conclusion

For the above reasons, and having taken account of all other matters raised, the Inspector concluded the appeal should be allowed and prior approval for the change of use should be granted. The time limit condition for completion of the development at paragraph PA.2(2) of the GPDO applies as do the provisions of paragraph W of the GPDO as they relate to the submitted plans and approved details.

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from premises in light industrial use (Class B1(c)) and any land within its curtilage to a dwelling house (Class C3) at 4c Gordon Road, Newbury, Berkshire RG14 5RP in accordance with the terms of the application Ref 18/01429/PACOU, dated 4 June 2018, and the plan submitted with it.

Application for Costs

An application for costs was made by Mr & Mrs Scott Holland against West Berkshire Council. This application is the subject of a separate Decision.

Decision

The application for an award of costs is allowed in the terms set out below.

Reasons

The Planning Practice Guidance (the PPG) advises that irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. It sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications which should clearly be permitted.

The appellants claim that the Council treated their application as an application for planning permission rather than as an application for prior approval which benefits from the principle of the development being accepted through the General Permitted Development Order 2015 (as amended). A prior approval application should not be determined against the development plan. Nonetheless, development plan policies can be material considerations insofar as they relate to the issues, and if they contain material that is relevant to the planning judgement.

The Inspector acknowledged that the decision notice is confusing in including a reference to a policy in the development plan. However, the header of the reason for refusal directs the reader to the relevant section of the Order, and the rest of the reason encapsulates where the Council found harm against that section. The Council's statement also referred to development plan policies, but only to those which were relevant in connection with the conditions in the Order, which it also referenced. In his view, though it contains frequent assessments against development plan policies, on a fair reading of the Council's evidence, it did not determine the application against the development plan.

Notwithstanding this, prior approval should clearly have been granted. In terms of the sustainability of services, with all but one building in the industrial estate demolished, the impact of the change of use of this small workshop at the back of houses in a neighbouring road did not justify refusal.

Nor was there any conflict between the proposed use and the last building standing. There was no substantive evidence to support the Council's claim regarding the lack of parking space in Gordon Road in the evenings, and by its own account the parking requirement for the residential use proposed was less than the light industrial. Though the Inspector found no adverse impact from the lack of cycle storage, even if this were the case, a condition could have secured this, much as proposed by the Council in its statement. To refuse the application on the basis of something which could have been resolved by a condition was unreasonable.

The Inspector acknowledged the Council's reference to an appeal decision for a prior approval not far from this site. However, that case concerned parking for 24 dwellings rather than one as in this appeal. That Inspector found only 3 parking spaces within 500m of that appeal site, whereas he saw ample space close to this site. There are no parallels between these cases which directed him to find an adverse impact on transport and highways.

For the reasons set out above, the Council's behaviour was unreasonable with respect to the substance of the matter under appeal. As a consequence, the applicant has incurred unnecessary and wasted expense in the appeal process. Having regard to all other matters raised, an award for costs is therefore justified.

Conclusion

In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Berkshire Council shall pay to Mr & Mrs Scott Holland, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to West Berkshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

DC

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