

Notice of Meeting



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Western Area Planning Committee Wednesday 22 July 2020 at 6.30pm

This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”).

Please note: As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights have been removed for virtual Council meetings. This right is replaced with the ability to make written submissions. Written submissions are limited to no more than 500 words and must be submitted to the Planning Team no later than midday on Monday 20 July 2020. Please e-mail your submission to planapps@westberks.gov.uk.

As was previously the case, no new information may be produced to Committee on the night. Any additional material (excluding the 500 word submission) must still be provided 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).

The Council will be live streaming its meetings.

This meeting will be streamed live here: <https://www.westberks.gov.uk/westernareaplanninglive>

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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

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.



Agenda - Western Area Planning Committee to be held on Wednesday, 22 July 2020
(continued)

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148
Email: planapps@westberks.gov.uk

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

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 14 July 2020



Agenda - Western Area Planning Committee to be held on Wednesday, 22 July 2020
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carlyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers
-

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 14
To approve as a correct record the Minutes of the meeting of this Committee held on 10 June 2020.
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: 20/01083/FUL, Quill Cottage, Craven Road, Inkpen** 15 - 38
Proposal: Replacement dwelling.
Location: Quill Cottage, Craven Road, Inkpen, Hungerford, RG17 9DX.
Applicant: Mr and Mrs Jones.
Recommendation: To delegate to the Head of Development and Planning to REFUSE planning permission.



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(continued)

- (2) **Application No. and Parish: 20/00540/FUL, Trabbs Farm, Seven Barrows, Lambourn** 39 - 54
Proposal: General purpose agricultural storage building to allow storage of grain; other agricultural products; and farm machinery.
Location: Trabbs Farm, Seven Barrows, Lambourn.
Applicant: E F Walters Ltd.
Recommendation: To DELEGATE to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions.
- (3) **Application No. and Parish: 20/00612/FULD, Riverbend, Upper Eddington, Hungerford** 55 - 70
Proposal: Section 73A variation of condition (2) plans of approved 18/02374/FULD – demolition of 2-bed dwelling house and erection of new 3-bed dwelling house.
Location: Riverbend, Upper Eddington, Hungerford, RG17 0HH.
Applicant: Mr & Mrs Denny.
Recommendation: The Head of Development & Planning be authorised to GRANT planning permission.

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 71 - 76
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.

Background Papers

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



Agenda - Western Area Planning Committee to be held on Wednesday, 22 July 2020
(continued)

Sarah Clarke
Service Director (Strategy and Governance)

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, 10 JUNE 2020

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carlyne Culver, Clive Hooker (Chairman), Garth Simpson (Substitute) (In place of Dennis Benneyworth), Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Rachel Craggs (Principal Policy Officer (Equalities)), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer) and Gordon Oliver (Corporate Policy Support)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth

PART I

6. Minutes

The Minutes of the meeting held on 20 May 2020 were approved as a true and correct record and signed by the Chairman.

7. Declarations of Interest

Councillor Adrian Abbs, being unaware that they had been withdrawn, declared an interest in Agenda Items 4(1) and 4(2), but reported that, as his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter. Other Members would have declared interests in Agenda Items 4(1) and 4(2) had they not already known that the items had been deferred.

Councillor Carlyne Culver declared that she had been lobbied on Agenda Item 4(3).

8. Schedule of Planning Applications

(1) Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham

(Councillor Adrian Abbs, being unaware that the Item had been withdrawn, declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of Greenham Parish Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he/she/they determined to remain to take part in the debate and vote on the matter.)

Agenda Item 4(1) concerning Planning Application 18/03340/COMIND in respect of the permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) at Newbury Racecourse, Racecourse Road

David Pearson explained to the Committee that, due to some concerns over technical issues relating to the current application, and the history of the site, officers had been in negotiations with the agent to seek clarification. Unfortunately, clarification had not been received in time for the meeting and the agent had agreed that the item should be deferred to a later Committee.

(2) Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham

(Councillor Adrian Abbs, being unaware that the Item had been withdrawn, declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a member of Greenham Parish Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he/she/they determined to remain to take part in the debate and vote on the matter.)

Agenda Item 4(2) concerning Planning Application 18/03340/COMIND in respect of the permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) at Newbury Racecourse, Racecourse Road

David Pearson explained to the Committee that, due to some concerns over technical issues relating to the current application, and the history of the site, officers had been in negotiations with the agent to seek clarification. Unfortunately, clarification had not been received in time for the meeting and the agent had agreed that the item should be deferred to a later Committee.

(3) Application No. and Parish: 20/00231/HOUSE, 20 The Green, Chieveley

(Councillor Carolyne Culver declared a personal interest in Agenda Item 4(3) by virtue of the fact that she had been lobbied. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(3) concerning Planning Application 20/00231/HOUSE in respect of a rear garden extension to replace existing conservatory. Single storey side extension to south-east elevation. Two storey side extension replacing detached garage.
2. David Pearson introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. On balance, officers recommended the Committee grant planning permission.

Removal of speaking rights

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
4. In accordance with the Extraordinary Council resolution, written submissions had been received from Mr Roger Scully (Absolute Architecture), agent.
5. The written submission of Mr Roger Scully was read out by the Clerk to the Committee as follows:

Agent Representation

The following statement is in support of application 20/00231/House. It has been prepared by Absolute Architecture on behalf of the applicant.

The design presented to the committee has been updated during the application process in response to officers and consultees concerns.

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The planning officer has already set out to the committee the basis upon which, under current local and national planning policy this application is being recommended for approval.

We therefore address directly the concerns raised by the consultees, which are the reasons this application has been brought before you.

Bulk & linear design:

The design is in keeping, ridge heights are subservient to the host dwelling and building lines are set back. Neighbour and applicant amenity is unaffected. The design meets with design guidance.

The design is not linear. It is designed to appear as a separate mass (the garage) with a subservient link to the main house. This creates character, definition and reduces bulk. The proposals will be well screened from the end of the close and from the wider AONB.

We note that other two storey side extensions of linear design that close gaps have been approved within The Green development.

AONB impact, views in and out:

There are no public views through the application site following the growth of natural vegetation. The impact on the AONB is negligible as the proposals replace an existing structure of similar size and character. The site is well screened from surrounding public rights of way. No views will be lost as a result of closing a gap between the existing garage and house as none currently exist.

Neighbour's issues:

The proposals are sympathetic in character to the host dwelling and surroundings.

The proposal maintains the existing 3m gap between No20 & No21. The mass of the extension moves away from No21. Views from the new first floor windows are angled away from the garden of No21 and will have views of the southwest corner of No21's garden only and these will be through existing mature boundary vegetation. Note, this view already prevails in the existing building. The impact on the amenity on No21 is negligible.

There is no loss of views to the surrounding AONB which No21 currently enjoys. Only a negligible view directly into No20's garden and beyond which they are not entitled too and has no bearing in planning policy.

If the committee have concerns over the development creating a separate dwelling on this site then they can impose a condition to restrict this, as is common and typical to restrict new development within the countryside.

Conclusion:

Your officer and planning professional has recommended this application for approval and along with this statement will have set out the reasons why this application should be granted.

It is our contention that there are no significant or reasonable grounds to refuse this application. The Committee should therefore be aware that the applicant will appeal the decision and seek costs should this application be refused.

Ward Member Representation

6. Councillor Hilary Cole in representing the Committee as Ward Member made the following points:

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- When The Green and the site opposite were approved in 2003 they brought 51 much-needed homes to Chieveley. These were built on green field, agricultural land outside the then settlement boundary, and linked Chieveley Village with Downend.
- Significant consideration had been given to the design and layout of The Green, as it was in a sensitive area on the edge of the settlement and abutting the open countryside of the AONB.
- Officers' comments in the report referred to the pleasing, spacious feel of the development with properties oriented away from each other. These were conscious design considerations, which enabled views through gaps between dwellings to and from the AONB, and the orientation prevented the development from being seen as a block when viewed from the AONB.
- The Chieveley Village Design Statement (2002), published before this development commenced, noted that Chieveley was almost totally concealed from the south and east, with meaningful views only from higher ground to the west or north-west. It was within this context that The Green, which was west and north facing, had been constructed.
- Councillor Hilary Cole objected to the form of the proposed development, its effect on the sensitive boundary with the AONB, and its impact on the amenity of the neighbours at No.21. The gap between the two properties would be substantially reduced, making the development obtrusive.
- The application disregarded the design principles of the wider development and, if approved, would create a precedent for similar extensions, resulting in further loss of visual gaps between properties, resulting in material harm on the character and appearance of the area.
- While the applicant had taken account of comments made by the case officer by submitting amended drawings, these did not address the issues raised.
- The proposal almost filled the width of the plot, as the albeit subservient two-storey extension on the north side of the dwelling had been reoriented to align with the current dwelling, thus creating a linear building. The garage it replaced was set at an angle to the property, creating a significant visual gap.
- The officer's statement in paragraph 6.23 considered the proposal to be acceptable on balance, which did not indicate a firm recommendation for approval.
- The agent had indicated that the impact on the AONB would be negligible, as the site was screened from nearby public rights of way. While true in summer, the site would be visible in winter, including from more distant rights of way on higher ground.
- The ward member indicated that her preference was for this application to be refused, with the applicant invited to come back with a revised application more sympathetic to its context and original design concept, while still accommodating the applicant's needs.
- Councillor Hilary Cole took exception to the agent's threat that the applicant would appeal the decision and seek costs, should the application be refused. She reminded the agent that they should not seek to influence the decisions of the committee in this manner and reminded the committee that they had the right to disagree with the recommendations of officers, particularly when they were balanced.

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Member Questions of the Ward Member

7. Councillor Adrian Abbs asked about the impact of the development on No. 19, since the music room and lounge of No. 20 would be closer than at present. Councillor Hilary Cole responded that the existing conservatory would be replaced by the proposed rear extension. She highlighted that the bulk of the new build was to the north, nearest No. 21, involving demolition of the garage and building of a short two-storey extension. Councillor Abbs further queried whether she considered the music room might have a potential impact on No. 19. Councillor Hilary Cole responded that she hoped the applicant would insulate the music rooms appropriately.
8. Councillor Clive Hooker asked whether Councillor Hilary Cole had commented on previous extensions to properties in The Green. Councillor Hilary Cole replied that these had pre-dated her time as a District Councillor in West Berkshire, however the Parish Council had objected to a bulky extension on one property, since it affected the gap to adjacent properties. She explained that the extension to the other property was smaller and faced the High Street and therefore did not have the same impact on the open countryside that this application would.

Questions to Officers

9. Members were invited to ask questions of the officers. Councillor Abbs sought clarification as to the location of numbers 19 and 21 in the photographs accompanying the report. David Pearson confirmed that No. 21 was to the left of the image and No. 19 was located behind the conservatory towards the right. Councillor Abbs inquired as to whether there were any tree preservation orders that would prevent removal of vegetation on the site. David Pearson confirmed that he was not aware of any orders and suggested that the trees were not of sufficient importance to merit an order. Councillor Abbs queried whether he should take account of the presence of the tree in making his decision. Councillor Hooker responded that it was not protected and therefore could potentially be removed.
10. Councillor Hooker requested to see the aerial plan in the presentation that showed the location of No. 19, in order to clarify for Members likely impact of the music room on this property. Councillor Abbs confirmed that it showed the first floor extension went closer to No. 19.
11. Councillor Jeff Cant requested officers to present the before and after images of the front elevation. He sought clarification on previous developments at this property. David Pearson explained that the original proposal for a larger scheme would have been much closer to No. 21, however officers had negotiated amended plans which resulted in the extension being pulled back. Councillor Cant wished to understand the cumulative impact of this proposal with previous extensions. David Pearson confirmed that the existing conservatory had received planning permission in 2005. Councillor Cant asked about the percentage change in floor area was for the first and second applications. David Pearson stated that officers had not calculated this, since it was within settlement and the single storey extension next to No. 19 and the replacement of conservatory at the rear were not considered contentious. Officers had focused on the larger, two-storey extension.
12. Councillor Woollaston sought clarification as to the location of the tree and whether it was within the gift of the applicant to remove it. David Pearson replied that the site plan appeared to show the hedgerow and some trees within the red line, however he could not confirm if this was an accurate portrayal of ownership. He suggested that the hedge appeared to be at least partly in the ownership of the

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applicant. Councillor Woollaston queried whether a constraint could be imposed on the applicant to retain the tree. David Pearson explained that case law had shown that conditions should not be used to permanently retain trees and the correct course of action for a Local Planning Authority was to place a tree preservation order on it. Councillor Woollaston asked if this would be possible. David Pearson responded that the tree officer would need to be consulted, however he suggested that the tree was not big or sufficiently well-established enough to warrant an order.

13. Councillor Woollaston sought confirmation that there had only been one objection from the occupants of No. 21. David Pearson indicated that loss of views from No. 21 was cited in the objection, so it was reasonable to assume that they were the objectors.
14. Councillor Hooker observed that the photograph showed the garage was at an angle and that with the proposed extension, the garage would be set back more in line with the house. David Pearson confirmed this was correct.
15. Councillor Hilary Cole explained that when The Green was developed, the plan was for a 2m buffer between the properties and the field in which the trees and a hedgerow would be planted. However, there had been confusion between Planning and Legal and as a result the buffer zone was taken into the ownership of the properties. She confirmed that the original intention was that the trees should be separate from the properties.

Debate

16. Councillor Vickers opened the debate by stating that he had no problem with the application. He had used the public footpath near the property and liked looking at the village and suggested that the residents would like looking at the view. He did not consider this to be an important issue and thought that the balance should be for property owners to be able to enlarge their property so they did not have to move. He indicated that he could not see significant harm to anybody as a result of the proposed development and, while he respected Councillor Hilary Cole's defence of the objectors, could not see a case for refusal.
17. Councillor Abbs considered that the two most noise generating rooms in the house would move closer to No. 19. He asked whether a condition could be imposed relating to noise insulation of the music room. He also expressed concern about the volume of the proposed extensions, which were significantly more than the current building. He expressed dislike of the threat from the agent to appeal the decision and seek costs should the application be refused. He suggested that this was inappropriate and asked whether there were any steps that could be taken to make the agent aware that they should not do this. He indicated that the above concerns meant that, on balance he, would prefer to see new plans that took these things into account. Councillor Abbs proposed to reject the officer's recommendation and refuse planning permission.
18. Councillor Hooker reminded members that they should make decisions based on the Council's planning policies.
19. Councillor Hilary Cole seconded Councillor Abbs' proposal. She felt strongly that the committee had seen a lot of unsympathetic extensions to properties that did not take account of their context and that this was one of them. She stated that she did not wish to prevent residents from sympathetically extending their properties, since people have every right to do so, but stressed that The Green had been very carefully set out and this extension ignored the context in which it

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was set. She suggested that the National Planning Policy Framework encouraged local planning authorities to consider context and building design. She confirmed that this was the reason for bringing the application to committee and felt that the developer could have proposed a more sympathetic design that would still have met their needs.

20. Councillor Phil Barnett suggested that it would have been appropriate to visit the site, but this was not possible due to current restrictions. He indicated that while he knew the village reasonably well, he did not know it as well as Councillor Hilary Cole. He expressed concern about the threat made by the agent. While he recognised that the extension was large, he did not consider there were sufficient grounds to refuse the application.
21. David Pearson sought clarification from Councillor Abbs regarding the grounds for refusal. Councillor Abbs confirmed that these were: the potential for impacts on neighbouring properties, particularly numbers 21 and 19; the impact on the setting of the development; and the excessive volume of the development. David Pearson sought clarification about the nature of the impacts on the neighbouring properties. Councillor Abbs indicated that noise from the lounge and music room would impact on No. 19. He reiterated the need to ensure that, if the application were to be approved, that the correct insulation should be installed to mitigate the impact. David Pearson asked whether Councillor Abbs considered this to be overdevelopment that was inappropriate in the context of the design of the estate. Councillor Abbs confirmed that it was overdevelopment, as the extensions to the north and south pushed the volume of the building towards numbers 19 and 21.
22. Councillor Hooker noted that there were no concerns about the proposed conditions and asked whether there were any concerns relating to the possibility of the creation of a second dwelling at a future date. Members did not raise any concerns. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Hilary Cole for the Head of Planning and Countryside to be authorised to refuse the application. At the vote, the motion was rejected.
23. Councillor Vickers proposed to accept the officer's recommendation and grant planning permission. This was seconded by Councillor Woollaston. At the vote, the motion was carried.
24. After the vote, Councillor Abbs asked whether further conditions could be imposed. Sharon Amour confirmed that the conditions were as per the officer recommendation in the agenda as the proposal had been to accept officer's recommendation. Councillor Abbs commented that he had previously asked for a condition in relation to soundproofing. Councillor Hooker asked officers whether this was a building control issue. David Pearson confirmed that the applicant would need building regulations consent, but this would be as per any other residential property. He suggested, given the gap between the properties, it would be unlikely that the use of that room would cause a problem. He highlighted powers under the Control of Pollution Act that the Environmental Health Team could use to stop any noise above statutory levels. The Chairman confirmed that the decision was as per the conditions set out in the agenda.

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

Conditions

1. Commencement of development

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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 plans and documents listed below:

Design & Access Statement and site location plan received on 29 January 2020

Drawings 040A, 050A, 051A, 062A and 063A received on 22 April 2020

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

3. Materials

The external materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance.

This condition is applied in accordance with the National Planning Policy Framework,

Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design

SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. Openings

Irrespective of the provisions of the current Town and Country Planning (General Development) Order 2015 (or any subsequent revision), no further openings shall be inserted within the side [north and south] elevations of the extensions hereby approved unless permission is granted in respect of a planning application for such works.

Reason: To prevent overlooking of adjoining properties and in the interests of the amenity of neighbouring properties in accordance with the National Planning Policy Framework 2019 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026

(The meeting commenced at 6.30 pm and closed at 7.35 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/01083/FUL Inkpen Parish Council	06/07/2020	Replacement dwelling Quill Cottage, Craven Road, Inkpen, Hungerford, RG17 9DX Mr and Mrs Jones

¹ Extension of time agreed with applicant until 29/07/2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01083/FUL>

Recommendation Summary: To delegate to the Head of Development and Planning to REFUSE planning permission.

Ward Member(s): Councillor C Rowles
Councillor J Cole and
Councillor D Bennyworth

Reason for Committee Determination: Clarification required as regards to the correct interpretation of policy C7 of the Housing Site Allocations DPD

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

Contact Officer Details

Name: Sarah Melton
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Sarah.melton1@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for a replacement dwelling.
- 1.2 The current dwelling on site consists of a single storey bungalow and a detached single garage also of a single storey. The dwelling and garage are set approximately 10.3m back from Craven Road. The dwelling is known as Quill Cottage, it has a large rear residential curtilage that extends well beyond the red line of the submitted location plan.
- 1.3 The design of the current dwelling on site, whilst it is not of any particular architectural merit, it is appropriate for its location within the open countryside and North Wessex Downs AONB. The dwelling is low key and un-obtrusive, it does not significantly detract from the character of the surrounding area.
- 1.4 The north-west elevation of the existing property, fronting Craven Road, consists of a 1m post and rail fence, hedging, a single track gravel drive and open grass (lawn) amenity space. The existing elevational materials include brown/red brick, brown roof tiles and white window frames.
- 1.5 The overall design, scale and appearance of the current dwelling on site, is one which is suitable for its rural location, it does not impose itself within the AONB or wider landscape, the site is relatively open which makes a positive contribution to the open countryside in which the site is located.
- 1.6 Based on the submitted floor plans and publically available information from sources such as Rightmove, the existing dwelling offers a satisfactory level of residential accommodation. The existing dwelling includes four bedrooms, an en-suite bathroom, a study, a family bathroom, kitchen, lobby, hallway, utility room and a study/dining room. The internal elements of the dwelling appear to be of a relatively good standard. The areas of the separate rooms of the dwelling are as follows:

Room	Area (sq.m)
Kitchen	26sq.m
Lounge	20sq.m
Study/Dining Room	11sq.m
Lobby	5sq.m
Utility Room	4sq.m
Hallway	20sq.m
Bedroom 1 (including en-suite)	21sq.m
Bedroom 2	14sq.m
Bedroom 3	12sq.m
Bedroom 4	7sq.m
Family Bathroom	5sq.m
External Garage	20sq.m

Total	165sq.m
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- 1.7 Whilst West Berkshire Council has not adopted the Governments Technical Space Standards for new dwellings, these standards do provide helpful guidance on what are acceptable GIA (gross internal space). The Technical Space Standards require a single storey, four bedroom dwelling (for five people) to provide a minimum internal space of 90sq.m with 3sq.m storage space. The existing dwelling and garage on site provides 165sq.m. The average GIA of a four bedroom detached dwelling in the UK is 147sq.m¹.
- 1.8 To the south-east of the site is a public right of way, reference INKP/16/1, against which the side elevation of the existing dwelling abuts.
- 1.9 The proposal scheme is for a substantial two storey dwelling, with a full roof and two dormer windows on each side elevation and one to the front. The replacement dwelling also includes a flat roof single storey element to the rear. The proposed dwelling includes a chimney stack on the rear of the roof which is visible from the street scene.
- 1.10 A significant amount of all four elevations are glazed, along with a roof light to the rear and two roof lights on the south-east elevation, the remaining elevational treatment consists of flint boarded by red brick, the roof is proposed to be of clay tile and the windows framed by a light grey material.
- 1.11 Whilst the submitted plans only show a first and second floor, the inclusion of roof lights and the height of the proposed scheme, it would be possible for internal alterations to take place and a third floor included (maximum room height of 1.6m), this would not require planning permission.
- 1.12 A single storey detached timber shed is included as part of the scheme and is located in the south corner of the site fronting Craven Road, and the public right of way.
- 1.13 The proposed front elevation includes a prominent 1.8m solid flint and brick wall, the wall extends from the front elevation of the proposed dwelling and would be visible from the public domain. The boundary treatment directly adjacent to Craven Road includes a post and rail fence, hedging and close board timber gate. The front external amenity space (lawn) is shown as a car parking area (hard standing).

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
05/01344/HOUSE	Proposed alteration and extension to existing bungalow.	Approved 03/07/2005
95/46272/CERTP	Certificate of lawfulness for an existing use of land as garden area.	Approved 14/03/1995

¹ David Wilson Homes: <https://www.dwh.co.uk/advice-and-inspiration/average-house-sizes-uk/>

20/00048/FUL	Replacement dwelling with attached double garage and annex above.	Withdrawn 06/03/2020
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2.2 Recent application 20/0028/FUL was for a larger replacement dwelling on the site and was withdrawn following a discussion between the agent and case officer. The reduction between the previously withdrawn proposal scheme and the proposal currently before Members is not a material planning consideration and should not be given any weight in the planning balance.

3. Procedural Matters

3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 A site notice was displayed on 26.05.2020 at the front of the site, the deadline for representations expired on 16.06.2020.

3.3 The Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

3.4 Since the Members call-in form was submitted there have been two highly relevant appeal decisions issued by the Planning Inspectorate which clearly and helpfully interpret policy C7 of the Housing Site Allocations DPD, these appeal decisions are material considerations:

- Appeal 3244084, determined 30th June 2020 – Appendix A
- Appeal 3243683, determined 18th June 2020 – Appendix B

4. Consultation

Statutory and non-statutory consultation

4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Inkpen Parish Council:	<p>Object</p> <p>a) Inkpen village has a scattered development in the NWD AONB area with open countryside and no settlement boundary - the openness is a material feature for consideration as well as location and landscape impact.</p> <p>b) The planning application, although reduced by removal of the front attached garage, still proposes a much larger development in scale and mass that overpowers the site and cannot be</p>
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	<p>justified due to its proximity to the footpath and enjoyment of walkers and ramblers who enjoy the openness and tranquillity of the countryside. The development would have significant visibility on the landscape as walkers' approach or exit the footpath.</p> <p>c) The replacement building is disproportionate to the current dwelling, which nestles nicely within the countryside and its setting in the wider landscape.</p> <p>d) The reference to the size of the plot is irrelevant to be included for consideration as any encroachment on the paddock land for extended residential garden could not be supported due to the protection of valuable countryside - and represents a green wedge which stretches behind the dwellings along Craven Rd. Councillors requested that the curtilage should be enforced with no intrusion into paddock/agricultural land - supporting a decision of refusal made recently in Inkpen.</p> <p>e) Reference to Hunters Way is irrelevant as the planning officer at the time rightly recommended refusal of the development in the AONB joined by the residents and the Parish Council but overturned in committee.</p>
WBC Highways:	<p>No objections</p> <p>Adequate car parking and cycle storage is proposed.</p> <p>The plans must specify that the proposed electric vehicle charging point will be a minimum of 7 kw. At this stage a pre-commencement condition is requested for this.</p> <p>This application provides an opportunity to improve highway safety. It is request a bonded surfacing is provided for the first 3 metres into the access measured from the edge of the carriageway to reduce the likelihood of loose material migrating onto the carriageway, which is a potential skid hazard.</p>
Public Rights of Way	No objections
Drainage Officer	Standing advice
Natural England	No comments to make
Ecology	No objections, subject to planning conditions
Rambling Society	No comments received
Tree Officer	No comments received
Thames Water	No comments received
Environment Agency	No comments received

Public representations

4.2 A representation has been received from one contributor who supports the proposal.

4.3 The full response may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- The design is of a high quality and an improvement to the existing
- Largely screened from adjacent footpath
- Disagree with Inkpen Parish Council's recommendation

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS1, CS4, CS5, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C7 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Inkpen Village Design Statement

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Design, Character and Appearance
- Ecology

Principle of development

6.2 In determining the principle of residential development, the relevant local plan policies are ADPP1, ADPP5 and CS1 of the Core Strategy and policies C1 and C7 of the Housing Site Allocations DPD.

6.3 The site is located outside of a defined settlement boundary, as such it is located within the open countryside in accordance with policy ADPP1. It also lies within the North Wessex Downs AONB in which both policy ADPP5 and the NPPF require that development should take account of this national designation by conserving and enhancing the local distinctiveness, sense of place and setting of the AONB.

6.4 Under policy CS1 new homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies.

- 6.5 The policies of the Local Plan are to be read together, in connection with policy ADPP1, policy C1 of the Housing Site Allocation DPD details the circumstances under which residential development outside of a defined settlement boundary may be acceptable, this includes the replacement of existing dwellings.
- 6.6 The replacement of existing dwellings in the open countryside must comply with policy C7, which states that replacement dwellings will be permitted providing that:
- i. The existing dwelling is not subject to a condition limiting the period of use as a dwelling; and
 - ii. The replacement dwelling is proportionate in size and scale to the existing dwelling, uses appropriate materials and does not have an adverse impact on:
 1. The character and local distinctiveness of the rural area
 2. Individual heritage assets and their settings
 3. Its setting within the wider landscape; and
 - iii. There is no extension of the existing curtilage, unless required to provide parking or amenity space to be consistent with dwellings in the immediate vicinity; and
 - iv. Where the existing dwelling forms part of an agricultural, equestrian, or other commercial rural enterprise and is an essential part of that enterprise, the replacement dwelling must continue to perform the same function. An occupancy condition may be applied; and
 - v. The impact on any protected species is assessed and measures proposed to mitigate such impacts.
- 6.7 The existing dwelling on site is of a permanent structure and is not subject to a condition limiting the period of use of the building as a dwelling.
- 6.8 The proposed dwelling is not proportionate to the existing dwelling on site. A comparable table showing the differences between the existing and proposed is provided below. It is important to note that the measurements of the existing dwelling are based on what is visible from the public domain, the current bungalow is staggered rather than flush as the proposed dwelling is, this is to assess the size in terms of visual impact:

	Existing	Proposed	Difference	Percentage Increase
Height	4.9m	7.6m	+ 2.7m	55.1%
Footprint	176sq.m	194sq.m	+ 18sq.m	10.2%
GIA²	145sq.m	304sq.m	+ 145sq.m	109.7%
Length	14.7m	15.3m	+ 0.6m	4.1%
Width	7.9m	13.6m	+ 5.7m	72.2%

- 6.9 The approximate cubic capacity of the existing and proposed dwellings has also been calculated as follows: existing 808m³, proposed 1,132.7m³. The proposed dwelling will result in an increase of approximately 33% of the existing cubic capacity.

² GIA excludes detached garage

- 6.10 Whilst guidelines on acceptable levels of percentage increases do not form part of the current policy, they are an essential tool in helping to gauge whether the proposed dwelling is proportionate to the existing dwelling in terms of size and scale.
- 6.11 In officers' view a two storey dwelling in replacement of a single storey bungalow with a 55% increase in height and a 109% increase in GIA cannot be considered as proportionate.
- 6.12 Policy C7 criteria ii also requires the proposal scheme to use appropriate materials which do not have an adverse impact on the character and local distinctiveness of the rural area, and the site's setting within the wider landscape. The proposal scheme includes a significant level of glazing, the external render uses a large amount of flint and light grey window frames and rain water guttering. There are no other dwellings in the immediate area which include a comparable high level of glazing. The use of flint does not form part of the local street scene or the character of the area, although it is noted that it is used in dispersed areas of the parish of Inkpen. Light grey window frames and rain water pipes would also be alien within the narrow and wider setting.
- 6.13 The supporting text of policy C7, paragraph 4.57, states: "*There is evidence within the AONB of small rural properties being purchased, then demolished and replaced with substantial new houses that are alien to the local context and the special qualities and natural beauty of the landscape of the AONB. Such development neither enhances nor conserves the character of the AONB and will be resisted.*". This paragraph is directly applicable to the proposal scheme. Paragraph 4.58 of policy C7 goes on; "*If a replacement dwelling is disproportionate it will not be acceptable. The key components of proportionality are the scale, massing, height and layout of a development.*".
- 6.14 Due to the proposed increase in scale and bulk, along with the proposed materials which do not relate to the surrounding character and appearance of the area, officers conclude that the proposed replacement dwelling clearly fails to satisfy criteria ii of policy C7.
- 6.15 The current application does not include an extension to the current residential curtilage. The residential curtilage was extended into the neighbouring paddock in 1995 under Certificate of Lawfulness reference 95/46272/CERTP.
- 6.16 The existing dwelling on site does not part of an agricultural, equestrian, or other commercial rural enterprise.
- 6.17 Matters relating to ecology are discussed later in this report.
- 6.18 A brief summary of the appeals under appendix A and B is provided below as this may be of assistance to Members when considering matters relating to the principle of development and interpreting policy C7:

Appeal Reference	Paragraph Number	Quote
3243683	10	The substantial additional floor area and volume that would result from the proposed development, relative to those of the existing dwelling to be replaced, and notwithstanding the proposed reduced ground level, could not reasonably be said to be proportionate in the terms of Policy C7. More importantly in this case is the impact of the proposed dwelling on the landscape of the AONB, where great weight should be given to conserving and enhancing the landscape and scenic beauty of the area.

3243683	12	I have been referred to the design approach and changes made to the scheme during the course of the appeal application. I note that within the area that there are a variety of house designs and a substantial number of detached properties. I find that the design of the proposed replacement dwelling would not be alien to these. However, this does not alter my view that the size of the proposed development would be disproportionate to the existing dwelling on site.
3244084	17	I note the comments in relation to the size and positioning of the proposed replacement dwelling when compared with other dwellings in the area, and that this lends support to the proposal. I am however not convinced by these submissions. In my view, the wording of Policy C7 is clear that the assessment of whether a proposal is proportionate relates to the existing dwelling on the site and not those around it. The impact of the proposal upon the character and local distinctiveness needs to be considered, relative to the impact of the existing property.

6.19 The principle of the development for the proposal scheme is contrary to policies ADPP1, ADPP5 and CS1 the Core Strategy and policies C1 and C7 of the Housing Site Allocations DPD.

Character and appearance

- 6.20 Core Strategy Policy CS14 states that new development must demonstrate a high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.21 Core Strategy Policy CS19, outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard has been given to the sensitivity of the area to change and ensuring that the new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.22 Policy C3 of the Housing Site Allocations DPD is relevant when assessing the design of the proposal scheme. In accordance with policy C3, the acceptability of the replacement dwelling must be assessed against its impact on the landscape character of the area and its sensitivity to change. New dwellings in the countryside should be designed having regard to the character of the area and that of the existing built form in the locality.
- 6.23 Part 2 of the Council's Quality Design SPD provides detailed design guidance on residential development. It offers guidance on how to preserve residential character by emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character.
- 6.24 Paragraph 17 of the National Planning Policy Framework (NPPF, 2019) states that in relation to design, Councils should always seek to secure high quality design which

respects and enhances the character and appearance of the area. The NPPF is clear that good design is indivisible from good planning and attaches great importance to the design of the built environment. In accordance with the NPPF great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to conserving and enhancing the natural environment.

- 6.25 The application site is within a relatively prominent and open location in the AONB and open countryside, and is visible from the public domain including the adjoining public right of way. The existing dwelling and structures on site are of a far less obtrusive scale, bulk and massing than that proposed.
- 6.26 The current site is visually open, by way of the low impact bungalow, staggered building lines and soft landscaping to the front. The proposal scheme includes a two storey dwelling of a considerable mass, scale and bulk. It is noted that the middle section of the front elevation is very slightly set back within the building by 40cm, the impact of this on breaking up the bulk of the proposed dwelling is minimal. The proposed dwelling is over dominating within its plot. The negative visual impact of the dwelling is further exacerbated by the inclusion of a 1.8m flint wall with brick detailing. The wall further reduces the openness of the site which results in additional harm to the character and appearance of the surrounding area, namely the open countryside and North Wessex Downs AONB.
- 6.27 With the exception of the dwelling known as Alderbrook, which is a 1.5 storey dwelling approximately 80m from the proposed dwelling, the use of dormer windows does not form part of the street scene. The proposal scheme includes a total of five dormer windows, one of which is on the front elevation facing Craven Road and two on the south- east elevation overlooking the adjacent public right of way. The Quality Design SPD Part 2 states that the use of dormers may be acceptable as long as the positioning of windows is not out of place with the prevailing pattern of fenestration. The use of dormer windows in this location does not form part of the street scene or respect the character and appearance of the area.
- 6.28 The front and rear elevations of the proposal scheme include a large level of glazing. The front elevation faces the Craven Road and rear elevation is adjacent to rural paddocks. Due to the high level of glazing the proposal scheme will result in light spillage into the North Wessex Downs Area of Outstanding Natural Beauty. Both the Councils Quality Design SPD Part 5 and the North Wessex Downs Management Plan (2004) aim to protect the dark skies of the AONB. There are no street lights along Craven Road, as such the light spillage of the proposed dwelling will impact the dark skies.
- 6.29 The proposed materials are alien within the street scene. The front and rear elevational treatment of the proposal scheme includes a significant level of the material 'flint'. This material is not associated within the street scene and wider area. Similarly, the use of light grey drain pipes and window fittings does not form part of the wider street scene.
- 6.30 The proposal scheme includes the demolition of the existing single garage which is set back from the main dwelling. The proposed new shed is located to the front of the dwelling at the corner of the public right of way and Craven Road. The placement of outbuildings/sheds/garages forward of the principle elevation of a dwelling does not form part of the street scene and is incongruous in its setting.
- 6.31 The proposed dwelling is not considered as a high quality design which has been formulated to make a positive contribution to the open countryside and AONB. The proposal has not taken into consideration the character and appearance of the surrounding area, rather it appears to have been designed independently of its setting. The proposed dwelling does not relate to the character and appearance, or surrounding

dwellings and will result in harmful visual impact on the open countryside and North Wessex Downs AONB.

7. Ecology

- 7.1 To the north-east of the site, approximately 57m away is an expansive Biodiversity Opportunity Area. Approximately 180m to the north is the Local Wildlife Site Craven Road Field, and approximately 253m to the south is another Local Wildlife Site known as Hayes Well Field.
- 7.2 An Ecology report has been submitted with the current application. The report identifies the presence of bats within the existing dwelling and nesting birds in the ivy growing up the dwelling. The Council's Ecologist has been consulted as part of the application process has raised no objections to the application subject to relevant planning conditions which include mitigation schemes.

8. Planning Balance and Conclusion

- 8.1 The principle of the proposed development is not acceptable and is contrary to policies ADPP1, ADPP5 and CS1 of West Berkshire Councils Core Strategy and policies C1 and C7 of the Housing Site Allocation DPD.
- 8.2 By virtue of the overall design, including scale; mass, layout, height and materials, the proposal scheme does not make a positive contribution to the street scene. The proposed dwelling would appear incongruous within its rural setting. The design of the proposal scheme would significantly detract from the character and setting of the open countryside and result in visual harm to the North Wessex Downs Area of Outstanding Natural Beauty.

9. Full Recommendation

- 9.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1.	<p>Principle of Development</p> <p>The proposal is considered to be unacceptable in principle. The site is within open countryside in the North Wessex Downs AONB. The replacement dwelling is disproportionate in size, scale, mass and bulk to the existing dwelling and will have an adverse and harmful impact on the setting, character and appearance of the site within the wider landscape including the open countryside and North Wessex Downs AONB.</p> <p>The proposal is contrary to development plan policies ADPP1 and ADPP5, of the West Berkshire Core Strategy (2006-2026) and policies CS1 and CS7 of the Housing Site Allocations DPD and the National Planning Policy Framework (2019).</p>
2.	<p>Design and Impact on the Open Countryside an North Wessex Downs AONB</p> <p>By the nature of the proposed dwellings scale, mass and bulk the development would result in a harmful impact on the openness and rural character of the street scene, open countryside and North Wessex Downs AONB. The use of flint material, light grey window casement and drain pipes, and inclusion of dormer windows do not form part of the design of the street scene. The proposed dwelling includes a significant level of glazing in an area which benefits from dark skies. The soft landscaping to the front of the site, facing Craven Road will be lost and replaced with hardstanding and a timber shed forward of the principle elevation. For the reasons listed the proposed development would not result in a replacement dwelling of high quality design which respects the rural character and appearance of the open countryside, North Wessex Downs AONB and street scene. It would result in a much larger, higher and prominent built form on the site, of inappropriately suburban design, which would have a significantly detrimental visual impact on the character and appearance of the local area and the surrounding AONB. Due to the extensive areas of glazing proposed there would also an unacceptable negative impact on the dark skies within this part of the AONB.</p> <p>The proposal is contrary to development plan policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and policies CS3 and CS7 of the Housing allocations DPD, West Berkshire Councils Quality Design SPD Part 5 and the North Wessex Downs Area of Outstanding Natural Beauty Management Plan and the National Planning Policy Framework (2019).</p>

Informatives

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

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Appeal Decision

Site visit made on 26 May 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/W0340/W/19/3244084

Nightingale Farm, Wantage Road, Leckhampstead, Newbury, West Berkshire RG20 8QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Collins against the decision of West Berkshire Council.
 - The application Ref 19/01837/FULD, dated 15 July 2019, was refused by notice dated 2 December 2019.
 - The development proposed is construction of replacement dwelling, driveway and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to an error on the decision notice, with the reasons for refusal referring to 'Policies CS1, CS3, CS7 and CS8 of the Housing Allocations DPD', were it should actually refer to Policies C1, C3, C7 and C8. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the countryside, which lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site includes a parcel of open agricultural land, which lies to the west of the existing farm complex. It is located within the AONB, with the land rising gradually upwards away from the road. The southern and western boundaries of the site are defined by well established tree belts. The northern boundary is more open, but contains a number of large, mature trees.
5. The appeal site and the surrounding area is relatively open, with the few buildings that are present, being low-rise and positioned on lower ground. One of the characteristics of this part of the AONB is its openness.
6. The existing farm complex includes a bungalow, which is located close to the road, although it is separated from the road by a single storey garage and parking area. It is relatively well screened by roadside planting. Immediately to the west of the bungalow is a large agricultural style barn.

7. It is proposed to demolish the existing bungalow and to erect a new dwelling on the land to the west of the existing barn. The site of the existing dwelling would be returned to agricultural use.
8. The site lies in the countryside, where the West Berkshire Core Strategy (CS) Policy Area Delivery Plan Policy AADP1 states that only limited development will be allowed, focussing on addressing identified needs and maintaining a strong economy. CS Policy AADP5 deals with the AONB and requires development to conserve and enhance the local distinctiveness, sense of place and its setting.
9. Policy C1 of the Housing Site Allocation Development Plan Document (HSADPD), identifies that, subject to a number of exceptions, there is a presumption against new residential development outside of the settlement boundaries. One of the exceptions identified in Policy C1 is proposals for replacement dwellings.
10. Policy C7 of the HSADPD allows for the replacement of existing dwellings in the countryside, subject to specific criteria being met. One of these criteria is that replacement dwellings should be proportionate in size and scale to the existing dwelling and not have an adverse impact upon the character and local distinctiveness of the rural area, individual heritage assets and their settings, and the proposed replacement building's setting within the wider landscape.
11. The current dwelling on site is a relatively modest bungalow, although it benefits from an extant permission (19/01837/FULD) which would provide first floor accommodation, along with a single storey ground floor extension. There are also a number of existing outbuildings. Whilst the main parties are not in agreement over the exact amount of the increase and whether the existing outbuildings should be included within the calculations, they both agree that the proposed replacement dwelling would be larger than the property to be replaced, even when including the extant permission and the outbuildings.
12. In assessing proportionality, the supporting text to Policy C7 identifies that the key components are scale, massing, height and layout of a development. In this case, a further consideration is the impact of the proposed replacement dwelling upon the special landscape qualities of the AONB.
13. The replacement dwelling would not be sited on the location of the existing property but rather on higher land set away from the road. By comparison to the existing dwelling, where the footprint is dispersed, that of the proposed dwelling would be greater and concentrated into a single, larger building. The proposed replacement building would therefore be of a greater scale, bulk and massing than the property to be replaced. Given the additional height of the replacement dwelling and the rising nature of the appeal site, it would be more visible in the landscape than the existing dwelling. Therefore, even when compared with the extant permission to enlarge the existing bungalow, the proposal would be disproportionate to the existing dwelling on site. As such, it would have an adverse impact on the character and local distinctiveness of the rural area.
14. Due to intervening landscaping, established tree belts and surrounding topography, visibility of the appeal site is limited. Views are principally restricted to those from the road, immediately in front of the site, and those from the site entrance. In these views, the existing dwelling is relatively unobtrusive and benefits from existing screening from roadside planting. In

contrast however, despite being set further away from the road, the location of the proposed replacement dwelling is more visible, principally due to the site being located on higher land. Furthermore, existing views are of an open, undeveloped agricultural field, characteristic of the wider AONB. The introduction of residential development and associated activity into this part of the site, would erode the existing open aspect and encroach into the countryside. I note that careful attention has been paid to the overall design of the dwelling, the proposed materials to be used and the provision of additional landscaping, along with returning the site of the existing dwelling to agricultural use. Whilst all of these together would serve to offset some of the impact, the overall scale, bulk and massing of the replacement dwelling would be overly prominent in these views, and that on balance, the proposal would fail to conserve the landscape and scenic beauty of the AONB.

15. I note the submissions with regards to the current issues with the location of the existing dwelling in terms of its exposure to road noise, its suitability for family life and its layout. Whilst these are considerations, they do not justify the significant identified harm to the AONB.
16. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and would therefore fail to preserve the natural beauty of the AONB. As such, in this regard, the proposal is contrary to development plan Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C7 of the HSADPD, the North Wessex Downs AONB 2014-2019 and Policies contained within Part 12 and paragraph 172 of the National Planning Policy Framework. These Policies, amongst other things, require new development to demonstrate high quality design, which respects and enhances the character and appearance of the area and that it is appropriate in terms of its location, setting and design in its local context.

Other Matters

17. I note the comments in relation to the size and positioning of the proposed replacement dwelling when compared with other dwellings in the area, and that this lends support to the proposal. I am however not convinced by these submissions. In my view, the wording of Policy C7 is clear that the assessment of whether a proposal is proportionate relates to the existing dwelling on the site and not those around it. The impact of the proposal upon the character and local distinctiveness needs to be considered, relative to the impact of the existing property.
18. I have been referred to the positive response by Council officers to the submitted pre-application enquiry. Whilst I appreciate that the pre-application advice differs from the decision on the appeal application, it is not a matter for me, and I have determined the appeal based on the planning considerations.

Conclusion

19. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR

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Appeal Decision

Site visit made on 26 May 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2020

Appeal Ref: APP/W0340/W/19/3243683

Redwood, Burnt Hill, Yattendon, Thatcham RG18 0XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bellmore Homes Ltd (Mr Justin Knott) against the decision of West Berkshire Council.
 - The application Ref 19/01646/FULD, dated 18 June 2019, was refused by notice dated 28 October 2019.
 - The development proposed is revised application for demolition of existing house, garage and outbuildings, erection of one new house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and the qualities of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

3. The site lies within the AONB, within the hamlet of Burnt Hill. The appeal site is occupied by a detached dwelling and a single storey detached garage and lies between two existing properties, Thee Oaks and The Bungalow. All three properties are detached, set back from the road, positioned within large plots. On the opposite side of Scratchface Lane, the development pattern is similar, which includes a number of detached dwellings, along with a cul-de-sac development of large properties.
4. It is proposed to demolish the existing buildings on the site and erect a replacement dwelling.
5. The site lies in the countryside in terms of the development plan, where the West Berkshire Core Strategy (CS) Policy Area Delivery Plan Policy AADP1 states that only limited development will be allowed, focussing on addressing identified needs and maintaining a strong economy. CS Policy AADP5 deals with the AONB and requires development to conserve and enhance the local distinctiveness, sense of place and its setting.
6. Policy C1 of the Housing Site Allocation Development Plan Document (HSADPD), identifies that, subject to a number of exceptions, there is a presumption against new residential development outside of the settlement

- boundaries, subject to some prescribed exceptions. One of the exceptions identified in Policy C1 is proposals for replacement dwellings.
7. Policy C7 of the HSADPD allows for the replacement of existing dwellings in the countryside, subject to specific criteria being met. One of these criteria is that replacement dwellings should be proportionate in size and scale to the existing dwelling and not have an adverse impact upon the character and local distinctiveness of the rural area, individual heritage assets and their settings, and the site's setting within the wider landscape. With regards to whether a proposal is proportionate, the supporting text to the Policy identifies that the key components are scale, massing, height and layout of a development.
 8. The existing dwelling on site, based on the figures on the submitted drawings, occupies a ground floor footprint of 51.28sqm, with a first floor area of 49.56sqm. The existing single storey garage occupies an area of 13.5sqm. Submitted sections show the roof height of the existing property to be 119.82OD.
 9. Based on the submitted drawings, the proposed replacement dwelling would occupy a ground floor footprint of 185.8sqm, with a first floor area of 182.1sqm. The height of the proposed dwelling would be 120.52OD. Some ground levelling work would be undertaken to cut the dwelling into the sloping landscape.
 10. The substantial additional floor area and volume that would result from the proposed development, relative to those of the existing dwelling to be replaced, and notwithstanding the proposed reduced ground level, could not reasonably be said to be proportionate in the terms of Policy C7. More importantly in this case is the impact of the proposed dwelling on the landscape of the AONB, where great weight should be given to conserving and enhancing the landscape and scenic beauty of the area.
 11. The proposed replacement dwelling would be substantially larger in terms of footprint, floor area and height. It would have a larger expanse of roof and, when viewed within its rural context, the proposed replacement building would be of a considerably greater scale, bulk and massing than the property to be replaced. Furthermore, when viewed within the street scene, the frontage of the building would measure approximately 16m in length, compared with the existing dwelling which measures approximately 8m. As a consequence, the proposal would introduce a substantial new dwelling that would have an adverse impact on the character and local distinctiveness of the rural area. The scale, massing and height of the dwelling would fail to conserve and enhance the AONB by detracting from its rural character and scenic beauty.
 12. I have been referred to the design approach and changes made to the scheme during the course of the appeal application. I note that within the area that there are a variety of house designs and a substantial number of detached properties. I find that the design of the proposed replacement dwelling would not be alien to these. However, this does not alter my view that the size of the proposed development would be disproportionate to the existing dwelling on site.
 13. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and would therefore fail to conserve and enhance the landscape and scenic beauty of the AONB.

14. As such, in this regard, the proposal is contrary to development plan Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policies C1, C3 and C7 of the HSADPD. In this respect it would also conflict with the North Wessex Downs AONB Management Plan 2014-2019, the Adopted Quality Design SPD and Policies contained within Part 12 and paragraph 172 of the National Planning Policy Framework (The Framework). These policies, amongst other things, require new development to demonstrate high quality design, which respects and enhances the character and appearance of the area and that it is appropriate in terms of its location, setting and design in its local context.

Other Matters

15. In coming to my decision, I have had regard to the previous Inspector's decision on the site¹. I note however that that proposal was for the provision of two dwellings on site and therefore fell to be assessed against different policy tests. As a consequence, the Inspector considered that Policy C7 was not relevant to the consideration of that appeal. I therefore find that the circumstances which were applied to the other case are not directly comparable to those before me. In any case, I am required to determine the appeal on its own merits.

16. The development would be required to make a financial contribution under the Community Infrastructure Levy. It is also put to me that the scheme meets the three overarching objectives for sustainable development as set out in the Framework. In this regard, I note that the Framework identifies that these should not be taken as criteria against which every decision can or should be judged. In any event, I consider that these benefits would be modest given the scale and the development proposed, such that they would be outweighed by the significant harm, when viewed against the importance the Framework gives to good design and protection of AONBs.

Conclusion

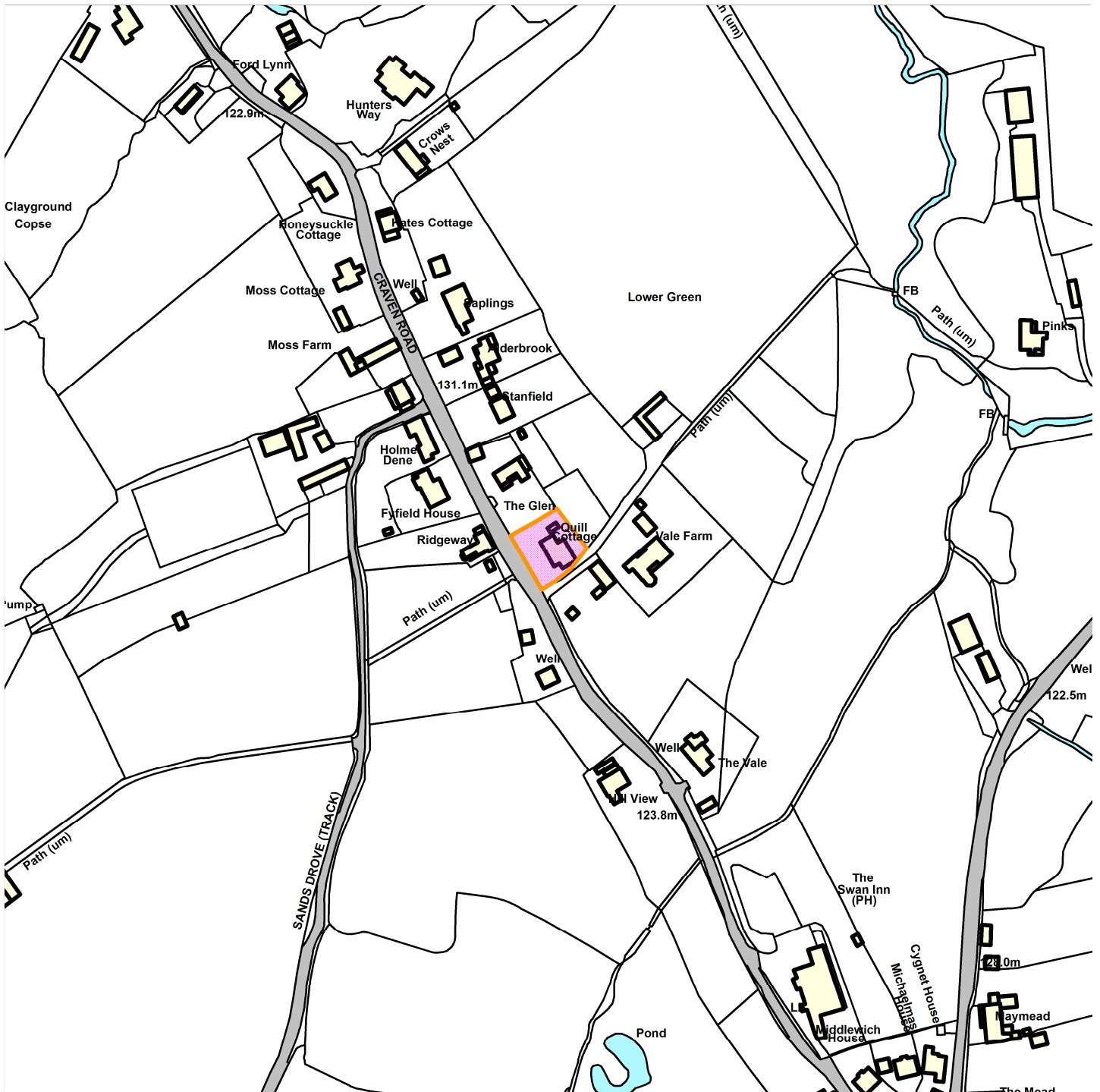
17. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR

¹ APP/W0340/W/18/3214091

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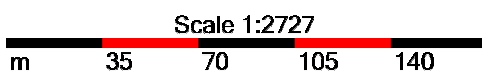


Map Centre Coordinates :

Scale : 1:2726

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	13 July 2020
SLA Number	0100024151

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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/00540/FUL Lambourn Parish Council	27 th April 2020	General purpose agricultural storage building to allow storage of grain; other agricultural products; and farm machinery Trabbs Farm, Seven Barrows, Lambourn E F Walters Ltd

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00540/FUL>

Recommendation Summary: To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member(s): Councillor Howard Woollaston

Reason for Committee Determination: The Council has received more than 10 letters of objection.

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

Contact Officer Details

Name: Ellie Neal
Job Title: Planning Officer
Tel No: 01635 519111
Email: ellie.neal@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the erection of an agricultural barn on land at Trabbs Farm.
- 1.2 The application site is a parcel of land which forms part of Trabbs Farm, Seven Barrows, Lambourn. It lies to the north-east of the main farmstead at Trabbs Farm and directly north of Trabbs Farmhouse and is outside of any defined settlement boundary but within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- 1.3 The new building is required as a store for grain, other produce from the farm enterprise, and for machinery for agricultural use. The structure would be a typical agricultural style barn constructed of steel profile cladding for the walls and fibre cement roof sheets. The 6 bay building would measure 36.576m x 15.150m with an eaves height of 6.096m and a maximum height of 7.806 m.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
18/00611/AGRIC	Agricultural grain store.	Application required 5/4/18
18/01642/AGRIC	Agricultural storage building.	Application required 31/7/18

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed at the site on 5th March 2020; the deadline for representations expired on 26th March 2020.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Given that this barn is proposed for agricultural use, it would appear unlikely that the scheme would be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Lambourn Parish Council:	Objections have been raised by some members of the Parish Council. In particular, flooding is a concern.
WBC Highways:	Visibility splays of 2.4 metres x 215 metres have been shown on the drawings which is acceptable. The gates are shown 16 metres back from the carriageway to enable the largest grain lorry to exit the highway before opening the gates. This is required and should be conditioned. The access is surfaced with concrete which is acceptable. There is adequate hardstanding to the rear for vehicles to park and manoeuvre. Trip rates: This is stated as 18 movements annually. This is very low and is therefore considered to be acceptable. The highway aspects of this proposal comply with current guidelines. The highway recommendation is for conditional approval.
Public Protection:	I have no EH objections to the proposed development.
Archaeology:	As indicated previously the application to construct a new agricultural building here is of some archaeological interest. Trabbs Farm (first called Seven Barrows barn) lies in the same dry valley as the famous Lambourn Seven Barrows cemetery. There are in fact about 40 known burial mounds, the earliest being a Neolithic long barrow under 2km to the north, on the Oxfordshire county boundary. Many different types of Bronze Age round barrows were then constructed southwards along either side of the valley (which might have had a seasonal stream running down it). Secondary burials around some of the barrows occurred in the Saxon period. Many of the different barrows are nationally designated as scheduled monuments and are visible as upstanding earthworks, but others only survive as cropmarks. Though the development site is some 700m south of the Seven Barrows scheduled monuments, there are in fact two unscheduled outliers much closer in the same field, along the northern boundary. These are numbered as Seven Barrows 26 and 27 and can be seen as ring ditches in aerial photographs, most recently on the Google Earth time slider of 6/2/2009. There will be no impact on these archaeological features from the development, but there are also cropmarks of a probable Iron Age or Roman field system which do overlap with the proposed building area. There is also a background of finds from many periods in the area, from the prehistoric to medieval era. Due to this potential, the development might have some impact on heritage assets of archaeological interest. I would therefore suggest that the applicants be asked to commission a programme of archaeological supervision (watching brief) during the excavation of the foundations and any related groundworks for the agricultural building.

	This should be secured by condition.
SuDS:	We can confirm that we have no comments on the above application.
Ecology:	No response received.
Tree Officer:	No response received.
North Wessex Downs AONB Board:	No response received.

Public representations

- 4.2 Representations have been received from 13 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Material increase in large vehicle traffic along the lane and through Lambourn.
- There already exists a building that could be used for this purpose.
- There are no other substantial agricultural buildings along the lane.
- The use of the barn for storing product from elsewhere is unacceptable.
- The new barn would be an ugly and inappropriate scar which would ruin the aesthetic enjoyment of the lane.
- The barn would be highly visible from the surrounding countryside and rights of way.
- From an environmental perspective, it is irresponsible to construct a surplus building in this location.
- The area where the building is sited is already prone to flooding.
- The Bronze Age cemetery nearby is an SSSI and scheduled monument and just behind the proposed site is another SSSI, Crokers Hole.
- Unnecessary relocation of commercial buildings in the AONB.
- The scale of the building is commercial overdevelopment.
- The access is dangerously close to the lane.
- Should be sited adjacent to the existing farmstead.
- Lambourn is known as the Valley of the Racehorse – this development is not in keeping with this.
- There should be no grain dryer installed at the site.
- The proposed landscaping will not be sufficient to screen the building.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development
- Design, character and appearance
- Neighbouring amenity
- Highway matters
- Flooding and drainage
- Ecology
- Archaeology

Principle of development

6.2 The application site forms part of Trabbs Farm, an agricultural holding which is located outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty, where there is a general presumption against new development. However, policy CS10 of the West Berkshire Core Strategy seeks to encourage development that would help support the rural economy.

6.3 In this instance, Trabbs Farm itself is a relatively small farm which occupies approximately 16 hectares of land. However, the applicant has an interest in a significant amount of agricultural land at a number of other sites throughout West Berkshire and its surroundings. As set out within the Planning Statement, the applicant is involved with the farming of over 800 hectares of land outside of the Trabbs Farm holding. Whilst the applicant manages a number of different sites, they are not within his personal ownership (he is a tenant) and it is stated that there would be difficulties in establishing a new agricultural building at those other sites. Therefore, this application requests that a new building be constructed at Trabbs Farm, which is to be used for the storage of grain and other seeds produced at Trabbs Farm and the applicants other sites, as well as the storage of machinery used at Trabbs Farm and elsewhere.

6.4 Half of the new building is proposed to be dedicated to produce storage and is to be of a sufficient size to store 550 tonnes of grain. It is expected that approximately 250 tonnes of grain and seed would be produced at Trabbs Farm and the remainder of the grain and seed to be stored would be brought in from other farm units with which the applicant has an interest. The remainder of the building would be used to securely store equipment which is principally used at Trabbs Farm but which may also be operated elsewhere and for part of the year, there is a need to store soil fertiliser.

6.5 It has been noted by objectors to the scheme that there are existing buildings at Trabbs Farm which could be suitable for use. However, the Planning Statement provides a summary as to why the existing vacant buildings at the site would be unsuitable for

produce and machinery storage. The existing Dutch Barn is an open sided building which could not be readily converted to store grain and seed. Furthermore, the structure is damaged and therefore, it is not considered a cost effective solution to re-use this building. An existing storage building is to remain on site as it is structurally sound but it is too low to accommodate modern farm machinery. The existing wooden barn is considered inappropriate for modern farming needs and may be removed. However, it is considered that this building could be of historic interest so there is no intention to remove this until a detailed study of the structure has been undertaken. On this basis it is concluded that the applicant has provided sufficient justification of the need for a new building rather than the re-use of an existing structure.

- 6.6 It is considered that the applicant has provided sufficient justification for the need for the new building. Whilst it is larger than required to accommodate the needs of Trabbs Farm itself, it would allow for the storage of the produce and machinery of the applicant, who farms a significant amount of agricultural land as a tenant of other holdings.

Design, character and appearance

- 6.7 The application site is located to the north of the village of Lambourn and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). It is situated within Lambourn Open Downland which is described within the West Berkshire Landscape Character Assessment (WBLCA) as a dramatic rolling landform, incised by distinctive dry valleys, creating a remote and windswept landscape with open and expansive views dominated by large scale arable farmland, sparsely populated and consisting of scattered farmsteads and equestrian establishments. At present, the site and surrounding area is a good fit with the landscape character description and therefore, any new development must not have a harmful impact on this landscape character. The site forms a small part of a larger arable field which lies adjacent to an unclassified road.
- 6.8 The Local Planning Authority appointed a landscape consultant to assess the scheme and a report has been prepared setting out the impacts of the new building. This report shows that the new building will have a direct impact resulting in the loss of part of an arable field and whilst an arable field is not as valued as native grassland, the building and apron will have an adverse impact on the open undeveloped character of the site. However, the application provides a comprehensive planting scheme, which includes hedging and trees. Though it is not considered desirable for soft landscaping to hide development in wider views, it can be used to soften the impact of new buildings and can help to anchor the building into the landscape. In the area directly surrounding the application site, there is some existing development as well as copses of trees and significant amounts of hedging. Therefore, whilst the new building would certainly be visible in wider views, it would sit alongside other development along the valley floor. Furthermore, the introduction of trees and hedging would remain in keeping with the prevailing landscape character in the surrounding area.
- 6.9 Whilst this proposal would be seen as extending development along the valley floor, it would not be seen breaking the skyline and the matt colour proposed will reduce its visual prominence especially within the early years before the proposed planting becomes established. Furthermore, an existing hedgerow which runs alongside the public byway to the west will mature in time, further reducing the wider views available of the site.
- 6.10 The WBCLA states that any new agricultural barn should be sensitively designed to be fully integrated into the landscape. The proposed barn will extend development along the road, with a change in view from a number of public viewpoints. However, the building from longer views will be seen against the opposite valley side and its matt colour will reduce its visibility and, in time, the planting measures proposed within the

landscaping scheme will help to anchor the building into the surrounding vegetation pattern reducing any adverse impact on the wider landscape character.

- 6.11 This application seeks consent for the introduction of an agricultural building into an agricultural setting and it is considered that the design would remain in keeping with its surroundings. Furthermore, the conclusions of the landscape consultant's report are that whilst the proposed building will not enhance or conserve this area of the AONB, the proposed planting measures will in time reduce its visual prominence in the wider landscape setting.
- 6.12 Some recommendations have been made within the landscape consultant's report in order to lessen the impact of this development. Post and rail fencing should be avoided in visible locations and it is therefore recommended that a condition be attached to any consent which takes away the permitted development rights of the site in relation to fencing. Moreover, the design of the gateway and entrance should be rural in character. Full details of this entrance have not been submitted at this time and it is therefore considered necessary to add a condition which requires further details of this to be submitted to and approved by the Local Planning Authority.
- 6.13 Though it is clear that a new building in this location would have an impact on the landscape character of this area, it is considered that the proposed design and planting scheme would ensure this new agricultural building would sit comfortably within the landscape and, over time, the proposed planting would further reduce its impact.
- 6.14 In order to protect the AONB designation from further development at this site, it is suggested that a condition be attached to any proposed consent which removes the permitted development rights of the site in relation to the erection, extension or alteration of a building as set out within part 6 of the General Permitted Development Order.

Neighbouring amenity

- 6.15 To the north of the application site is Badgers and to the south is Trabbs Farmhouse. Neither site are within the applicant's ownership.
- 6.16 With regards to Badgers, there is approximately 200 metres between the application site and this dwelling. This distance is considered sufficient to ensure that the new structure would not have a significant impact upon the residential amenity of this dwelling in terms of loss of light or privacy. The dwelling at Trabbs Farm is closer but with over 60 metres between the dwelling and the new structure, it is again not considered to result in any significant loss of light or privacy.
- 6.17 It is acknowledged that the new structure may well be visible from both neighbouring dwellings but it is not considered that it would have an overbearing impact due to the distances between the sites. The building is agricultural in style and typical of what is to be expected in a rural setting such as this, and whilst it is not set adjacent to the existing farmstead, it has been established that the setting would have an acceptable impact on the character of the area and AONB. The proposed landscaping of the site and existing trees and hedges close to the site will help to soften the impact of the building in views from neighbouring properties. Additionally, it should be noted that the right to a view is not a material planning consideration and can therefore not form part of the consideration of the application.
- 6.18 Moreover, it is not considered that the new barn would lead to any significant issues of noise disturbance to any neighbouring properties. It would be used to store produce and machinery, with no plant proposed. The Council's Environmental Health Team were consulted and raised no objections to the development. However, in order to protect the amenity of the neighbouring dwellings, it is recommended that a condition be attached

to any proposed approval to ensure that should any plant or equipment, such as grain dryers, be proposed, details of this would need to be submitted to and approved in writing by the Local Planning Authority.

Highways matters

- 6.19 The proposal includes the creation of a new access from the lane and sufficient visibility is required in order to ensure that this access would lead to no issues of highway safety. The Council's Highways Officer reviewed the proposal and notes that the visibility splays shown of 2.4 metres x 215 metres are acceptable. The access is surfaced with concrete and the gates are shown 16 metres back from the highway in order to enable the largest grain lorry to exit the highway before opening the gates.
- 6.20 Concern has been raised by objectors that the access is dangerously close to the lane and the development would lead to unacceptable levels of vehicle movements of large vehicles along this lane. The Council's Highways Officer has considered the trip rates set out within the planning statement and raises no objections as the stated number of movements is very low. Furthermore, as stated above, the gates at the access are to be set 16 metres from the highway ensuring that even the largest lorries could fully pull of the highway before opening the gates. The position of the gates well away from the highway is considered essential to protect highway safety and it is therefore recommended that a condition to ensure that the gates are set at that distance is attached to any consent.

Flooding and drainage

- 6.21 Part of the application site lies in an area of groundwater flood risk and this matter was raised as a concern by the Parish Council and objectors to the scheme. The site plan accompanying the application shows the drainage scheme for the development, which includes storm drains, French drains and two soakaways. The Council's Drainage Engineer was consulted and has responded with no comments on the application.

Ecology

- 6.22 Objectors to the scheme have noted that there are SSSI's close to the application site. However, the nearest SSSI at Croker's Hole lies approximately 300 metres from the application site and this new agricultural building is considered to have no significant impact upon this site. It is also worthy to note that the existing buildings at Trabbs Farm lie significantly closer to this designation at approximately 200 metres from it. The Council's Ecologist was consulted and no response was received.

Archaeology

- 6.23 The Council's Archaeologist noted that Trabbs Farm is of some archaeological interest. It lies within the same dry valley as the Lambourn Seven Barrows cemetery, there are in fact about 40 known burial mounds, the earliest being a Neolithic long barrow under 2km to the north, on the Oxfordshire County boundary. Though the development site is some 700m south of the Seven Barrows scheduled monuments, there are two unscheduled outliers much closer in the same field, along the northern boundary. These are numbered as Seven Barrows 26 and 27 and can be seen as ring ditches in aerial photographs, most recently on the Google Earth time slider of 6/2/2009. There will be no impact on these archaeological features from the development, but there are also cropmarks of a probable Iron Age or Roman field system which do overlap with the

proposed building area. There is also a background of finds from many periods in the area, from the prehistoric to medieval era.

- 6.24 Given the archaeological potential, the Council's Archaeologist has requested that a programme of archaeological supervision is commissioned during the excavation of the foundations and any related groundworks. This can be secured by a pre-commencement condition and the agent has confirmed by email sent to David Pearson on 6th May 2020 that the applicant accepts such a condition.

7. Planning Balance and Conclusion

- 7.1 It is considered that sufficient justification has been provided within the Planning Statement to prove a need for the new building on site and whilst it is acknowledged that there will be a landscape impact, it is considered that the proposed landscaping will successfully integrate the building into its surroundings. The impact on neighbouring properties has been considered and found to be acceptable and the Council's Highways Officer has confirmed that no objections are raised to this development subject to conditions. Though flooding has been raised as an issue by a number of objectors to the scheme, the proposal was reviewed by the Council's Drainage Engineer who had no comments to make and it is considered that the distance between the application site and the SSSI's ensures that there would be no ecology issues. The Council's Archaeologist has noted the archaeological potential of the site but considers that some archaeological supervision should be carried out and has recommended this be conditioned.
- 7.2 The National Planning Policy Framework is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Conditions should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. It is considered necessary to add conditions relating to a time limit for commencement, approved plans, materials as specified and conditions to ensure that the visibility splays and parking are provided prior to the development being brought into use and a condition to ensure that gates will be set back from the highway in order to ensure that there would be no issues of highway safety. Moreover, conditions which restrict the permitted development rights of the site in relation to fencing and extensions and alterations as well as a condition requiring further details of the access and gates are required in order to protect the visual amenity of the site. The landscaping scheme should also be conditioned to ensure that it is implemented and maintained within a reasonable timescale of the development being completed and should any alterations be proposed to the lighting, details of this should be submitted to and approved by the Local Planning Authority. Given the proximity of the site to residential properties, it is recommended that conditions which restrict the working hours on site and the installation of plant be attached to any consent. In order to ensure that adequate recording of archaeological features is carried out, a condition is considered necessary to secure the implementation of a programme of archaeological work.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the approved plans listed below:</p> <ul style="list-style-type: none">- Drawing title: Plans and Elevations received 27th February 2020- Drawing titles: Location Plan; Block Plan; Site Plan; Visibility Splays; Landscape Plan received 6th July 2020 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>The materials to be used in the development hereby permitted shall be as specified on the plans, application forms and within the planning statement received 27th February 2020.</p> <p>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 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
4.	<p>Any gates to be provided at the new access, shall open away from the adjoining highway and be set back a distance of at least 16 metres from the edge of the highway.</p> <p>Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
5.	<p>No development shall take place until visibility splays of 2.4 metres by 215 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.</p> <p>Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
6.	<p>No development above ground level shall take place until full details of the visual appearance of access into the site and gates have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the access and gates are appropriate to the rural character of the area. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

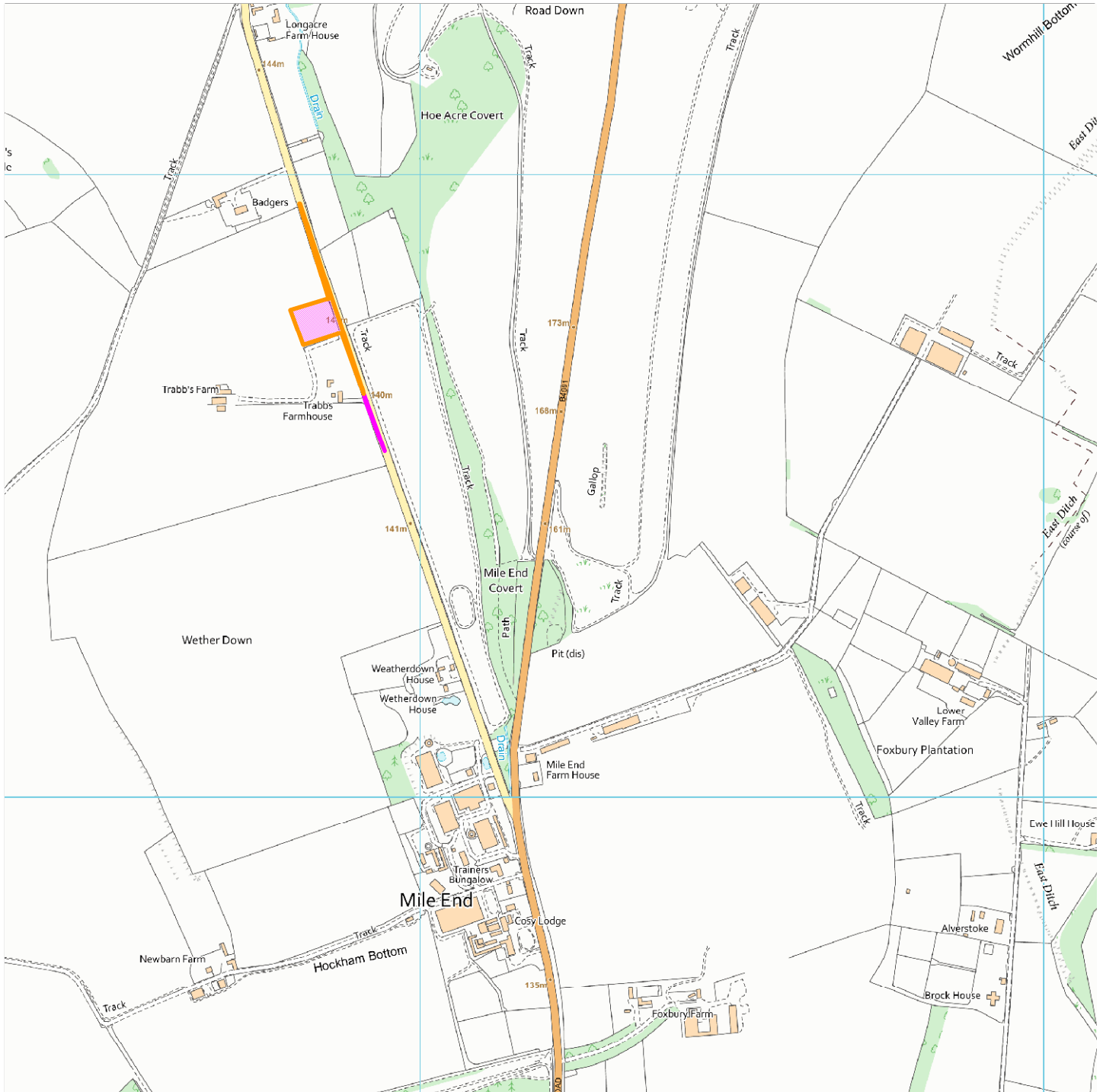
7.	<p>The development shall not be brought into use until the vehicle parking and turning space have been surfaced and provided in accordance with the approved plan. The parking and turning space shall thereafter be kept available for parking at all times.</p> <p>Reason: To ensure the development is 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).</p>
8.	<p>No site works shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This is in accordance with the National Planning Policy Framework and policy CS19 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p>No construction works shall take place outside the following hours:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; nor at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the red line curtilage of the application site as shown on drawing title: Location Plan received 6th July 2020 without the express permission of the Local Planning Authority through the submission of a planning application made for that purpose.</p> <p>Reason: To protect the rural character of the surrounding landscape. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
11.	<p>If any alterations are proposed to be made to the external lighting of the site, an external lighting plan should be submitted to and approved in writing by the Local Planning Authority by way of a formal application to discharge this condition.</p> <p>Reason: To ensure that the lighting of the site is appropriate given the surrounding landscape character and rural nature of this site which is located within the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
12.	<p>No plant shall be installed on site until details have been submitted to and approved in writing by the Local Planning Authority in respect of a planning application. The plant and measures to minimise the effect of noise shall be installed prior to the</p>

	<p>operation of the plant in accordance with the approved details. Details of the plant shall include:</p> <p>(a) written details of the plant associated with the development including:</p> <p>(i) the proposed number and location of such plant as well as the manufacturer's information and specifications</p> <p>(ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.</p> <p>(iii) the intended operating times.</p> <p>(b) The findings of a noise survey to determine noise levels in the vicinity of the proposed development and calculations showing the likely impact of noise from the development;</p> <p>(c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;</p> <p>Reason: To protect the amenity of residents and nearby land users in accordance with the National Planning Policy Framework and policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan Saved Policies 2007.</p>
13.	<p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development which would otherwise be permitted by Schedule 2, Part 6 of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: In the interests of respecting the character and appearance of the surrounding area which is located in a sparsely developed area within the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
14.	<p>All landscape works shall be carried out in accordance with the submitted plan, planting mix, and planting and maintenance details received 6th July 2020. The approved landscape works shall be implemented within the first planting season following completion of development. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or 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.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping which is essential to the scheme. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

Informatives

1.	HI1
2.	HI3
3.	HI4

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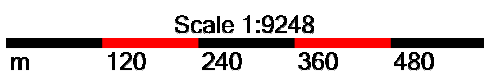


Map Centre Coordinates :

Scale : 1:9247

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	13 July 2020
SLA Number	0100024151

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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	20/00612/FULD Hungerford Town Council	5 May 2020 ¹	Section 73A variation of condition (2) plans of approved 18/02374/FULD – demolition of 2-bed dwelling house and erection of new 3-bed dwelling house. Riverbend, Upper Eddington, Hungerford, RG17 0HH Mr & Mrs Denny

¹ Extension of time agreed with applicant until 12 June 2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00612/FULD>

Recommendation Summary: The Head of Development & Planning be authorised to GRANT planning permission.

Ward Member(s): Councillor D. Benneyworth
Councillor J. Cole
Councillor C. Rowles

Reason for Committee Determination: 10 or more letters of objection

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

Contact Officer Details

Name: Lydia Mather
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Lydia.mather@westberks.gov.uk

1. Introduction

- 1.1 The application is made under Section 73A of the Town and Country Planning Act 1990 for development carried out without complying with conditions subject to which planning permission was granted. The changes to the permission affect condition 2 – approved plans of permission 18/02374/FULD.
- 1.2 Riverbend is a detached dwelling set within a large plot. It is accessed off Upper Eddington to the north. Unlike the majority of development along Upper Eddington the property is not directly off the highway but set further south via a long driveway. The south/west boundary joins the riverbank, the west boundary is adjacent to an agricultural field.
- 1.3 The site is outside of a defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty; a national landscape designation. There is a public right of way along Upper Eddington. Part of the rear garden is within a biodiversity opportunity area, and the banks of the river and the river itself is a Site of Special Scientific Interest, as well as the edge of flood zones 2 and 3.
- 1.4 The changes sought are:
 - External materials – return to timber cladding to the upper floor;
 - Roofing materials – retrospective change to Rhenofol CV (thermoplastic polymer) in grey from zinc;
 - Roof lights – retrospective change on the car port from 2 rectangular to 1 square roof light; retrospective change on the stairwell from a rectangular to a square roof light; an additional rectangular roof light to the dining area; the domed roof lights that have been installed will be replaced to be flat;
 - Fascia – increase in depth from 300mm to 600mm and change in colour to anthracite;
 - Chimney flue – now central;
 - South west elevation to dwelling – area of fenestration retained but using 2 timber doors rather than 3 timber windows, and base of wood trim to base of balustrade in anthracite colour;
 - North west elevation to dwelling – timber screening to study removed and door reduced in size, balustrade extended and base of wood trim to base of balustrade in anthracite colour;
 - Ridge height of dwelling increased from 8.5 to 8.8m;
 - Finished floor levels of 104.98m AOD for garage; 105.16m AOD for upper floor; 102.21m AOD for lower floor.
 - New retaining wall to parking court;
 - New installation of air source heat pump – approximately a metre from the south east elevation;
 - New landscaping plan including tree protective fencing measures.

2. Planning History

2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
18/02374/FULD	Demolition of 2-bed dwelling house and erection of a new 3-bed dwelling house	Approved November 2018
19/00943/NONMAT	Non-material amendment to permission 18/02374/FULD. Amendment – replacing 3 windows/doors on eastern side of upper floor by one window/door and shortening the balcony.	Approved April 2019
19/00848/FUL	Partial realignment of residential driveway	Approved June 2019

2.2 The red line of the original permission to which this application relates excludes part of the new driveway granted permission under 19/00848/FUL.

3. Procedural Matters

3.1 The proposed development falls within the description of development in 10(b) in column 1 of schedule 2 of the Environmental Impact Assessment Regulations. The proposed development does not meet the applicable threshold but the site is within a sensitive area (an Area of Outstanding Natural Beauty). As such the proposal is schedule 2 development and EIA screening is required and has been undertaken. The EIA screening opinion concluded that an Environmental Statement was not required.

3.2 A site notice was displayed on 19 March 2020 on a sign post with the deadline for representations having expired on 9 April 2020. A public notice was displayed in the Newbury Weekly News on 19 March 2020. A further consultation on amended plans and information was undertaken with those who had commented on the application.

3.3 The Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Hungerford Town Council:	Objection. Matters raised: adverse visual impact on landscape and locality; design issues with blue render and increases in height of building; loss of existing trees to have been retained; request compliance with approved landscaping plan; request revert to timber cladding as per original permission.
Public Rights of Way:	No objection subject to informatives.
Archaeology:	No objection.
Tree Officer:	No objection.
Local Highway Authority:	No objection subject to conditions applied to original permission.
Local Lead Flood Authority:	No comments received to date.
Waste Management:	No comments received to date.
Public Protection:	No objection.
Canal & River Trust:	No comments to make.
Kennet & Avon Canal Trust:	No objection.
Natural England:	No comments to make.

Public representations

- 4.2 Representations have been received from 11 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- The coloured render of the building is stark, inappropriate and visually intrusive;
 - Lack of screening from loss of trees between the building and the river bank;
 - Roof height greater than previous bungalow on site;
 - Building out of keeping with setting in area of outstanding natural beauty;

- The volume of retrospective amendments is unacceptably changing the original approval;
- Failure to comply with the original landscaping conditions has detrimentally impacted on the adjacent river and increased the visual impact of the building;
- Poor quality of building due to the variations away from the original permission;
- No justification for the increase in mass and height of the building;
- The additional height of the building and the coloured render is an eyesore from the road and the footpath from Leverton.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies NFFP, ADPP1, ADDP5, CS1, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C7, C8, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Sustainable Drainage SPD (2018)

6. Appraisal

6.1 The main issue for consideration in this application is whether the variations to the originally approved development are acceptable. The national planning practice guidance notes that with such applications there is no statutory definition of a minor material amendment but that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

6.2 The guidance states that local planning authorities should focus their attention on national and development plan policies, and other material considerations which have changed significantly since the original grant of permission. Since the original permission there have been no changes to the main policies of the development plan. A supplementary planning document on sustainable drainage has been adopted, but this does not in itself affect how this application should be assessed and determined. The National Planning Policy Framework has been updated, most recently in 2019, but has not changed significantly in terms of assessing this application.

6.3 Given the guidance the principle of development for a replacement dwelling remains established by policy C7 of the Housing Site Allocations DPD. Highways remain satisfied that there is sufficient parking and turning on site which is unchanged by this application. The ecological mitigation and enhancement measures are unchanged; 2 bat boxes are

to be installed to the building and a lighting strategy has been agreed under a previous discharge of condition. The gravel driveway using stabilisation grids to minimise noise disturbance to the neighbouring property has also been agreed under a previous discharge of condition (although it is noted a separate application has been granted for a new tarmac driveway).

- 6.4 The issues raised by the proposed variations are the impact on the amenity of the neighbouring property and the impact on the character and appearance of the area including the area of outstanding natural beauty.

Neighbouring Amenity

- 6.5 There is a variation in both the finished floor levels of the building and the overall height of the building itself between the approved scheme and that built. The amended plans show the datum levels for the original scheme and that built.
- 6.6 In the original scheme the maximum height from the lowest ground floor level to the highest ridge point was 8.54m, and in the proposed scheme it is 8.71m, an increase of 17cm. The ground level the building is set on is also higher than the original approval by 13.5cm. Combining the difference in ground level and the height of the building the overall increase in height is 30.5cm.
- 6.7 Where the dwelling is split level the garage part of the building which is closest to the neighbouring property to the north east has also increased in height by 12.9cm. The ground level it is sat on has also increased by 16cm. Combining the difference in ground level and the height the overall increase is 28.9cm.
- 6.8 Policy CS 14 of the Core Strategy requires new development to make a positive contribution to the quality of life in West Berkshire. The Council's Supplementary Planning Document - Quality Design discusses privacy, daylight and outlook. The separation distance for 2 storey dwellings 'back to back' is 21m to avoid direct overlooking. In this case the separation distance is approximately 17m and where the building is single storey towards the neighbouring property there is no direct overlooking into the neighbouring building or loss of daylight.
- 6.9 With regard to outlook the Quality Design SPD refers to the Council's House Extension SPG. This document states that the consideration is whether there is material harm to a neighbour. It is the case that the dwelling is highly visible from the neighbouring property, and is more so having been built on a higher ground level and of greater height than originally granted. However, the building does not block views to the sky or to wider views either side of the building. The highest section of the building roof breaks the skyline on the other side of the valley. It would undoubtedly be preferable for the building to have been set lower at the originally approved ground levels and built to the approved height. Overall and on balance however, the additional harm of the extra 30cm height is not considered to materially harm the outlook from the neighbouring dwelling. As such it complies with policy CS14 and the supplementary documents on design.
- 6.10 The proposal now includes an air source heat pump to the south east elevation of the new dwelling. The specification of this has been submitted and consulted upon with Public Protection. They advise that the noise output of the pump is within acceptable limits. However, policy OVS.6 of the Local Plan Saved Policies states that special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty. Under a precautionary approach given the site is within and in proximity to both these designations it is considered appropriate to apply a condition for details of acoustic screening, particularly between the pump and the

neighbouring dwelling, to ensure the noise output is minimised in accordance with policy OVS.6.

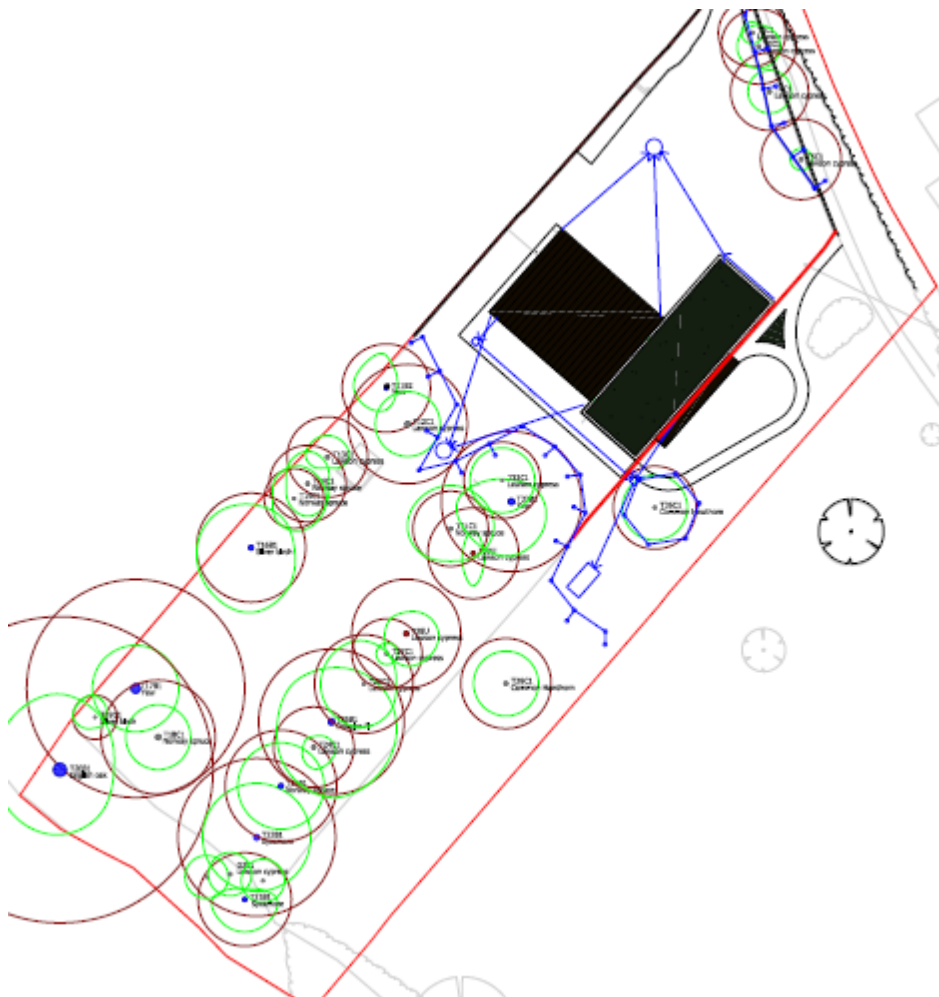
Character and appearance

- 6.11 Policy C7 requires replacement dwellings to be proportionate in size and scale to the existing dwelling, use appropriate materials and not have an adverse impact on character, heritage assets and landscape setting. Policy C3 requires new dwellings to have regard to the landscape character and its sensitivity to change.
- 6.12 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 6.13 Policy CS 19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policy ADPP5 requires development to conserve the landscape setting of the AONB.
- 6.14 The site is sensitively located; it is set at a higher ground level to the land and river to the south and is also visible from a distance from the public right of way to the north west, being the first dwelling when approaching Upper Eddington from the west.
- 6.15 The variations sought to the permission are to the external building materials, height/floor levels of the building, fascia depth, roof lights, fenestration, flue positioning, trees retained, and landscaping. The changes to the fenestration and flue positioning are considered minimal changes on the original scheme, do not particularly affect the overall design, and are therefore considered acceptable.
- 6.16 The roof lights were originally approved as flat and not protruding above the roof. The installed roof lights are domed and do protrude above the roof. These were considered to detract from the overall design form of the building and are visible in their own right from public viewpoints. It is now proposed to change these back to flat so that they would be in line with roof, particularly once the sedum roof on the garage has been installed. It is only therefore the change in aperture of the original proposed roof lights and the addition of another over the dining area that are changes to the original permission. The overall area of roof light is unchanged. As such the variation to roof lights is acceptable.
- 6.17 The external building materials now proposed are the coloured render on the lower floor, timber cladding to the upper floor, and a thermoplastic polymer main roof coloured grey instead of zinc (with the garage roof to remain sedum.) The fascia will be coloured anthracite to match the base of the balustrade. The materials are considered similar to the original permission, in particular restoring the upper level timber cladding. This will blend in more naturally with the rural setting, in particular where the site is open on its west boundary from the side of the dwelling towards the public right of way to the north west, and more generally with the AONB setting. A condition to ensure the external materials are changed within 6 months of permission being granted is proposed.
- 6.18 As outlined in the section on neighbouring amenity the raising of the ground level the building is sat on and the height of the building have resulted in an overall increase in height of 30cm. This contributes to increasing the visual prominence of the new dwelling in its immediate and wider setting. However, it is considered in itself the additional impact of the increased height on the site and wider area is not materially harmful as only the highest part of the dwelling breaks the surrounding skyline from closer viewpoints. As

such the height is considered acceptable under policies ADPP1, ADPP5, CS14 and CS19.

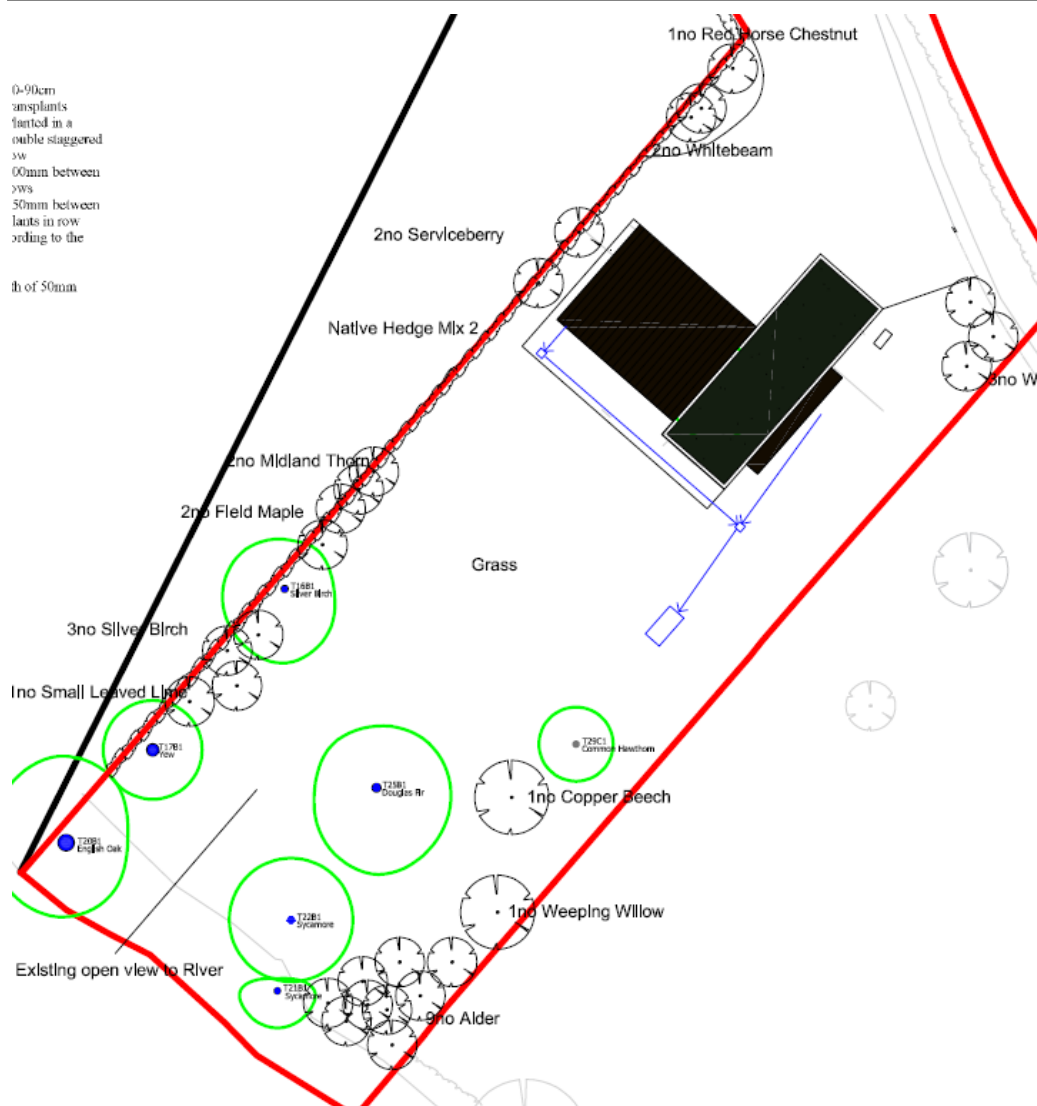
- 6.19 The retaining wall around the parking area would be set to north of the site (south of the public right of way) and return at a right angle towards the garage. It is constructed from reclaimed hardwood railway sleepers laid horizontally and supported by vertical steel columns which are concreted in. The average height of the wall is 70cm. The relatively low height of the wall and containment within the site are such that the retaining wall would not impact on the character of the site or the enjoyment of the public right of way.
- 6.20 The original permission included a requirement for tree protective fencing to be installed and the approved arboricultural report identified the retention of 31 existing trees on site. Subsequently trees identified as being retained have been removed with only 7 now shown as remaining on site. The result is that the scheme is currently highly visible from the river and beyond to the south west. In particular the site is sloping with the dwelling set into the slope and rising above it.
- 6.21 The trees which were to be retained on site were an integral part of ensuring the impact of the dwelling on the setting within the Area of Outstanding Natural Beauty was minimised by helping it blend into its surroundings and reducing its prominence. Therefore a new landscaping proposal was requested to seek to address this.

Original Tree Retention Plan – 2 trees to be removed, remainder to be retained.



- 6.22 The proposed planting is for native hedges to the west side boundary and inner driveway. There are 28 trees proposed, primarily towards the south of the site to the east and west boundaries. The remainder would be 2 trees to the west side of the dwelling, and 3 trees each to the east and west boundaries just north of the dwelling. The previously approved orchard planting to the east side elevation of the building is not shown but can be secured by condition. The proposed planting will return the screening mitigation from the SSSI and river to the south of the site and is acceptable in that respect.
- 6.23 The proposed planting differs from the original permission with no trees in the area more immediately to the south of the new dwelling and the tree planting starting further south along the west boundary. This means that the dwelling would be more prominent in the landscape when viewed from the west and the public right of way where the dwelling is set at a higher ground level than that to the south.
- 6.24 The proposed planting also differs from the original permission by introducing 2 trees alongside the dwelling and north of the dwelling towards the road 3 trees each to the east and west boundaries where previously it would have been open. Therefore there would be more planting to the north of the site than the original scheme which would assist with blending that part of the site and dwelling into the landscape when viewed from the public right of way.

Proposed landscaping – green circles indicate existing retained trees.



- 6.25 The loss of the trees shown as being retained has had a particularly detrimental impact on the setting of the new dwelling. The proposed landscaping also differs by introducing different species and layout of landscaping, in particular with less tree cover immediately south of the dwelling. It is noted that the Tree Officer does not object to the species of planting proposed. Overall, and very much on balance, it is considered that the proposed planting will provide sufficient screening and landscape mitigation in accordance with policies ADPP1, ADPP5, CS14 and CS19 of the Core Strategy, policies C3 and C7 of the Housing Site Allocations DPD.
- 6.26 It is considered appropriate to continue to apply a condition limiting permitted development rights on means of enclosure to ensure the soft landscaping mitigation isn't undermined and urbanised by boundary treatments which could be up to 2 metre high fencing/walls on the boundary with the field or river without requiring planning permission. Whilst permitted development rights of householders in the AONB are more restrictive, it is nevertheless considered that given the history of the site and its prominence it is appropriate to further restrict permitted development rights for extensions and alterations to the dwelling as well as outbuildings.

7. Planning Balance and Conclusion

- 7.1 It is the case that there are numerous variations sought over the original permission. Many of these are relatively minor – changes in fenestration, shape of roof lights, location of flue, roof material, retaining wall. These are not considered to materially alter the overall design, scale or impact of the dwelling. The additional height whilst it has increased the impact of the dwelling is not considered to be sufficiently harmful to warrant refusal of the application.
- 7.2 The main issues are the external materials to the walls and the setting in the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty. The render to the lower floor is still a brighter colour than indicated on the original plans. However, the return to the natural material and colour of timber cladding to the upper floor will be the most visible part of the dwelling from public view points. Overall the brighter lower floor render is not considered to be substantially different from the original permission.
- 7.3 The original retention of 31 trees on site contributed to the scale and nature of the development being minimised within the designated landscape. This has been lost by the removal of all but 7 trees on site which has greatly increased the visible scale of development and altered the nature of its setting. Without comprehensive landscaping and sensitive boundary treatments the nature of the overall development and its impact would be substantially different from that approved and materially harmful to the countryside setting, the Area of Outstanding Natural Beauty and in proximity to a Site of Special Scientific Interest. The proposed landscape planting returns a greater number of trees on site to provide screening and mitigate the impact on the development from both the SSSI and river to the south and from the public right of way and agricultural land to the west.
- 7.4 Subject to the previously applied conditions and those identified on acoustic screening of the air source heat pump, setting a time limit for changing materials on the dwelling, and the removal of some permitted development rights, having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that, on balance, the application complies with the development plan and is recommended for conditional approval.
- 7.5 Full Recommendation

- 7.6 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Drawing 02, Bat Survey Report by Ecology By Design, Biodiversity Report by Thames Valley Environmental Records Centre, Primary Ecological Assessment by Windrush Ecology, Archaeological Evaluation by Thames Valley Archaeological Services Ltd, Design and Access Statement received on 4 September 2018, Email and drawing received on 29 April 2020 with details of the wall to the parking area, Email received on 14 May 2020 with details that the roof lights shall be flat, Drawings 01 J and 11 F (excluding the annotation on the external wall materials) received on 1 June 2020, Structural Landscaping document by Certhia Consulting Ltd including drawing ccl/rb/ls01 Rev 04 received on 6 July 2020.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Acoustic screening of air source heat pump</p> <p>Within 2 months of this permission details of acoustic screening to go around the installed air source heat pump shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the noise reduction specification of the screening materials. The acoustic screening shall be provided in accordance with the approved details within 2 months of the date of the approval of the details..</p> <p>Reason: In the interests of amenity and respecting the designated landscape and rural character and appearance of the surrounding area in accordance with policies ADPP5 and CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, and the National Planning Policy Framework.</p>
3.	<p>Tree Protective Fencing</p> <p>Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified in the Arboricultural Report by Certhia Consulting Ltd including drawing ccl/rb/tp/001. Within the fenced areas, there shall be no excavations, no storage/mixing of lime based products or fuels, no storage of materials, or machinery, no parking of vehicles, no fires.</p> <p>Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
4.	<p>Materials</p>

	<p>The changes to the external materials shall be completed within 6 months of the date of this permission. Notwithstanding the annotations on drawing 11 Rev G received on 1 June 2020 the external materials shall be:</p> <p>Vertical larch cladding to the upper level; White coloured render to the lower level and inset areas on the upper level; Anthracite coloured fascia and balcony balustrade; Sedum roof to the garage element; Rhenofol CV (thermoplastic polymer) in grey to the main roof; Gravel stabilisation grids to the driveway/parking area.</p> <p>Reason: To ensure that the external materials are visually attractive and respond to local character and the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C7 of the West Berkshire Housing Site Allocations DPD 2006-2026, and Supplementary Planning Document Quality Design 2006.</p>
5.	<p>Landscaping</p> <p>All landscape works shall be implemented in full and carried out in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information within the Certhia Consulting Ltd Arboricultural Report including drawing number ccl/rb/lso1 rev 04 received on 1 July 2020, document titled Condition No. 6 and associated site plan received on 8 August 2019 detailing the orchard area with 20 fruit trees/bushes spaced 5-8m apart.</p> <p>The approved landscape works shall be implemented in full within the first planting season following 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 this development/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.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.</p>
6.	<p>Bat boxes</p> <p>The dwelling hereby permitted shall not be occupied until the bat mitigation measures shown on drawing 11 G received on 1 June 2020 have been provided and shall thereafter be retained.</p> <p>Reason: To ensure the protection of bat species, which are subject to statutory protection under European Legislation in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.</p>
7.	<p>Lighting</p> <p>The dwelling hereby permitted shall not be occupied until the external lighting has been installed in accordance with drawings DD/M-M/RD/215-4 Rev B and DD/M-M/RD/215-3 Rev B, luminaire data sheets and document titled Condition No. 7 detailing that all external lights will be sensor operated (PIR) and be LED received on 13 August 2019.</p>

	Reason: To maintain dark night skies in an Area of Outstanding Natural Beauty and conserve protected species in accordance with the National Planning Policy Framework, and policies ADPP5 and CS17 of the West Berkshire Core Strategy 2006-2026.
8.	<p>Spoil</p> <p>Any spoil arising from and not used as part of the development hereby approved shall be removed from site within 3 months of the first occupation of the dwelling.</p> <p>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, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.</p>
9.	<p>Means of enclosure</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no means of enclosure or other development which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be carried out to the west side boundary or south boundary towards the River Kennet, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: In the interests of respecting the rural character and appearance of the surrounding area including the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14, and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.</p>
10.	<p>Extensions and outbuildings</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), policies C3 and C7 of the West Berkshire Housing Site Allocations (2006-2026), and Supplementary Planning Document Quality Design (2006).</p>

Informatives

1.	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
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	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.
2.	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
3.	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.
4.	The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5.	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.

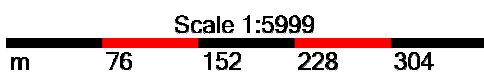


Map Centre Coordinates :

Scale : 1:5999

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	13 July 2020
SLA Number	0100024151

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Planning Appeal Decisions

Committee: Western Area Planning Committee on 22nd July 2020

Officer: Bob Dray, Team Leader (Development Control)

Recommendation: Note contents of this report

1. This reports summaries recent appeal decisions in the table below, and provides feedback on some of the key findings. The appeal decisions and associated documents can be viewed by searching by the application reference number on the Council's Public Access website: <https://publicaccess.westberks.gov.uk/online-applications/>

Application / Appeal	Site	LPA Decision	Appeal Decision	Decision Date
19/01153/FUL Newbury Appeal: 3239183 Written Reps	31 Bone Lane, Newbury Erection of two detached B1(c)/B8 commercial units with ancillary B1(a) accommodation and parking.	Delegated refusal	Allowed	03/04/20
19/01322/FULD Newbury Appeal: 3240786 Written Reps	2 Worlds End, Beedon, Newbury Construct a 2 bedroom detached house with associated access and car parking on vacant garden land to the north of the existing house.	Delegated refusal	Allowed	03/04/20
19/01222/FULD Enborne Appeal: 3238217 Written Reps	The Paddocks Cottage, Enborne Street, Enborne, Newbury Replace the existing landscaping business buildings with a three bedroom detached dwelling.	Delegated refusal	Dismissed	03/04/20
19/00787/FULD Leckhampstead Appeal: 3241355 Written Reps	Windmill Place, Hillgreen, Leckhampstead Section 73 application to vary approved plans of a detached garage with granny flat over (18/00730/FULD). The design changes involve the replacement of three roof light windows with dormer windows, and the insertion of two new rooflights. A number of internal alterations to the layout of the building are also proposed.	Delegated	Allowed	08/04/20
19/02060/FULD Padworth Appeal: 3242412 Written Reps	The Warren, Reading Road, Padworth Erection of 1 dwelling following removal of an existing garage and change of use of land to residential.	Delegated refusal	Dismissed	27/04/20

19/01883/FULD Newbury Appeal: 3243640 Written Reps	1 Kennet Road, Newbury Partial demolition and refurbishment of 1 Kennet Road and the delivery of three new dwellings with associated parking and gardens.	Delegated refusal	Dismissed – costs application against the Council refused	29/04/20
18/03209/FULEXT Theale Appeal: 3243107 Written Reps	19 and 19a High Street, Theale Demolition of existing building and construction of 15 dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.	EAPC refusal (recommended for approval)	Allowed – costs application against the Council refused	11/05/20

Infill development within the countryside

- Several recent decisions have related to infill development under Policy C1, contributing to the appeal precedent that helps interpret these policies.
- In **2 Worlds End**, it was a matter of dispute whether the proposal complied with criteria ii and iv of Policy C1. Criterion (ii) states “*the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage*” and criterion (iv) specifies “*the plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality*”. In this case the Inspector identified that the gap between nos. 2 and 59 Worlds End, at some 28m, is considerably greater than gaps between other dwellings in the row on this side of the road. With the construction of the dwelling, the Inspector concluded that it would retain gaps of some 7 and 16 metres either side, and thus in their view the spacing between dwellings proposed would respect the rural character and street scene of the locality. These judgements are specific to this particular proposal; each case must be assessed on its own merits.
- In **The Paddocks Cottage** it was sought to redevelop a site (outlined in blue below) with an existing commercial building with a new detached dwelling. A number of dwellings identified by the appellant as fronting onto Enborne Street was not judged by the Inspector to constitute a “closely knit group”. The Inspector commented that ‘whilst the term “closely knit”, may often be a sociological term, in this context it is appropriate to apply it to the degree of physical separation between dwellings.’ The Inspector questioned whether the second criterion could even apply to this proposal given its location, but this clearly contributed to their conclusion that the proposal was not strictly “infill development” as allowed for by the policy.



9. Two recent appeal decisions have tacked proposals where the proposed outdoor amenity space fell short of the minimum sizes expected by the Council's Quality Design SPD. Whilst conclusions on individual cases will depend on the merits of that proposal, it is noteworthy that both cases considered the quality of the proposed spaces as well as their size.
10. In **1 Kennet Road** the proposal included a garden for a retained dwelling that would fall slightly below the stated threshold in the SPD. However, the Inspector commented that both gardens were of rational and regular shape and would be of significant benefit to future occupiers. Furthermore, both would gain a reasonable degree of privacy and generally meet the aspirations of the Council's SPD to deliver good quality and private garden areas. Consequently, despite the minor deficiency of private space available for the retained dwelling, overall the proposal would achieve a quality design. Furthermore, as it would generally follow the scale and design of local development it would not appear as a cramped form of development. The Inspector concluded that the proposal complied with the Quality Design SPD.
11. In **19 and 19a High Street, Theale** a high density residential development was proposed within Theale town centre. The proposal would provide pockets of grassed external space (which the Inspector recognised would be impeded by the proximity of cars and general traffic movement), around a third of the proposed flats would have access to private balconies, and a communal terrace above the retail units would provide external space for a further three flats. The Inspector acknowledged the size guidelines in the Quality Design SPD, but also that it states that approaches to the provision of outdoor space would vary according to the location and character of the proposal. They considered that the proposal would provide for a significant proportion of the requirement, and that most flats would have direct access to reasonable areas of external space. Accordingly, the Inspector concluded that overall the proposed development would provide "good quality outdoor space" subject to effective landscaping to delineate external spaces close to parking areas. Moreover, they considered that the accommodation would be likely to provide non-family accommodation where a need for extensive external space would be lessened. Accordingly, they concluded that the benefits of the proposal in regard to its proximity to public transport and high street services would outweigh the reduced provision of external space.

Flood risk sequential test

12. The appeal site for **1 Kennet Road** was located within flood zone 3. Notwithstanding the flood protection measures in the area, it was therefore necessary for the proposal to pass the sequential test. Whilst there was no objection from the Lead Local Flood Authority, passing the sequential test was necessary to consider the issue of alternative sites or community benefits that might satisfy the requirements of the policy. The aim of the sequential test is to steer development to areas with the lowest probability of flooding.
13. The appellant's Flood Risk Assessment (FRA) considers the sequential test, concluding that it is not possible to relocate the development to a lesser zone as the entire site is within flood zone 3, and that there are no reasonably available sites in flood zones 1 or 2. However, the Inspector noted that the sequential test should not be constrained by land ownership or to the site itself. They found that limited evidence was provided to illustrate the reasons for not considering alternative sites or to explain why the development could not be located on a site with a reduced risk of flooding. The Inspector therefore concluded that the FRA did not satisfy the sequential test and dismissed the appeal according.

14. This appeal decision highlights the need for a proposal to pass the flood risk sequential test (as a matter of planning policy) irrespective of whether there are any technical flooding objections.

Under-provision of affordable housing where viability demonstrated

15. The **19 and 19a High Street** decision highlights that where it is demonstrated that a proposal would be unviable with affordable housing, it is still capable of complying with Core Strategy Policy CS6. This is because the expected levels of provision set out in the policy are expressed as being “subject to the economics of provision”.

Whether there should be a requirement to retain the employment use of a site

16. The new dwelling at **The Paddocks Cottage** sought to replace an existing commercial building. The Inspector cited Core Strategy Policy CS10 which states that existing small and medium sized enterprises within rural areas will be supported in order to provide local job opportunities and that proposals seeking the loss of such facilities must demonstrate that the proposal does not negatively impact upon the local economy.
17. The Inspector recognised that the lawful use of the site as a landscape contractor’s depot appears to be at a low ebb given the appearance of the site, but the appellant’s information is that the use has not ceased. The proposal would result in the loss of the business.
18. The Inspector commented that whilst the appellant may wish to retire and has submitted figures to indicate that the business’s loss would have a negligible impact on the rural economy, there was no evidence before them to indicate that the business could not be taken up by others or that the site could not be used for an alternative suitable employment use. Such options would provide local job opportunities and help to maintain the vitality of smaller rural settlements in accordance with Policy CS10. The Inspector concluded that there should be a requirement to retain the employment use of the site, and that the proposal would be contrary to Policy CS10.

Insufficient ecology information

19. In **The Warren, Reading Road, Padworth** the Inspector recognised that the appeal site was located within a Biodiversity Opportunity Area, and that Core Strategy Policy CS17 identifies that habitats which are designated as being important for biodiversity, or which support protected, rare or endangered species, shall be protected and enhanced.
20. No supporting ecology study was submitted with either the appeal application or the appeal submission to assess the impacts of the proposal upon the Policy designation. On the basis of the lack of evidence, the Inspector was unable to conclude that significant harm to biodiversity resulting from the development can be avoided. The Inspector was not convinced that this matter could be addressed by condition. This is consistent long-standing government policy that ecological surveys should normally be provided upfront before any permission can be granted.

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