

# Notice of Meeting



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## Western Area Planning Committee Wednesday 23 September 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 21 September 2020. Please e-mail your submission to [planapps@westberks.gov.uk](mailto: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>

You can view all streamed Council meetings here:  
<https://www.westberks.gov.uk/councilmeetingslive>

### 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.



WestBerkshire  
C O U N C I L

**Agenda - Western Area Planning Committee to be held on Wednesday, 23 September 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](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://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](mailto:jenny.legge@westberks.gov.uk)

Date of despatch of Agenda: Tuesday, 15 September 2020



**Agenda - Western Area Planning Committee to be held on Wednesday, 23 September 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

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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes**  
To approve as a correct record the Minutes of the meeting of this Committee held on 2 September 2020. 7 - 22
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).*

**Agenda - Western Area Planning Committee to be held on Wednesday, 23 September 2020 (continued)**

- (1) **Application No. and Parish: 18/03061/RESMAJ, Land Adjacent To Hilltop, Oxford Road, Donnington, Shaw Cum Donnington** 23 - 56
- Proposal:** Reserved matters application for phased development of 222 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to:
- Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works).
- Matters to be considered: Appearance, Landscaping, Layout and Scale, and discharge of Condition 4 (site wide housing mix) and 5 (strategic landscaping plan) of 19/00442/OUTMAJ.
- Location:** Land Adjacent To Hilltop, Oxford Road, Donnington, Newbury.
- Applicant:** David Wilson Homes.
- Recommendation:** To delegate to the Head of Development and Planning to **GRANT** APPROVAL OF RESERVED MATTERS.

**Agenda - Western Area Planning Committee to be held on Wednesday, 23 September 2020 (continued)**

- (2) **Application No. and Parish: 20/00047/RESMAJ, Land Adjacent To Hilltop (eastern parcel), Oxford Road, Donnington, Shaw Cum Donnington** 57 - 90
- Proposal:** Reserved matters application for phased development of 179 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to:
- Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works).
- Matters to be considered: Appearance, Landscaping, Layout and Scale, and discharge of Condition 4 (site wide housing mix) and 5 (strategic landscaping plan) of 19/00442/OUTMAJ.
- Location:** Land Adjacent To Hilltop (eastern parcel), Oxford Road, Donnington, Newbury.
- Applicant:** Taylor Wimpey UK.
- Recommendation:** Subject to the receipt of satisfactory amended plans and information within 3 months in respect of highways issues to delegate to the Head of Development and Planning to **GRANT APPROVAL OF RESERVED MATTERS** or, should such satisfactory plans and information not be received within that period, to **REFUSE** the application.

**Agenda - Western Area Planning Committee to be held on Wednesday, 23 September 2020 (continued)**

- (3) **Application No. and Parish: 20/01083/FUL, Quill Cottage, Craven Road, Inkpen** 91 - 116
- 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.

**Items for Information**

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

There are no appeal decisions to be considered at this meeting.

**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.

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.

## 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, 2 SEPTEMBER 2020

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

**Also Present:** Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Kim Maher (Solicitor), David Pearson (Team Leader - Development Control) and Matthew Shepherd (Planning Officer)

#### PART I

#### 17. Minutes

The Minutes of the meeting held on 12 August 2020 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following:

Councillor Phil Barnett asked for it to be noted that he had been late to the meeting because of technical difficulties, rather than through any intention on his behalf.

#### 18. Declarations of Interest

Councillors Tony Vickers, Phil Barnett, Jeff Cant and Adrian Abbs declared an interest in Agenda Items 4(1) and (2), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### 19. Schedule of Planning Applications

##### (1) Application No. and Parish: 20/00152/FUL, 1 and 3 Kennet Road, Newbury,

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter. Councillor Vickers made a clarifying statement to the effect that he lived within approximately 200m of the site and in a Zone 3 property, however he did not believe this was a conflict of personal interest. He noted that he was on record as having voted against officer recommendation at the Western Area Planning Committee on 5 February 2020, where a similar issue had been raised and that he was predisposed to opposing officer recommendation on this matter. However he was open to persuasion and had not predetermined his view on this item.)*

*(Councillor Jeff Cant declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that his commercial offices were within 100m of the property. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/00152/FUL in respect of the demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. He drew the Committees attention to a previous application which had been refused by officers, and dismissed at appeal. The officer's recommendation had been led by the Inspectors previous decision on a proposal for a development in a similar location and design.
3. As proposed site fell within a Flood Zone 3, policy CS16 applied and a sequential test was required. A sequential test was a process to assess whether there were any alternative sites within the whole district which were less likely to flood that could be developed in preference to this site. Once these sites had been used or were unavailable, then sites more likely to flood could be considered. This process was a way to manage risk and to direct development to areas that were least likely to flood, and applied to new developments.
4. As the application would result in a net gain of one house, officers carried out the sequential test over the whole of the district. The agent disagreed with this approach and felt that only Newbury, Thatcham and the eastern urban areas of the district should be included in the search area. There were six to seven sites within Newbury that were sequentially preferable, therefore the proposal had not passed the sequential test. The Inspectors decision on the appeal for the last application was that the lack of harm to amenity and street scene, did not outweigh the issues of a sequential test.
5. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval could not be justified. Officers recommended the Committee to delegate to the Head of Development and Planning to refuse planning permission for the reasons listed in the main report and in the update report.
6. The Chairman invited the Highways Officer to speak. Paul Goddard noted that Highway Officers were generally content with the proposal with regards to parking levels and access. There were some further amendments required for the cycle storage and electric vehicle charging points, which could be easily overcome by amended plans and conditions, therefore on their own were not enough to recommend refusal. Highways Officers have no reasons for refusal, subject to these amendments

### **Removal of speaking rights**

7. 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.
8. In accordance with the Extraordinary Council resolution, a written submission had been received from David Jones (Evans Jones Ltd), agent.

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

9. The written submission was read out by the Clerk to the Committee as follows:

### **Agent Representation**

Your planning officer's report comprehensively sets out the planning matters to be considered with this application. Officers have recommended that this application be refused consent solely on the grounds of flood risk.

We have worked constructively with officers to find a solution to the recommended refusal reason. Regrettably, we have been unable to reach agreement.

This application is twin tracked with application reference 20/01186/FUL, which is to be determined later today under committee item 4(2).

This alternative application (which is recommended for approval by officers) is for the conversion of 1 and 3 Kennet Road from two dwellings to create six self-contained flats (a net increase of 4 dwelling units).

In comparison, this proposal seeks consent for the demolition of existing dwellings (2 dwelling units) and erection of 2No. semi-detached dwellings and 1No. detached dwelling (a net increase of one dwelling unit).

It is acknowledged that the application site lies within Flood Zone 3, and thus new build housing requires the submission of a sequential test.

Disagreement exists between your officers and the applicant in respect to the scope of the sequential test, we would thus ask members to consider this application from a practical standpoint.

The sequential test submitted with this application demonstrates that there are no sequentially preferable sites within a reasonable search area. Officers consider that the search area should extend to the whole district, whereas we consider that the sequential test should be limited to the comparable urban areas of the district.

The applicants submitted sequential test clearly demonstrates that none of the other sites in line with the methodology of the test are suitable and/or available alternatives. Thus, we submit that this proposal passes the sequential test

We would urge members to consider this application pragmatically applying logic and common sense. The proposed development will provide high quality accommodation complying with all local and national planning policies.

It is notable and very relevant that the statutory consultees responsible for flood risk matters (Environment Agency and the Lead Local Flood Authority) raise no objection subject to condition. It is an important factor that the site is within an area that benefits from Environment Agency flood defences, substantially reducing the risk of flooding.

It is accepted that the site is in a location where the principle of development is acceptable and that there is no objection from the Conservation Officer.

Furthermore, it is noted that the officers conclude that proposal will not give rise to issues of impact to neighbouring amenity.

The proposed development has wider sustainability benefits, in accordance with the objectives set out in the National Framework. Additionally, the development will be safe for its lifetime through appropriate mitigation and the presence of flood defences.

Mindful that your officers are supportive of the alternative development proposal (conversion to 6 flats) we submit that three new build dwellings provide an opportunity to create a high-quality development accommodating appropriate flood mitigation measures.

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

We thus respectfully request that members support this proposal.

### **Ward Member Representation**

10. Councillor Andy Moore in representing the Committee as Ward Member made the following points:

- Councillor Moore had called-in this application because of the sensitive nature of the site, the potential effect on the neighbours at 34 Craven Road and the current dilapidated state of the properties being discussed. He reminded the Committee of the previous applications on the site. He felt that the Committee needed to take stock of the whole position and was grateful that the Chair agreed.
- He knew the area well, as he cycled through it frequently.
- There were technical issues with the development, for example the flood risk assessment and the sequential test, however he did not propose to dwell on these.
- He was pleased that the applicant had proposed an alternative scheme, to be considered as item 4(2) of this Committee, as they had recognised that a new build scheme would not be in accordance with policy. He was pleased that the officers were recommending refusal, as did the planning inspector when dismissing the appeal.
- His focus was on the proposal for a substantial, new, three storey building on the corner of Craven Road, which was a feature of all previous applications. He noted that neither the officers nor the inspector saw the building as out of keeping, as the height was principally compared to properties in Craven Road, and not the lower properties in Kennet Road.
- The officer's report noted that the Conservation Officer had not objected to the proposal. However, in earlier comments from the Conservation Officer, concern had been expressed about the over development of the open corner plot, the proposal's failure to enhance or preserve the setting of the designated heritage assets and its impact on the historic original West Mills Farm House, which No.1 Kennet Road adjoined.
- Councillor Moore agreed with the Conservation Officer's comments, furthermore a substantial building on the corner, would have significant effect on the amenity of a property on Craven Road.
- It is a pity that site visits could not be carried out, but he was pleased that extra photographs had been included in the officer's presentation.
- In addition to being the Ward Member, he was also on Newbury Town Council's Planning and Highways Committee, and the views he expressed were those of the Committee.
- In conclusion he agreed with officer's recommendation to refuse the application

### **Member Questions of the Ward Member**

11. Councillor Phil Barnet asked if Councillor Moore could recall whether Kennet Road had ever been flooded. Councillor Moore confirmed that he remembered flooding in the roads and back gardens around the area, but not actually in Craven or Kennet Road.

### **Questions to Officers**

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

12. Councillor Abbs noted that there was an occupied building in the garden of the property that had not been mentioned in the presentation. Matthew Shepherd clarified that the log cabin shown in the layout plan was part of a previous application. Enforcement officers were aware of the building and were investigating. Councillor Abbs asked if the presence of the structure should be taken into consideration as it was a substantial sized building. Matthew Shepherd explained that it was temporary in nature, subject to planning conditions and therefore subject to removal. Although it was a consideration on the site, it did not change the officer's recommendation.
13. Councillor Tony Vickers queried why the sequential test had not been given as a reason for refusal before the appeal. Matthew Shepherd explained that it was picked up as an issue during the preparation of documents for the planning appeal.
14. Councillor Vickers asked for confirmation that neither the policy nor the interpretation of policy changed at that point. He continued by noting that in the appeal decision report, paragraph 16, the Inspector stated that development would be allowed in flood risk areas where a set of criteria could be satisfied, including that the benefits to the community could outweigh the risk of flooding.
15. Councillor Vickers asked officers to confirm that the Inspector was not indicating that flood risk and the sequential test outweighed everything else and that the Committee could weigh the matter of flooding in the balance with other aspects such as, The Local plan and the National Planning Policy Framework (NPPF). Matthew Shepherd shared an image of the wording of CS16 and explained that the sequential test and the exception test were one, two barriers, therefore the sequential test had to be passed in order to move onto the exception test. Officers did not consider that the benefits of the scheme, or lack of harm, outweighed the conflict with policy CS16, this was supported by paragraph 16 of the Inspectors report. Members could take the view that the benefits did outweigh the flood risk, but officers had been guided by an Inspectors decision, and their own thoughts on this application, that material considerations do not outweigh the risk.
16. Councillor Carolyn Culver queried why officers felt it was inappropriate to build in a flood zone when the Environment Agency had made no objection. She also queried whether there had been any flooding, as Councillor Moore was not aware of any. Matthew Shepherd explained that flood zones were dictated by the Environment Agency using statistical models and showed areas that were at risk of flooding, not necessarily those that had flooded. The Zones could change as they were also a prediction, as they factored in climate change. The Agency had marked this area as being at a high risk of flooding. It is up to the Planning Authority to assess the information and manage the risk. Through the sequential test officers seek to remove the risk entirely by directing development to areas of little or no risk of flooding. The Environment Agency had informed the council that there was a risk that needed to be managed, and therefore had no objection.
17. Councillor Howard Woollaston asked for clarification on how No.1 and No.3 Kennet Road, and 34 Craven Road could be separated as they looked like they were originally the same house. Matthew Shepherd explained that this was a civil matter and would be taken up between the neighbours. Councillor Woollaston further queried whether the garden area had been taken into consideration. Matthew Shepherd confirmed that the strip of land indicated was part of the existing amenity space for No.1 and No.3 Kennet Road, and would form part of the garden the semi-detached dwellings.
18. Councillor Jeff Cant sought clarification on the sequential test. As he understood it, the principle was that the Planning Authority would not grant consent for properties in

## WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

areas of flooding, unless there was a compelling reason to do so, whilst there were other sites available throughout the planning area. Matthew Shepherd confirmed this was correct.

19. Councillor Hilary Cole asked if there would be an increased risk of flooding should the garden land be built upon, as if it were to be kept open it would help with drainage. Matthew Shepherd explained that this would have been considered as part of the exception test, should the application have passed the sequential test. It might be that an open garden space would provide more drainage, however he was unable to answer definitively.
20. Councillor Abbs asked whether all previous and current applications had been brought forward by the same party. Matthew Shepherd confirmed that this was correct.
21. Councillor Vickers referenced the Environment Agency flood alleviation defences and queried whether the flood zone mapping took any account of the change in flood risk. He had looked at the Environment Agency's latest report for this area of Newbury and it claimed that, as a result of that scheme, it had achieved a significant reduction in the flood risk from the river. Matthew Shepherd explained that the Environment Agency had updated their modelling and mapping and that this area was still in Flood Zone 3, although the alleviation scheme reduced the risk of flooding, there was still a risk of flooding in Newbury. The sequential test aimed to avoid further development in areas of risk. This did not discount the reduction in risk as a result of the alleviation scheme, however there still was a risk to properties and, in accordance with the NPPF, we should not be putting more properties in harm's way.
22. Councillor Vickers posited that as the current houses were in an extremely poor condition, whether a pair of new build properties would be significantly more sustainable, better environmentally and socially. Matthew Shepherd observed that there were some schools of thought that reusing and repurposing materials might be more a more sustainable way of building, for example using less new concrete, less heavy machinery. A refurbishment might reduce profit margins, however this was not a planning matter.

### Debate

23. Councillor Abbs opened the debate by noting that for a second Committee in a row an application has been presented where enforcement should have been carried out. He was greatly frustrated. The reality was that the green land had been covered over and it needed to be returned, especially in a flood zone. He saw no reason to go against officer recommendation.
24. Councillor Vickers noted that photographs added to the presentation showed two signs outside the building saying 'danger - unsafe structure'. He believed that the buildings were beyond repair and restoration. He felt that should the application not be approved, the site would gradually decay and bring down the character of the area. He would love to see it restored. He believed that the application could be approved if members agreed with him, that there were no other solutions to the problem of this dereliction. Alternatively, he wished the applicant the best of luck with his extant application to demolish and partially restore the property.

*(Councillor Vickers lost connection and the meeting was paused while he reconnected.)*

25. Councillor Cant understood Councillor Vickers's point of view, however he felt it was a simple issue of whether the Committee agreed or disagreed with the planning officer's recommendation, based on the fact that this property was proposed for construction in an area of potential flooding. He proposed to accept officer

## WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES

recommendation and refuse planning permission. Councillor Woollaston seconded the proposal.

26. Councillor Dennis Benneyworth remarked that he did not agree with Councillor Vickers' view that the existing buildings could not be restored. In Hungerford there was a prominent building that had been just a shell, and been returned to its former glory. He understood in terms of development it was easier to level a plot and start again, but that did not make it the right thing to do. In this instance, he would be far happier to investigate plan B.
27. Councillor Hilary Cole supported officer's recommendation and Councillors Cant and Benneyworth. Development by dereliction was not an uncommon practice in her point of view, and she felt this property could be restored. With regard to Councillor Vickers view that a new build would be of a better quality and more environmentally friendly, there would be an argument for razing all the properties in that area to achieve the same objective. It was a spurious argument.
28. Councillor Barnett had taken note of Councillor Hilary Cole's comments, however he was concerned about the state of the property. He was also aware of the concern of nearby residents. On balance, he felt it was beyond repair and would therefore vote against Councillor Cant's proposal.
29. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Woollaston to refuse planning permission. At the vote the motion was carried.

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

### Refusal Reasons

#### **1. Not passing the flooding sequential test (amended text as per the Update Report)**

The application site is within Flood Zone 3 and Policy CS16 says that in areas with a history of flooding development will only be accepted if it is demonstrated that it is appropriate in that location, and that there are no suitable and available sites at a lower flood risk. It goes on to say that where development has to be located in flood risk area that it should be safe and will not increase the flood risk elsewhere.

The sequential test was submitted and assessed by officers. The LPA has reviewed the submitted sequential test and finds that the development does not pass it. The sequential test search area is limited to just the Urban areas of the district, the LPA is of the opinion that the search area should district wide. The Sequential test submitted is therefore inadequate in scope to fully assess sites that might be sequentially more favourable to build upon in terms of flooding.

The assessment of the sequential test misses sites that are actively being marketed (at the time of writing the document) to which meet the criteria set out in the submitted sequential test and are considered reasonably available by the Local Planning Authority.

The submitted sequential test discounts sites that the Local Planning Authority considered to be reasonably available. The submitted sequential test discounts sites due to them falling with Flood Zone 2 or a critical drainage area to which are areas of lesser flood risk and therefore sequentially preferably to develop prior to this site. The development is therefore not considered to pass the sequential test and therefore does not accord with CS16 of the West Berkshire Core Strategy (2006-2026) and paragraphs 157 to 161 of the National Planning Policy Framework 2019.

**(2) Application No. and Parish: 20/01186/FUL, 1 and 3 Kennet Road, Newbury**

*(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Cant declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(2) by virtue of the fact that his commercial offices are within 100m of the property. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/01186/FUL in respect of the change of use of 1 and 3 Kennet Road from 2 dwellings to 6 self-contained flats, minor exterior alterations and associated car parking and gardens.
2. Sian Cutts 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. Officers recommended the Committee to delegate to the Head of Development and Planning to grant planning permission subject to the conditions listed in the main report and in the update report.
3. The Chairman invited Paul Goddard to make observations on the proposed development. Paul Goddard stated that all amendments that had been sought had been provided, including electric vehicle charging points for all spaces. He noted that cycle storage, access and parking provision were acceptable and stated that the Highway Authority was very satisfied with the plans and recommended approval subject to conditions.

**Removal of speaking rights**

4. 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.
5. In accordance with the Extraordinary Council resolution, written submissions had been received from David Jones (Evans Jones Ltd), agent.
6. The written submission was read out by the Clerk to the Committee as follows:

**Agent Representation**

Your Officer's Report has comprehensively set out the planning considerations and associated planning balance. This proposal is supported by Officer's with a clear recommendation to approve this application, subject to conditions.

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

The principle of the development is considered to be acceptable, being within the settlement boundary of the principal urban area of Newbury. A location where your authority seeks to focus new development.

The statutory consultees offer no objection, this proposal being acceptable in relation to flood risk, highway safety, heritage assets, preserving the existing character of the adjacent Conservation Area.

The drawings provided with the application demonstrate that there is sufficient amenity space for the occupiers and that the private amenity space provided on site would provide a reasonable degree of privacy. The amenity areas are consistent with that typically found in this area ensuring that development is not be cramped.

The development will not have a detrimental impact on the privacy of neighbouring occupiers, with only one additional window (serving a habitable room) proposed as part of this development the single window serving a habitable room and this does not face directly towards any habitable rooms in neighbouring properties, thus ensuring that there is no additional overlooking as a result of the development.

The applicant has worked with drainage officers to ensure that the development is acceptable in relation to flood risk through the provision of bedrooms on the first floor as opposed to the ground floor, as the submitted plans demonstrate.

Furthermore, the change of use of the property will not increase the flood risk in the wider area.

With regards to the provision of electric vehicle charging stations and cycle parking, the applicant has worked with officers to ensure that this is sufficient. The Highway Officer has confirmed that they have no objection to the development in this regard.

It is hoped that Councillors will support their Officer's recommendation and approve this application.

### **Ward Member Representation**

7. Councillor Andy Moore in representing the Committee as Ward Member made the following points:

- The application had been called in because the ward member felt that the committee needed to take stock of the whole position.
- The fact that the applicant had submitted this application demonstrated awareness that the previous application did not accord with policy.
- He praised the applicant for wanting to redevelop the properties, which were in a poor condition, and bring them back into use.
- He encouraged members of the committee to approve the application which he felt would be of benefit to the vicinity.

### **Member Questions of the Ward Member**

8. There were no questions for the Ward Member.

### **Questions to Officers**

9. Councillor Carolyn Culver asked about the implications of covering an area that was currently garden with gravel, in terms of flood risk.

10. Sian Cutts stated that the applicant had submitted a flood risk assessment, which was required to include sustainable drainage methods to ensure surface water

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

drainage at the site would be equivalent to green field levels. She confirmed that the flood risk assessment had been assessed by the Council's drainage engineers who were satisfied with the proposal. She noted that a condition was proposed requiring further details to be submitted, to demonstrate that the site would not increase the risk of flooding beyond the site or make existing flooding worse.

11. Councillor Culver asked about current levels of on-site parking provision for the properties.
12. Councillor Tony Vickers confirmed that there were two parking spaces, and that the applicant had created a dropped kerb to the north side of number three.
13. Councillor Phil Barnett suggested that broken hardcore with gravel on top would drain well, but concrete with chippings on top would not. He asked for confirmation of what material would be under the gravel.
14. Sian Cutts indicated that the matter would be addressed by the proposed condition requiring the applicant to submit further details on drainage.
15. Councillor Adrian Abbs asked if the condition would ensure that the permeability would be equivalent to that of a green space.
16. Sian Cutts confirmed that was correct.
17. Councillor Hilary Cole asked for clarification that the current policy required all hard surfaces to have permeable drainage. Paul Goddard confirmed that this would be sought whenever possible, taking account of the current extent of the concreted area. He indicated that the drainage engineer was content that the site would be sufficiently improved such that it would not increase the risk of flooding, and would increase permeable drainage within the site.
18. Councillor Jeff Cant thanked the planning officers for making the application easy to understand.

### **Debate**

19. Councillor Howard Woollaston opened the debate by proposing to accept the officer's recommendation to approve the application subject to conditions. Councillor Cole seconded the proposal.
20. Councillor Vickers noted that the floor levels of these properties were amongst the lowest of anywhere in West Fields and wished the developer luck.
21. Councillor Abbs indicated that he was happy to approve the application, but expressed a reservation in relation to the existing approval to part-demolish the property, and asked if the committee had the ability to recant that as part of the approval of the new proposal.
22. Sian Cutts stated that these were two stand-alone applications, so either the extant permission or the new one could be implemented, but implementing elements of both as part of a 'mix and match' approach would not be permitted.

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

23. Councillor Dennis Benneyworth thanked the officer for her thorough presentation. He expressed a reservation about the loss of a parking space in an area where capacity was already limited, but indicated that he understood the reasons for this and therefore supported the officer's recommendation.
24. The Chairman invited the Committee to vote on Councillor Wollaston proposal to accept officer's recommendation and refuse planning permission for the reasons listed in the main report and update report, as seconded by Councillor Cole. At the vote, the motion was carried.

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

### **Conditions**

#### **1. Commencement of development**

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:

Location Plan Drawing No. 114 received on 27th May 2020;

Proposed Site Plan Drawing No.111 Rev A received on 8th July 2020;

Proposed Plans and Elevations Drawing No 113 Rev A received on 8th July 2020;

Flood Risk Assessment & Drainage Strategy prepared by SDS Consulting Ltd Ref 5342-RP01 received on 27th May 2020.

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

#### **3. Materials**

The materials to be used in the external finishes of the development hereby permitted shall match those on the existing development in colour, size and texture, and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

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 (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Newbury Town Design Statement.

#### **4. Electric Vehicle Charging Points**

No dwelling shall be occupied until electric vehicle charging point of at least 22kw has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy P1 of the Housing Site Allocations DPD.

**5. Construction Method Statement**

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

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

Thereafter all demolition and construction work shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as details of first operations are required to be approved and insufficient information was submitted with the application.

**6. Parking/turning in accordance with approved plans**

No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD.

**7. Access construction prior to occupation**

No dwelling shall be occupied until the accesses have been constructed in accordance with the approved drawings.

Reason: In the interest 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).

**8. Cycle Parking**

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD.

**9. SUDs Drainage**

No occupation of the development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Ensure that all sleeping accommodation is located on the first floor.
- b) Include a standalone Flood Response Plan detailing the actions to be undertaken in the event of a flood event. These shall include safe access and egress from the site and appropriate areas of safe refuge;
- c) Include confirmation of the detailed flood resistant and resilient measures (i.e. levels and locations) to be employed within the proposed developments;
- d) Include details of how the SuDS measures will be maintained and managed after completion in a standalone Management and Maintenance Plan. These details shall specify the management company as, due to the shared areas, it would not be appropriate for the plot owners to manage any SuDS features;
- e) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- f) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow.

Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of flooding. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Sustainable Drainage Systems SPD (2018).

**10. Boundary Treatment**

No dwelling shall be occupied until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwellings hereby permitted are occupied. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Newbury Town Design Statement.

**11. Hours of working**

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

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

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**12. Sound proofing**

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

No dwelling shall be occupied until a scheme for protection the proposed dwellings from internally generated noise have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the noise mitigation measures identified in the approved scheme, have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future residents from internal noise caused by the proposal. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Informatives**

#### **1. Proactive**

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

#### **2. CIL**

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](http://www.westberks.gov.uk/cil)

#### **3. Damage to footways, cycleways and verges**

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

#### **4. Damage to the carriageway**

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

#### **5. Incidental works affecting the highway**

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

#### **6. Resident's Parking Permits**

Notwithstanding the provisions of the Human Rights Act 1998, occupiers of the development or part thereof hereby approved shall not by right become entitled to a residents parking permit.

## **20. Appeal Decisions relating to Western Area Planning Committee**

## **WESTERN AREA PLANNING COMMITTEE - 2 SEPTEMBER 2020 - MINUTES**

Members noted the outcome of appeal decisions relating to the Western Area. The Chairman congratulated the officer who had summarised the appeal decisions as it had made it easy for Members to understand and hoped that this method of presentation would continue. David Pearson confirmed that he would pass on the Chairman's praise to the officer, Bob Dray.

*(The meeting commenced at 6.30 pm and closed at 8.18 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	18/03061/RESMAJ Shaw Cum Donnington Parish Council	27 Feb 2019*	<p>Reserved matters application for phased development of 222 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to:</p> <p>Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works).</p> <p>Matters to be considered: Appearance, Landscaping, Layout and Scale, and discharge of Condition 4 (site wide housing mix) and 5 (strategic landscaping plan) of 19/00442/OUTMAJ.</p> <p>Land Adjacent To Hilltop, Oxford Road, Donnington, Newbury</p> <p>David Wilson Homes</p>
*Extension of time agreed until 25 Sept 2020			

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03061/RESMAJ>

**Recommendation Summary:** To delegate to the Head of Development and Planning to **GRANT APPROVAL OF RESERVED MATTERS**

**Ward Member(s):** Councillor Lynne Doherty  
Councillor Steve Masters

**Reason for Committee Determination:** Referred by the Development Control Manager to allow Members the opportunity to assess the detailed proposals arising from the outline approval of this prominent and important housing development site

**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**

<b>Name:</b>	Jay Singh
<b>Job Title:</b>	Consultant Planner
<b>Tel No:</b>	01635 519111
<b>Email:</b>	Jay.singh1@westberks.gov.uk

## 1. Introduction

- 1.1 **Proposal summary** - This application seeks reserved matters approval for phased development of 222 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to:
- 1.2 *Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works).*
- 1.3 The reserved matters for consideration are:
- Layout;
  - Appearance;
  - Scale; and
  - Landscaping.
- 1.4 In addition, the discharge of the following Planning Conditions of 19/00442/OUTMAJ is sought as part of this application:
- No. 4 (site wide housing mix), and
  - 5 (strategic landscaping plan).
- 1.5 **Site description** - The application site covers approx. 12 hectares of a larger site of 23 hectares of agricultural land immediately to the north of the existing urban edge of Newbury within the Parish of Shaw-cum-Donnington. The larger site is in two parcels on either side of the A339 which is a major road linking Newbury to the M4 and the A34. The application site forms the land parcel to the western side of A339 which is being progressed for residential redevelopment by David Wilson Homes. To east of the A339, this land parcel is being progressed for redevelopment by the Taylor Wimpey which is subject to a separate reserved matters application 20/00047/RESMAJ.
- 1.6 To the south is the centre of Newbury and the Vodafone headquarters. To the north is agricultural land, with the village of Donnington to the west. There is an existing public footpath (SHAW 4/1 leading into SHAW 4/4) running north to south across the site, linking the western and eastern parcels of land by way of an underpass below the A339. In the south this links with footpaths which encircle the Vodafone site, and thereby links with routes into central Newbury. Existing bus services run to the south and west of the western parcel, and provide a limited service into the centre of the town.
- 1.7 In terms of topography, the site is situated on the lower slopes north of the Lambourn Valley, occupying the mouth of a dry river valley. The site has an undulating landform, with the valley bottom towards the centre and steeper slopes on the western edges. This includes up to 10m levels changes from the western boundary down to the A339 road level within the central part of the site. The relatively flat land of the valley floor and floodplain of the river Lambourn Valley extends to the south, with the southern part of the side changing in level by approx. 2m down to Love Lane. The A339 cuts across the eastern boundary of the site north-south which forms a cutting along this boundary.

- 1.8 **Background** – This application site forms the western parcel of the wider 23.1 hectare site which was subject to outline application reference 14/02480/OUTMAJ for mixed used development comprising the following components:
- Up to 401 dwellings on 11.35ha of land
  - A 400m<sup>2</sup> local centre (Use Classes A1/A2/D1/D2, no more than 200m<sup>2</sup> of A1) on 0.29ha of land,
  - One form entry primary school site on 1.71ha of land,
  - Associated public open space, landscaping and associated highway works.
- 1.9 The application was in outline form with the only matter for determination relating to 'access'. All other matters relating to appearance, scale, layout and landscaping were to be reserved for consideration at a later stage.
- 1.10 The application was refused planning permission on 26 November 2015 and subsequently allowed under appeal decision reference APP/W0340/W/16/3143214 on 20 March 2017. The decision was subject to a legal agreement to ensure the provision of new local centre, new school, affordable housing, highways matters and ecological mitigation, and 32 planning conditions which covered a range of matters.
- 1.11 Condition 1 required the site to be redeveloped in accordance with the approved access plans and a number of key development parameters. The access plans showed:
- Main access from A339 via new arm to the Vodafone roundabout
  - Access for buses, emergency vehicles and visitors to the primary school from Love Lane.
  - Pedestrian/cycle link to Love Lane and Oxford Road/Whitefield Cottages
- 1.12 The development parameters plans related to:
- Land Use – which showed the broad areas of housing, school, local centre, open space and strategic access roads.
  - Density Parameters – which set out areas of lower (up to 30dph), medium (up to 35 dph) and higher density (up to 45dph) across the site.
  - Building Heights Parameters – this provided restrictions on development height across the site including areas of up to 2-storey (9m ridge), up to 2.5 storeys (10m ridge) and up to 3 storeys (10.5m)
  - Movement & Access Parameters – this showed the main site access, bus and emergency access to Love Lane, pedestrian/cycle access to Love Lane and Oxford Road/Whitefield Cottages, retained public rights of ways (which included linking the western and eastern parcels of land through an underpass below the A339 and road hierarchy
  - Landscaping Parameters – this showed broad areas of public open space, landscape corridors/buffers, existing trees, allotments (660m<sup>2</sup>) and children's play areas (LEAPs and LAPs).
  - Drainage Parameters – this showed approx. areas for surface water drainage attenuation across the site
- 1.13 Condition 2 required the development to be carried out in accordance with a phasing plan which shall show the phases in which development would be delivered as part of the first reserved matters submission.
- 1.14 Condition 4 required details of the housing mix including tenure and type of units as part of the first reserved matters submission.

- 1.15 Condition 5 required the submission of a strategic landscaping plan as part of the first reserved matters submission.
- 1.16 Other relevant considerations are discussed further below.

*Application reference 19/00442/OUTMAJ*

- 1.17 The above scheme (allowed under appeal decision APP/W0340/W/16/3143214) was subsequently amended under application 19/00442/OUTMAJ in order to respond to the constraints of the site such as oil pipelines, site levels, drainage, highways design standards (including revised drop areas for school children), amongst other technical requirements, which involved minor changes to the development parameters plans approved under condition 1.
- 1.18 Changes were also required to the associated legal agreement to improve the deliverability of the school such as revised triggers for payment of school funds and site handover. It is noted that the applicant has exercised their option to make a financial contribution to the Council to deliver the school instead of delivering the school themselves. This means the Council will be responsible for the procurement of the new school.
- 1.19 **Proposal details** – Reserved matters approval is sought for 222 dwellings pursuant to outline planning application number 19/00442/OUTMAJ dated 25 June 2020 which allowed for up to 401 dwellings across the eastern and western parcels of the wider site. A separate reserved matters application for the balance of 179 dwellings is sought under application 20/00047/RESMAJ for the eastern parcel of land.
- 1.20 The reserved matters for consideration relate to appearance, landscaping, layout and scale for 222 dwellings (including 89 affordable housing units) as described further below. Other elements of the outline planning permission relating to the details of the new local centre and new primary school are not for consideration as part of this reserved matters application. However it is recognised as part of the development phasing plan approved under application reference 18/03020/COND1 that this reserved matters application covers Phases 1 – 4 and the school and Local Centre are in Phases 5 and 6 respectively.
- 1.21 The supporting plans to this reserved matters submission show the following:

*Layout*

- 1.22 The proposed layout shows 222 dwellings comprising a mixture of 1 to 4 bedroom properties of which 89 would be affordable units (including shared ownership and social rented) which are distributed throughout the site. The layout plan shows the proposed housing largely within perimeter blocks with small sections of linear form development. Public open space is provided around the boundaries of the site and within pockets through the development including LEAP, LAP and allotments.
- 1.23 Access was approved at the outline stage therefore the proposed layout shows main access from the A339 roundabout. A street hierarchy is provided a main spine road from the A339 access off which secondary streets are provided. Shared private driveways branch off from the secondary streets. Pedestrian/cycle links are shown to Love Lane, Oxford Road and through A339 underpass.
- 1.24 Access for buses and emergency vehicles is from Love Lane. The access would include a 'bus gate' to prevent Donnington and the development becoming a vehicular shortcut to the A339. To the south of the gate would be a school drop off area for vehicles coming from Love Lane (approx. 12 car parking spaces). To the north of the bus gate, for vehicles coming from the main housing areas or from the A339 to the

school, approx. 30 car parking spaces are provided along the access and to the northern boundary of the school site. The layout plan shows a bus route loop that travels around the centre of the site (including around the local centre) then back to Love Lane.

- 1.25 In relation to the A339 underpass/subway, the road layout has been re-aligned to allow clear views through the subway from the road. Apartments and houses around the A339 underpass have habitable room windows that face the underpass.

### *Proposed Housing Mix*

- 1.26 As part of this submission, the discharge of Planning Conditions no 4 (site wide housing mix) of planning permission reference 19/00442/OUTMAJ is also sought. Table below shows the wider housing mix for both the western and eastern parcels of land (left hand table), the housing mix for this application site, the western parcel (middle table) and the housing mix for the eastern parcel (right hand table) which is subject to the separate reserved matters application 20/00047/RESMAJ.

Site : Entire Site, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury				Site : DWH Western Parcel, land adjacent to Hilltop, Oxford Road, Donnington, Newbury				Site : Eastern, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury.			
<b>PRIVATE</b>				<b>PRIVATE</b>				<b>PRIVATE</b>			
HOUSE TYPE	BEDS	NO.		Dwellings	BEDS	NO.	%	HOUSE TYPE	BEDS	NO.	%
Two Bed Dwellings	2	15		Two Bed Dwellings	2	8	6%	Two Bed Dwellings	2	7	6%
Three Bed Dwellings	3	52		Three Bed Dwellings	3	29	22%	Three Bed Dwellings	3	23	21%
Four Bed Dwellings	4	125		Four Bed Dwellings	4	69	52%	Four Bed Dwellings	4	56	52%
Five Bed Dwellings	5	49		Five Bed Dwellings	5	27	20%	Five Bed Dwellings	5	22	20%
<b>TOTAL PRIVATE</b>		<b>241</b>		<b>TOTAL PRIVATE</b>		<b>133</b>	<b>60%</b>	<b>TOTAL PRIVATE</b>		<b>108</b>	<b>60%</b>
<b>Affordable Rent</b>				<b>Affordable Rent</b>				<b>Affordable Rent</b>			
HOUSETYPE	BEDS	NO.		HOUSETYPE	BEDS	NO.	%	HOUSETYPE	BEDS	NO.	%
One bedroom dwellings	1	48		One bedroom dwellings	1	27	30%	One bedroom dwellings	1	21	30%
Two Bed Dwellings	2	26		Two Bed Dwellings	2	14	16%	Two Bed Dwellings	2	12	17%
Three Bed Dwellings	3	31		Three Bed Dwellings	3	17	19%	Three Bed Dwellings	3	14	20%
Four Bed Dwellings	4	7		Four Bed Dwellings	4	4	4%	Four Bed Dwellings	4	3	4%
<b>Total Rent</b>		<b>112</b>		<b>Total Rent</b>		<b>62</b>	<b>28%</b>	<b>Total Rent</b>		<b>50</b>	<b>28%</b>
<b>Shared Ownership</b>				<b>Shared Ownership</b>				<b>Shared Ownership</b>			
HOUSETYPE	BEDS	NO.		HOUSETYPE	BEDS	NO.	%	HOUSETYPE	BEDS	NO.	%
Two Bed Dwellings	2	22		Two Bed Dwellings	2	13	15%	Two Bed Dwellings	2	9	13%
Three Bed Dwellings	3	26		Three Bed Dwellings	3	14	16%	Three Bed Dwellings	3	12	17%
<b>Total Shared Ownership</b>		<b>48</b>		<b>Total Shared Ownership</b>		<b>27</b>	<b>12%</b>	<b>Total Shared Ownership</b>		<b>21</b>	<b>12%</b>
<b>TOTAL AFFORDABLE</b>		<b>160</b>		<b>TOTAL AFFORDABLE</b>		<b>89</b>	<b>40%</b>	<b>TOTAL AFFORDABLE</b>		<b>71</b>	<b>40%</b>
<b>GRAND TOTAL</b>		<b>401</b>		<b>GRAND TOTAL</b>		<b>222</b>		<b>GRAND TOTAL</b>		<b>179</b>	

1.27

### *Appearance*

- 1.28 The supporting plans show a mixture house types, design and materials. The house designs include detached, semi-detached, terrace and apartments. The architectural details include features such gable fronts, hipped roofs, dormers, bay windows, dentilated brick eaves detailing, brick soldier courses above windows and external window cills, recessed porches, traditional door canopies, Georgian style front door surrounds, variation in fenestration and juliet balconies.
- 1.29 The proposed external materials include facing brick with combinations of yellow (sandel wood yellow multi) and red (caldera red multi and sienna red). The roof tiles include cottage red (Russell Lothian), anthracite (Russell Moray), brown (Russell Lothian Peat). The block pavers include red and yellow colours. The boundary treatments include a mixture of brick walls in different brick types, timber close boarded fencing, metal railings, acoustic timber fences, post and rail fencing.

### *Scale*

- 1.30 The supporting plans show the proposed housing would be largely 2-storey (up to 9m ridge) with some limited 2.5 (up to 10m) and 3 storey units (up to 10.5m ridge). There are a variety of housing sizes within the site ranging from 50m<sup>2</sup> to 232m<sup>2</sup>.

### *Landscaping*

- 1.31 As part of this submission, the discharge of Planning Condition no 5 (strategic landscaping plan) of planning permission reference 19/00442/OUTMAJ is sought. In this regard, a supporting landscape framework plan is provided which shows existing trees, hedgerows and woodland to be retained, new structural planting, native hedgerows & hedgerow trees and landscape buffer tree mix to site boundaries and the edges of the development parcels.
- 1.32 The following key elements are incorporated into the strategic landscape buffer planting and retained vegetation:
- Tree and woodland buffer planting along the A339;
  - Woodland buffer alongside the northern boundary, east of the A339;
  - Landscape buffer to the northern boundary, west of the A339;
  - Tree and understorey buffer planting along the western edge of development, east of Oxford Road. Sloping land to the west of the site to be retained as grassland; and
  - Tree and woodland buffer planting to the eastern edge of the developed area.
- 1.33 The Landscape Framework plans also provide species mixes for the Landscape Buffer Tree Mix, Native Hedgerows and Hedgerow Trees, as well as trees to open spaces and internal streets.
- 1.34 Detailed soft and hard landscaping plans are provided which show the open space being arranged towards the outer edges of the site, with areas of open space provided within the housing areas including to the north of the school land which contains an oil pipeline easement. Existing trees and hedgerows are largely retained and incorporated within the open space. Substantial new tree planting is located across the scheme especially along the site boundaries and within areas of the public space including the LEAPs and LAP.
- 1.35 The soft landscaping includes proposed trees, hedgerows (native, ornamental), woodland planting, shrubs (ornamental and specimen), landscape buffers mix, varieties of grass. The plans show street trees planting throughout the scheme, green verges and soft landscaping around car parking areas.
- 1.36 The hard landscaping materials, corresponding to the different element of the scheme including adoptable highway, car parking areas, private driveways, pedestrian footpaths, spine loop road, parking courts, propose a variety of materials including tarmac, herringbone block paving (brindle and bracken colours), tactile paving (buff) and hoggins paths.

## **2. Planning History**

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

<b>Application</b>	<b>Proposal</b>	<b>Decision / Date</b>
20/02032/COND6	Approval of details relating to Phases 1-4 of the development, as set out in the	Pending consideration at the time of writing this report

	<p>approved phasing plan for conditions: (10) Construction Method Statement, (11) Ground and floor levels, (20) Arboricultural Measures, (21) Construction Environmental Management Plan, (22) Lighting Design Strategy, (23) Landscape and Ecology, (24) Natural England and Thames Water, (27) SuDS, (28) Foul Drainage Strategy, (31) External Noise and (33) Contaminated Land</p> <p>Condition. Condition 14 - A339 Underpass of Approved Application 14/02480/OUTMAJ to be fully discharged.</p>	
20/01944/COND5	<p>Application for approval of details reserved by conditions (20) arboricultural method statement and (31) noise of approved 14/02480/OUTMAJ - Outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m2 local centre (Use Classes A1/A2/D1/D2 - no more than 200m2 of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works. Matters to be considered: Access.</p>	<p>Pending consideration at the time of writing this report</p> <p><b>This relates to the site known as the 'eastern' parcel of land with the applicant being Taylor Wimpey</b></p>
20/01097/COND4	<p>Application for approval of details reserved by Condition 10 'construction method statement', 21 'construction environmental management plan', 22 'lighting design strategy for biodiversity' and 23 'landscape and ecological management plan' of appeal reference APP/W0340/W/16/3143214 (14/02480/OUTMAJ).</p>	<p>Pending consideration at the time of writing this report</p> <p><b>This relates to the site known as the 'eastern' parcel of land with the applicant being Taylor Wimpey</b></p>
20/00703/RESMAJ	<p>Approval of reserved matters application for phase development of 179 dwellings following approval of outline application 14/02480/OUTMAJ (APP/W0340/W/16/3143214).</p>	<p>Pending consideration at the time of writing this report</p> <p><b>This relates to the site known as the 'eastern'</b></p>

	<p>Matters to be considered: Appearance, Landscaping, Layout and Scale.</p>	<p><b>parcel of land with the applicant being Taylor Wimpey that is the subject of a separate reserved matters application (20/00047/RESMAJ).</b></p> <p><b>It is understood this duplicate application was submitted by the applicant to comply with time limits for the submission of reserved matters applications under the outline planning permission.</b></p> <p><b>This application will be withdrawn on the successful conclusion of reserved matters application 20/00047/RESMAJ.</b></p>
20/00655/RESMAJ	<p>Approval of reserved matters application for phased development of 222 dwellings pursuant to planning application 19/00442/OUTMAJ which relates to Section 73: Variation of Condition 1 (Approved Plans) of planning application 14/02480/OUTMAJ allowed under appeal reference APP/W0340/W/16/3143214 for a mixed use scheme on 23.1 ha of land, comprising up to 401 dwellings on 11.35 ha of land.</p> <p>A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 ha of land, a one form entry primary school site on 1.7 ha of land, public open space, landscaping and associated highway works. Matters to be considered: Appearance, Landscaping, Layout and Scale.</p>	<p>Pending consideration at the time of writing this report.</p> <p><b>This relates to application site known as the 'western' parcel of land and same applicant (David Wilson Homes) that is the subject of this reserved matters application committee report (18/03061/RESMAJ).</b></p> <p><b>It is understood this duplicate application was submitted by the applicant to comply with time limits for the submission of reserved matters applications under the outline planning permission.</b></p> <p><b>This application will be withdrawn on the successful conclusion of reserved matters application</b></p> <p><b>18/03061/RESMAJ</b></p>

20/00162/COND3	Application for approval of details reserved by Condition 18 - Archaeological Scheme of investigation of appeal reference APP/W0340/W/16/3143214 (14/02480/OUTMAJ).	Approved on 10 February 2020
<b>20/00047/RESMAJ</b>	Reserved matters application for phased development of 179 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works). Matters to be considered: Appearance, Landscaping, Layout and Scale, and discharge of Condition 4 (site wide housing mix) and 5 (strategic landscaping plan) of 19/00442/OUTMAJ.	<p><b>Pending consideration at the time of writing this report</b></p> <p><b>The site is known as the 'eastern' parcel of land with the applicant being 'Taylor Wimpey'.</b></p> <p><b>This application is for consideration as separate item on this same planning committee agenda</b></p>
19/00442/OUTMAJ	Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 Outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m2 local centre (Use Classes A1/A2/D1/D2 - no more than 200m2 of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and	Approved on 25 June 2020

	associated highway works. Matters to be considered: Access.	
14/02480/OUTMAJ	Outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m <sup>2</sup> local centre (Use Classes A1/A2/D1/D2, no more than 200m <sup>2</sup> of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works. Matters to be considered: Access.	Refused planning permission on 26 November 2015 and subsequently allowed on appeal reference APP/W0340/W/16/3143214 on 20 March 2017.
19/00178/COND2	Application for approval of details reserved by Condition 18 Archaeological Scheme of investigation of appeal reference APPW0340W163143214 (14/02480/OUTMAJ). Approved on 30 January 2019.	Approved on 30 January 2019.
18/03402/NONMAT	Proposed non-material amendment to planning permission reference 14/02480/OUTMAJ relating to an outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m <sup>2</sup> local centre (Use Classes A1/A2/D1/D2 - no more than 200m <sup>2</sup> of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works with matters to be considered (Access), allowed on appeal on the 20 March 2017 under appeal decision reference APP/W0340/W/16/3143214 to amend the proposed eastern access plan listed under conditions 1 and 13.	Approved on 31 January 2019
18/03020/COND1	Application for approval of details reserved by Condition (2) Phasing Plan of allowed on appeal planning permission/ 14/02480/OUTMAJ	Approved on 08 February 2019
19/00849/ADV	Proposed 2800mm x 1900mm advertising sign board.	Approved on 15 May 2019.

### 3. Procedural Matters

- 3.1 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required.
- 3.2 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices and press notices within the Newbury Weekly News.
- 3.3 A summary of the neighbour consultations is provided below:
- 25/08/2020 – Neighbours (all contributors consulted). The Parish Council also consulted.
  - 12/07/2020 – Site notices erected around the site.
  - 02/07/2020 – Neighbours (all contributors consulted). The Parish Council consulted.
  - 17/02/2020 – Neighbours (all contributors consulted) and site notices erected around the site. The Parish Council consulted.
  - 30/08/2019 – Neighbours (all contributors consulted) and site notices erected around the site. The Parish Council consulted.
  - 20/05/2019 – Site notice erected around the site. The Parish Council consulted.
  - 28/12/2018 – Site notices erected around the site. The Parish Council consulted.
- 3.4 The proposed development would create new residential floor space that would be liable to CIL payments in accordance with the Councils CIL Charging Schedule.

### 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.

<b>Shaw Cum Donnington Parish Council</b>	Objection for the following reasons (summarised by officers) <ul style="list-style-type: none"><li>• Adverse impact on highway safety on the local highways infrastructure (including Love Lane and Oxford Road, amongst others) from increased traffic generation and on-street parking demand from the proposed use taking into account cumulative impacts with existing schools and proposed construction traffic. These issues being compounded by existing flooding on roads, Thames Water infrastructure works, highway’s related</li></ul>
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	<p>access/improvements/construction works and lack of mitigation such as alternative temporary site access into the site that would minimise impact on the Love Lane.</p> <ul style="list-style-type: none"> <li>• Insufficient drop off and car parking areas to serve the new school within the site.</li> <li>• Insufficient information on the length of construction works and potential disruption. The PC acknowledge the development must proceed. However, plans for the development areas affecting Love Lane are at significant cost to residents, school children and all those who must use this road.</li> <li>• The PC indicate due to the impact on the parish as a whole during the construction phase that the developer consult them with regard to the contractor's schedule of movements.</li> <li>• The appeal decision considered the complete site therefore a new application should come forward that provides details of all of the interrelated elements of the site, i.e. school (including its delivery to ensure it serves the community), local centre (including details of the developer), east and west parcels of housing similar to the approach taken to the Sandleford Housing Allocation.</li> <li>• The PC seeks to ensure that funding is secured (as per the outline permission) to implement the bus service within the agreed timeframe, and that the bus route and timetable will be agreed between West Berkshire Council and the Parish Council, for the benefit of both existing and new residents on both sides of the A339.</li> <li>• The PC request consultation in the preparation of the construction management statement (details required via planning condition) to minimise the impact on the highway, public safety and local amenity - insert informative note?</li> <li>• The PC request sufficient infrastructure e.g. water and potable water is provided to serve the development and that all service providers liaise with the Parish Council and residents before connection works commence - insert informative note?</li> <li>• The PC invite the developers to consider alternative locations for the local centre including focusing funding around the existing village hall with associated expanded infrastructure which attract new facilities e.g. pharmacy, retail and café which do not exist now.</li> <li>• A police approved CCTV scheme, secured via planning condition should be implemented at the A339 underpass.</li> <li>• The scheme includes insufficient allotment provision (660m2 proposed) to meet the needs of the development in terms of number and total area. Furthermore, the sloping terrain makes them unsafe. A higher requirement of</li> </ul>
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	<p>1580m2, in more a suitable configuration with safe boundary treatment and disabled access, is required to meet the expected need (or 660m2 is provided with this application site and a further 990m2 on the parcel of land east of the A339 &lt;'Taylor Wimpey Scheme'&gt;. The proposal therefore does meet the social and environmental objectives of relevant planning policy and guidance and cannot constitute sustainable development. This means it should be refused unless this issue is addressed satisfactorily.</p> <ul style="list-style-type: none"> <li>• Insufficient infrastructure to support the rapid population increase as a result of the proposed development with the existing village hall at capacity, and the local centre not yet coming forward or including community facilities.</li> <li>• The proposed bus gate and bollards will divide the parish and they are also inadequate and will break down over time.</li> <li>• Inadequate linkages between the western and eastern parcels of land especially via car.</li> <li>• In light of the above, the proposal does not improve the social, economic and environmental well-being of the area and therefore does not amount to sustainable development contrary to relevant development plan planning policies and guidance.</li> </ul> <p>Other comments</p> <ul style="list-style-type: none"> <li>• Financial help should be provided to convert the existing school into an additional Community Hub.</li> <li>• Provision should be made for controllable parking near Love Lane on the development land.</li> <li>• Opening of car access to the Oxford Road at the north-west corner of the site.</li> <li>• Provision of a proper car tunnel under the A339 joining the eastern and western estates to reduce the acute isolation of the eastern area.</li> </ul>
<b>Speen Parish Council</b>	No comments
<b>Cold Ash Parish Council</b>	No comment
<b>Newbury Parish Council</b>	<p>Objection/comments:</p> <ol style="list-style-type: none"> <li>1) There is a lack of amenity space and trees</li> <li>2) No cycling access/routes in the development</li> <li>3) Members support the comments and observations made by Shaw Cum Donnington Parish Council</li> <li>3) Members supported the concerns made by the CCG</li> </ol>
<b>WBC Highways:</b>	No objection in principle, school drop off areas are acceptable, support police comments regarding the under pass and CCTV,

	construction management plan is acceptable, bus gate details required via planning condition, minor layout changes required to provide 3 car parking spaces for plots 1, 2, 23 and 26 and apartments, 2m margins required for plots 8 and 17, access road for plots 138 to 143 should be designed to adoptable standard – Further updates to be provided.
<b>WBC Waste Management</b>	No comments
<b>WBC Environmental Health</b>	No objection
<b>WBC Drainage (SUDS)</b>	Request further drainage information but not this would be subject to a separate discharge of conditions application under outline condition no.27
<b>Environment Agency</b>	No comments
<b>WBC Education</b>	No objection
<b>WBC PROW</b>	No objection
<b>Ramblers Association</b>	No comments
<b>WBC Ecology</b>	No comments
<b>WBC Affordable Housing Officer</b>	No objection
<b>Natural England</b>	No objection
<b>WBC Planning Policy Team</b>	No comments
<b>CLH Pipeline System</b>	Proposal affects CLH-PS's apparatus. Developer advised to contact CLH Pipeline to agree works consent order.
<b>WBC Landscape</b>	No objection
<b>WBC Parks and Leisure</b>	No comments
<b>WBC Conservation</b>	No comments
<b>Thames Water</b>	No objection
<b>Police Design Advisor</b>	No objection but request further details on LEAP/LAP boundary treatment, lighting, landscaping and seating, and implementation of secured by design measures. Satisfactory surveillance of the subway/A339 underpass including CCTV needs to be ensured.

<b>RB Fire and Rescue</b>	No objection
<b>BBOWT Wildlife Trust</b>	No comments
<b>WBC Archaeology</b>	No objection - no further archaeological investigation is required on the western side of the A339 so these latest amended plans will not have any archaeological impact.
<b>WB SPOKES</b>	No objection – need to ensure eastern and western land parcels linked by cycle route through the A339 under pass and need to ensure satisfactory cycle storage provided

### ***Public representations***

- 4.2 5 letters of objection have been received (including one on behalf of St Mary's Church, Shaw cum Donnington)
- 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:
- Lack of information on location, materials and height of the boundary to proposed pedestrian/cycle next to 8 Link View which would adversely impact on amenity of occupiers of 8 Link View by way of loss of privacy and security, as anyone using this walkway will be able to see directly into the living/dining room and garden - if a high fence is put in place to address these concerns it will block the light into these rooms and garden.
  - Seek assurance that site traffic will be prohibited from using the residential part of Oxford Road as an access point, as site traffic will cause pollution and disturbance.
  - Seek assurance that suitable barriers and pavement for the pedestrian/cycle path will be deployed at the entrance between Denham/8 Link View as part of the development.
  - The play area at the rear of the link view is the furthest away from the main road, if there are any medical emergencies this will delay access to the site for emergency vehicles.
  - Overall, in favour of the development. However, the provision for cycle access given in the Transport Statement is minimal.
  - Oxford Road Access: The Transport Memorandum for the original outline planning application went into some detail on the need for footpath improvements on the Oxford Road; I can see no evidence that there has been any attempt to meet these requirements. Appendix C of the Transport Plan shows the detail of this, and so far as I can tell there is no proposal to improve access.
  - Love Lane: suggest that the Bus/Emergency access onto Love Lane be extended to explicitly include cycle access. The junction onto Love Lane is directly opposite to the entrance to Dene Way. I would expect most cycle journeys to go straight across this junction, so some provision may be needed for a crossing or traffic control at this point. If the new school is built then this will become even more necessary.
  - Underpass: it is positive that the underpass plans are for a combined cycle and footpath, and that provision has been made to install a pumping station.

- Any sewerage infrastructure should be designed to minimise impact on the occupiers of existing properties e.g. those on Dene Way which have suffered burst sewerage pipes which have caused raw sewerage to come into domestic gardens and local waterways.
- Lack of public consultation with local stakeholders - St Mary's Church owns the land on Love Lane currently occupied by the listed primary school building and allotments adjacent to the Village Hall. Because much of the income of the Village Hall is dependent on the School and the future use of the School building is uncertain, the economic and financial viability of these community facilities is jeopardized.
- The S106 agreement in respect to these applications does not provide any significant benefit to the existing Community, nor for new parishioners who are expected to purchase the new homes.
- It has been represented to Shaw Parish Councillors and thus to the local Community that the Parish Council will receive 15% of the CIL Monies. This representation is misleading and disingenuous because of the limitation of the per dwelling cap.
- The Developer continues to represent the "provision" of a commercial community facility close to the A339 roundabout entrance to both sites as a community benefit. This representation misleading and disingenuous not least because there is no warranty that such a facility will ever be built.
- WBC have consistently failed to respond to representations by St Mary's Church and Shaw Parish Council for new parishioners to be welcomed into "One Community". They have also failed to consider how these existing facilities can be preserved and enhanced sustainably for the benefit of the One Community. This prejudices future voluntary community initiatives such as the recent SAFE initiative between St Mary's and the Parish Council supporting the West Berkshire Hub during the COVID 19 emergency.
- By failing to secure adequate social provision, WBC have failed to learn the lessons from previous planning failures such as occurred with the Turnpike Estate. Such mistakes should not be repeated.
- WBC have failed to take account of the impact of COVID 19 and ensure that all reasonable measures are taken to protect the resilience of the local community in continuing to combat the ongoing challenges of the pandemic.
- Failure to uphold the West Berkshire's Climate Emergency policy prejudices public trust locally in the executive and political leadership of the Council at a time when such trust is essential in working together to combat COVID 19.

## 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, ADDP2, CS1, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1, RL.1, RL.2 and RL.3 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:

- Quality Design SPD
- Shaw cum Donnington Parish Plan 2009
- Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.
- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)

## 6. Appraisal

### Principle of development

- 6.1 The development of this site (western parcel) as part of a larger development comprising up to 401 dwellings, with other elements described above, and associated public open space, landscaping and associated highway works was allowed under appeal decision APP/W0340/W/16/3143214 on 20 March 2017 (as varied under planning permission reference 19/00442/OUTMAJ on 25 June 2020).
- 6.2 For these reasons, the proposed development is considered acceptable in principle subject to the detailed material considerations set out below.
- 6.3 For the avoidance of doubt, this application relates to the approval of details relevant to layout, scale, appearance and landscaping for a phased development of 222 dwellings, and conditions 4 and 5 of the outline permission relating to housing mix and strategic landscaping strategy.
- 6.4 Other elements of the wider development such the local centre, school as well as other technical matters addressed by planning conditions on the outline planning permission including details sustainable drainage strategy, underpass CCTV details, construction management plan and noise mitigation measures, are not for consideration as part of this reserved matters application.
- 6.5 The main issues for consideration in this application are:
  - Character and appearance (including layout, scale, appearance and landscaping);
  - Open space;
  - Impact on setting of AONB;
  - Wider landscape and visual impact;
  - Housing mix;
  - Residential amenity;
  - Highways matters;
  - Public Rights of Way;
  - Other matters.

### Character and appearance (including layout, appearance, scale and landscaping 'the reserved matters')

- 6.6 Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design. Good design relates not only to the appearance of a development, but the way in which it functions. Paragraph 127 of the NPPF, states that planning decisions should ensure that developments (amongst others):
  - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.7 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD) which provides detailed design guidance on residential development. Part 1 in particular provides design guidance, including key urban design principles. The NPPF, The SPG Quality Design and The Shaw Cum Donnington Parish Plan (2009) also support the above aims.

#### *Layout*

- 6.8 The proposed layout shows 222 dwellings comprising a mixture of 1 to 4 bedroom properties of which 89 would be affordable units (including shared ownership and social rented) which are distributed throughout the site. The layout plan shows the proposed housing largely within perimeter blocks with small sections of linear form development where it backs onto existing properties. Public open space is provided around the boundaries of the site and within pockets through the development including LEAP, LAP and allotments.
- 6.9 Access was approved at the outline stage therefore the proposed layout shows main access from the A339 roundabout. A street hierarchy is provided a main spine road from the A339 access off which secondary streets are provided. Shared private driveways branch off from the secondary streets. Pedestrian/cycle links are shown to Love Lane, Oxford Road and through A339 underpass.
- 6.10 Access for buses and emergency vehicles is from Love Lane. The access will include a 'bus gate' to ensure access is restricted. To the south of the gate would be a school drop off area for vehicles coming from Love Lane (approx. 12 car parking spaces). To the north of the bus gate, for vehicles coming from the main housing areas or from the A339 to the school, approx. 30 car parking spaces are provided along the access and to the northern boundary of the school site. The layout plan shows a bus route loop that travels around the centre of the site (including around the local centre) then back to Love Lane.
- 6.11 In relation to the A339 underpass/subway, the road layout has been re-aligned to allow clear views through the subway from the road. Apartments and houses around the A339 underpass have habitable room windows that face it. The applicant has provided additional plans that demonstrate satisfactory surveillance across the site including the open space and play areas. Further 'secured by design' measures can be secured via a planning condition to reduce the risk of crime.
- 6.12 The proposed layout would accord with development parameters approved at the outline stage which show the broad areas for housing, strategic access and movement, density, open space as well as safeguarding land for the new primary school and local centre which would integrate with the proposed housing layout.
- 6.13 The general layout approach, with largely perimeter blocks providing active frontages, some linear development and some small courtyards, would add to the wider pattern of development found within the locality and would be responsive to the overall spatial

constraints of the site which include undulating topography, pipeline infrastructure and existing drainage routes, amongst others.

- 6.14 Following the receipt of satisfactory amended plans, the detailed layout also shows affordable housing pepper being potted throughout the site to ensure it would integrate with the scheme as a whole.
- 6.15 For these reasons, the proposed layout is considered acceptable.

#### *Appearance*

- 6.16 There is significant variation in the existing built form within the locality including larger detached and semi-detached gabled fronted dwellings with hipped roofs constructed in red facing brick with brown roof tiles within Donnington Village. The older properties around shop lane being terraces. On Love Lane, the buildings are predominantly 2-storey and also include a mix of detached and semi-detached dwellings. The houses are primarily red brick, with some use of render, pebble dash and hung tiles. The roofs are pitched and constructed from brown or terracotta tiles. Some of the dwellings are gable fronted, with hipped and half-hipped roofs also found. The dwellings are generally set back from the road behind, hedges, walls and fences.
- 6.17 In respect of Shaw, it is arranged around a central main through street running from east to west – Kiln Road/Turnpike Road. From this primary road, a variety of residential streets branch off. These differ in character reflecting their build period. The dwellings are generally set back from the roads by front gardens. The majority of buildings are two storey detached or semi-detached properties. The houses are a mix of red, yellow and brown brick, with some use of render and hung tiles. Roofs are pitched and constructed from slate, brown or terracotta tiles. Features such as porches are common on the newer dwellings. Car parking in Shaw is generally found on plot within the driveways and front gardens of the properties. Higher density areas with terraced properties have on-street parking.
- 6.18 The proposal will include a mixture house types, design and materials. The houses include detached, semi-detached, terrace and apartments. The architectural details include features such gable fronts, hipped roofs, dormers, bay windows, dentilated brick eaves detailing, brick soldier courses above windows and external window cills, recessed porches, traditional door canopies, Georgian style front door surrounds, variation in fenestration and juliet balconies.
- 6.19 The proposed external materials include facing brick with combinations of yellow (sandel wood yellow multi) and red (caldera red multi and sienna red). The roof tiles include cottage red (Russell Lothian), anthracite (Russell Moray), brown (Russell Lothian Peat). The block pavements include red and yellow colours. The boundary treatments include a mixture of brick walls in different brick types, timber close boarded fencing, metal railings, acoustic timber fences, post and rail fencing.
- 6.20 The above approach would ensure the proposal would have a good quality appearance for this modern residential development which would harmonise with the character of the area.

#### *Scale and density*

- 6.21 As set out above, the site is undulating with the western boundary of the site steeply rising. To respond to the constraints of the site, development parameters were approved at the outline application stage (as varied) which restrict building heights across prominent parts of the site to 9m (for 2-storey), to 10m (for 2.5 storey) and up to 10.5m (for 3-storey). In addition, density parameters were set for the site including

areas of lower density (up to 30 dph), medium density (up to 35 dph) and higher density (up to 45 dph).

- 6.22 The supporting plans show the proposed housing whilst of varying design and size would be largely 2-storey with some limited 2.5 storey in appropriate locations and 3 storey units at key locations which would accord with the buildings heights parameters for the site. This approach would ensure development heights are lower where there is increased landscape sensitivity.
- 6.23 The density across the site ranges from 45 dph to 30 dph with the highest densities being located along the main routes in to the site, and in the vicinity of the local centre. The density then transitions through to medium density, and then low density development at the outer edges of the site. This approach would accord with these density parameters for the site.
- 6.24 It is also recognised there is a significant variation in the existing built form within the locality in terms of building heights and sizes, and density. The proposal would be compatible with this wider mix.
- 6.25 For these reasons, the proposal, in terms of scale and density is considered acceptable.

#### *Landscaping*

- 6.26 The outline permission (as varied) approved the redevelopment of the site subject to development parameters including land use and landscaping/open space. The approved parameters plans showed the broad areas of landscaping, existing trees/hedgerows, open space (including play areas and allotments). A further outline planning condition (no.4) was imposed which required the submission of a landscape framework/strategic landscaping plan.
- 6.27 This reserved matters submission, which include a strategic landscape plan to discharge condition 5, would accord with development parameters approved at the outline stage. The proposal would include tree and woodland buffer planting along the A339 to reflect existing roadside tree belts and screen views of the development, it would allow for the provision of a varied width woodland buffer alongside the northern boundary, it would include a landscape buffer to the northern boundary and west of the A339 to provide a soft edge to the development and limit visual impacts.
- 6.28 The proposal would include tree and understorey buffer planting along the western edge of development, east of Oxford Road to limit visual impacts on residents of adjacent properties and provide a soft edge. The sloping land to the west of the site would be retained as grassland to maintain openness and cross valley views. In addition, tree and woodland buffer planting to the eastern edge of the developed area would provide a soft, varied edge whilst retaining some outward views across the adjacent landscape.
- 6.29 The proposal would facilitate substantial new tree planting with the site resulting in a net gain in the site overall. The hard landscaping plans shows an mix of hard landscaping details which would be appropriate for this modern residential development and would ensure the creation of a good quality landscaped environment.
- 6.30 The Council's Tree Officer has carefully considered the proposal including all of supporting information, including the detailed soft landscaping specification, street trees, retained trees, landscape buffers, and tree removal, amongst other elements and considers the overall landscaping strategy to be one of good quality.

- 6.31 Existing trees around and beyond the boundaries of the site would be retained and appropriate tree protection measures would be secured through conditions imposed on the outline planning permission (as varied).
- 6.32 For these reasons, the detailed landscaping scheme would harmonise with surroundings. In addition, the landscaping details provided are considered sufficient to discharge the requirements of outline planning condition no. 5 (strategic landscaping).

*Conclusion on scale, appearance, layout and landscaping*

- 6.33 In summary, it is considered that the proposal would accord with the design principles and development parameters set out at the outline application stage. It is therefore considered, in terms of layout, scale, appearance and landscaping, the proposal would have an acceptable impact on the character and appearance of the area.

**Open Space**

- 6.34 According to the NPPF (paragraph 96), access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
- 6.35 Core Strategy Policies CS5, CS14 and CS18 all seek to ensure good quality open space within development. Saved Local Plan Policies RL.1, RL.2 and RL.3, together with the Planning Obligations SPD, provide a clear framework for delivering open space within major developments that is consistent with the NPPF.
- 6.36 The outline planning permission was subject to a parameters plan which showed broad areas of public open space, allotments and children's play areas (LEAPs and LAPs). This proposal is supported by an open space delivery plan which shows substantial open space within the scheme, allotments and plays areas, providing a total of 3.7 hectares of open space, consistent with the open space parameters approved at the outline stage.
- 6.37 It is noted concerns have been raised that the allotment provision is insufficient and not accessible. In this regard, it is recognised that the allotment provision, in terms of broad size and location, is consistent with that approved at the outline stage and therefore was previously considered acceptable. The finer details of the allotments including specification, final levels, safety rails/fencing, amongst other details can be addressed via planning condition.
- 6.38 Overall, the proposal makes satisfactory provision of open space to meet the needs of the development.

**Impact on the setting of AONB**

- 6.39 Policy ADDP5 seeks to ensure development proposals conserve the scenic beauty and distinctive character of the AONB. The NPPF gives the highest status of protection for the landscape and scenic beauty of AONBs, and states their conservation should be given great weight in planning decisions. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

- 6.40 The proposal would be located outside of the AONB but within its setting (approx. 1km from its southern boundary), as such consideration should be given to the direct and indirect effects upon this designated landscape. Taking into account the significant areas of intervening woodland planting which screen views towards the site from within the AONB there are no materially adverse impacts upon the AONB.
- 6.41 For these reasons, the proposal would conserve the scenic beauty and distinctive character of the AONB

### **Wider Landscape and Visual impact**

- 6.42 One of the core planning principles of the NPPF is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.43 Core Strategy Policy CS19 states 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 will be given to, amongst other matters.
- (a) The sensitivity of the area to change.
  - (b) Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.44 According to Policy CS19, proposals for development should be informed by and respond to:
- (a) The distinctive character areas and key characteristics identified in relevant landscape character assessments including Historic Landscape Characterisation for West Berkshire and Historic Environment Character Zoning for West Berkshire;
  - (b) Features identified in various settlement character studies including Quality Design SPD, and community planning documents which have been adopted by the Council such as Parish Plans and Village Design Statements.

- 6.45 This reserved matters submission, which accords with development parameters agreed at the outline stage, is not considered to introduce any materially new landscape and visual impacts from that previously considered as part of the outline planning permission. As such the proposal is considered acceptable in terms of wider landscape and visual impact.

### **Housing Mix**

- 6.46 Core Strategy Policy CS6 provides the Council's framework for the delivery of affordable housing. The Council's affordable housing policies are crucial in seeking to assist the Council in meeting the requirements of the NPPF which seeks to ensure local planning authorities provide for their objectively assessed housing needs.
- 6.47 The outline scheme secured 40% affordable housing in accordance with the requirements of Core Strategy Policy CS6. The table below shows how this affordable housing would be provided in the context of the overall housing mix including the open market houses. The table shows the proposal would provide a good mix of house sizes which would be responsive to the districts housing needs.

- 6.48 The proposed housing mix is therefore considered acceptable and sufficient to discharge the requirements of condition 4 of the outline permission (as varied).

Proposed House Mix Table:

Site : Entire Site, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury				Site : DWH Western Parcel, land adjacent to Hilltop, Oxford Road, Donnington, Newbury				Site : Eastern, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury.			
<b>PRIVATE</b>				<b>PRIVATE</b>				<b>PRIVATE</b>			
HOUSE TYPE	BEDS	NO.		Dwellings	BEDS	NO.	%	HOUSE TYPE	BEDS	NO.	%
Two Bed Dwellings	2	15		Two Bed Dwellings	2	8	6%	Two Bed Dwellings	2	7	6%
Three Bed Dwellings	3	52		Three Bed Dwellings	3	29	22%	Three Bed Dwellings	3	23	21%
Four Bed Dwellings	4	125		Four Bed Dwellings	4	69	52%	Four Bed Dwellings	4	56	52%
Five Bed Dwellings	5	49		Five Bed Dwellings	5	27	20%	Five Bed Dwellings	5	22	20%
<b>TOTAL PRIVATE</b>		<b>241</b>		<b>TOTAL PRIVATE</b>		<b>133</b>	<b>60%</b>	<b>TOTAL PRIVATE</b>		<b>108</b>	<b>60%</b>
<b>Affordable Rent</b>				<b>Affordable Rent</b>				<b>Affordable Rent</b>			
HOUSETYPE	BEDS	NO.		HOUSETYPE	BEDS	NO.	%	HOUSETYPE	BEDS	NO.	%
One bedroom dwellings	1	48		One bedroom dwellings	1	27	30%	One bedroom dwellings	1	21	30%
Two Bed Dwellings	2	26		Two Bed Dwellings	2	14	16%	Two Bed Dwellings	2	12	17%
Three Bed Dwellings	3	31		Three Bed Dwellings	3	17	19%	Three Bed Dwellings	3	14	20%
Four Bed Dwellings	4	7		Four Bed Dwellings	4	4	4%	Four Bed Dwellings	4	3	4%
<b>Total Rent</b>		<b>112</b>		<b>Total Rent</b>		<b>62</b>	<b>28%</b>	<b>Total Rent</b>		<b>50</b>	<b>28%</b>
<b>Shared Ownership</b>				<b>Shared Ownership</b>				<b>Shared Ownership</b>			
HOUSETYPE	BEDS	NO.		HOUSETYPE	BEDS	NO.	%	HOUSETYPE	BEDS	NO.	%
Two Bed Dwellings	2	22		Two Bed Dwellings	2	13	15%	Two Bed Dwellings	2	9	13%
Three Bed Dwellings	3	26		Three Bed Dwellings	3	14	16%	Three Bed Dwellings	3	12	17%
<b>Total Shared Ownership</b>		<b>48</b>		<b>Total Shared Ownership</b>		<b>27</b>	<b>12%</b>	<b>Total Shared Ownership</b>		<b>21</b>	<b>12%</b>
<b>TOTAL AFFORDABLE</b>		<b>160</b>		<b>TOTAL AFFORDABLE</b>		<b>89</b>	<b>40%</b>	<b>TOTAL AFFORDABLE</b>		<b>71</b>	<b>40%</b>
<b>GRAND TOTAL</b>		<b>401</b>		<b>GRAND TOTAL</b>		<b>222</b>		<b>GRAND TOTAL</b>		<b>179</b>	

## Residential Amenity

- 6.49 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. According to Core Strategy Policy CS14 new development must make a positive contribution to the quality of life in West Berkshire. Adverse impacts to neighbouring amenity could potentially arise from (but not necessarily limited to) any overlooking or overshadowing of neighbouring land by the development, and any new noise or disturbance (during construction or from approved uses). Guidance on maintaining high standards of amenity for adjoining property is contained in Quality Design SPD (Part 2)

### *Neighbouring residential amenity*

- 6.50 Taking into account separation distances and intervening features such as trees between the proposed housing and existing housing around the site, the proposal would not materially harm neighbouring residential amenity by way of loss of light, outlook or privacy, nor would it result in any significant overbearing impact or loss of outlook.
- 6.51 The proposal includes a new pedestrian/cycle access to Oxford Road. To protect preserve neighbouring residential amenity including that of the occupiers of adjacent properties at 8 Link View and Denham further conditions can be imposed to ensure appropriate levels, boundary treatment and gates/barriers are provided at the interface with Oxford Road.
- 6.52 In terms of construction impacts, the outline permission (as varied) imposed planning conditions to secure the implementation of a construction management plan. Whilst this is subject to a separate discharge of conditions application currently under consideration, information has been provided to show hours of operation would be limited 0800 to 1800 Monday to Friday and noise monitoring would be undertaken to minimise noise and disturbance to the occupiers of neighbouring residential properties.

It is also noted that a Contractors Working Group would be set up to consult and liaise with the local residents and the parish council to address any issues that may arise during the course of the development.

#### *Residential amenity of future occupiers*

- 6.53 The supporting plans demonstrate ample levels of internal and external amenity space would be provided in the interests of ensuring a satisfactory living environment for future occupiers.
- 6.54 It is noted that due to the levels changes there is an increased risk of overlooking between properties. The removal of PD rights for roof extensions, use of obscure glazing, stepping down of garden levels, off-setting of rear to rear facing two-storey elevations and appropriate boundary treatment would help reduce this impact.
- 6.55 The A339 is located beyond the eastern boundary of the site which is a significant noise source. In this regard, the outline permission imposed planning conditions to relevant secure noise mitigation to ensure a satisfactory noise environment for future occupiers. Details of window glazing specifications and acoustic fencing are being considered as part of the discharge of conditions application.
- 6.56 For these reasons, the proposal would have an acceptable impact on neighbouring residential amenity and would result in the creation of a good quality living environment for future occupiers.

#### **Highways Matters**

- 6.57 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst other criteria): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.
- 6.58 It is noted concerns that have been raised over the potential highways impact taking in to account cumulative impacts associated with the operation of the proposed school. In this regard, planning permission was allowed under appeal decision APP/W0340/W/16/3143214 (as varied under planning permission reference 19/00442/OUTMAJ) therefore the traffic impacts of the proposal on the local highway network, and the location terms of its accessibility by sustainable modes of transport, have already been judged to be acceptable. In addition, the granting of outline planning permission (as varied), which was subject to development parameters for movement and access across the site, approved the access arrangements for the development which include main access to the A339, access to Love Lane, new pedestrian/cycle links to Oxford Road and the eastern parcel of land through the A339 underpass. As such, in terms of overall highways impact, the proposal is considered to be acceptable.
- 6.59 The detailed internal layout has been subject to careful consideration by the Council's Highway Team in consultation with the Education Team, to ensure important issues such as incorporating satisfactory dropping off and picking up arrangements would be provided for the new primary school (when it comes forward). Other layout principles including the street hierarchy which includes a main spine road, secondary streets, share driveways, bus routes and pedestrian/shared cycle routes throughout the site have also been carefully considered. Drawings have been provided to demonstrate satisfactory internal access for bus, refuse and emergency vehicles as well as appropriate visibility splays at internal junctions. The proposed layout would accord with movement and access parameters plans approved at the outline stage (as varied).

- 6.60 Other minor layout changes have been requested by the Highways Team. Officers considers these can be addressed through the imposition of relevant planning conditions.
- 6.61 In terms of overall refuse storage and parking provision, subject to minor changes requested by the Highways Team, the supporting layout plans demonstrate the site would adequately meet the refuse storage, off-road cycle and car parking provision requirements of development. Other details such as construction management plan and implementation of the access ways are covered under planning conditions forming part of the outline planning permission (as varied).
- 6.62 For the above reasons, taking into account any cumulative impact, and subject to minor updates to the layout plans that can be addressed through the imposition of planning conditions, the proposal would not have an adverse impact on the local highways infrastructure in terms of traffic generation or highway safety.

### **Public Rights of Way**

- 6.63 According to the NPPF (paragraph 98), planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. Core Strategy Policies CS14, CS18 and CS19 are consistent with the NPPF in terms of protecting the amenity of public rights of way.
- 6.64 The proposal would maintain the existing public rights of way within the site which includes a right of way (Shaw 4/4) which travels from the northern part site boundary and through the A339 underpass beyond the eastern boundary of the site. The applicant has confirmed that whilst an additional footpath is being provided around the underpass and there would be no diversion of the existing footpath and therefore it would continue to operate as existing. The Councils Public Rights of Way Team have carefully considered the proposal and raise no objection.
- 6.65 Informative notes can also be added to any reserved matters approval to ensure the applicant is aware of the need to protect the existing rights of way and to ensure they are not damaged during the construction process.
- 6.66 For these reasons, the proposal would not have an adverse impact on the existing Public Right of Way network.

### **Other matters**

#### *CCTV*

- 6.67 Officers can confirm provision was made for a new CCTV system for the underpass below the A339 linking the western and eastern parts of the application site under the appeal decision. The CCTV provision is a requirement of the associated legal agreement and relevant planning conditions. The final CCTV specification would need to be agreed and the CCTV would be operational prior to first occupation of any of the new homes within the site.

#### *Oil Pipelines*

- 6.68 An oil pipeline passes through the southern portion of the western parcel of the development. Fisher German LLP (CLH Pipeline System Land Agent) has confirmed the development would be affected. The applicant has therefore provided amended site layout plans as part of this application to respond to the location of this infrastructure and has been liaising with Fisher German LLP. It must also recognised that the protection of the CLH Pipeline is provided for under separate statutory

processes, and it is not the purpose of the planning system to duplicate such controls. The proposal therefore adequately takes into account the existing pipeline infrastructure within the site.

#### *Historic Environment conservation*

- 6.69 Core Strategy Policy CS19 states 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 will be given to, amongst other matters, (c) the conservation and, where appropriate, enhancement of heritage assets and their settings (including conservation areas, listed buildings, and other heritage assets recorded in the Historic Environment Record), and (d) accessibility to and participation in the historic environment by the local community.
- 6.70 The reserved matters proposal is not considered to introduce any materially new impacts in terms of impact on the historic environment from that previously approved considered acceptable as part of the outline application (as varied).

#### *Matters settled at the outline application stage*

- 6.71 Matters relating to s106 planning obligations (including relevant off-site financial contributions), site accesses on to the A339 and Love Lane, the principle and location of new local centre, the principle and location of the new primary school, flood risk, ecology, land contamination, air quality, new footway links, contamination, loss of agricultural land, minerals, sustainable construction, amongst others matters, were settled at the outline application (as varied), and where necessary addressed through the imposition of separate planning conditions e.g. SUDS/drainage, noise mitigation measures, construction management plan, external lighting, improvements to the A339 underpass/subway external surfacing, tree protection measures, finished floor levels, which require details to be submitted to and approved in writing by the Local Planning Authority and therefore are not commented on further as part of this report.

## **7. Planning Balance and Conclusion**

- 7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, , it is considered that the proposed development complies with the development plan when considered as a whole and is therefore recommended for approval.

## **8. Full Recommendation**

- 8.1 To delegate to the Head of Development and Planning to **GRANT RESERVED MATTERS APPROVAL** and planning conditions listed below (with delegated authority to amend/add/delete the final list of planning conditions):

### **Conditions**

*Officer Note - the following conditions are provisional drafts and a full list will be provided in the committee update papers*

1.	<b>Approved Plans</b>
	The development hereby permitted shall be carried out in accordance with the approved plans and documentation.

	Reason: For the avoidance of doubt and in the interests of proper planning.
2.	<p><b>LEAP and LAPS (Detailed design)</b></p> <p>Details of boundary treatment, lighting, landscaping, seating and specification of LEAP and LAPS.</p> <p>Reason: In the interests of creating a safe and sustainable community.</p>
3.	<p><b>Pedestrian/Cycle Access to Oxford Road</b></p> <p>Notwithstanding details shown on the supporting plans, details of levels, boundary treatment, gates/barriers adjacent to 8 Link Way and Denham for the pedestrian/cycle access to Oxford Road.</p> <p>Reason: To protect neighbouring residential amenity.</p>
4	<p><b>Details of proposed footpath/cycle link and interface with PROW</b></p> <p>Notwithstanding details shown on the supporting plans, details of the how any new footpaths, their specification and means of the integration with the PROW around the A339 underpass, and implementation prior to occupation of housing.</p> <p>Reason: To promote sustainable modes of transport</p>
5.	<p><b>Secured via Design measures</b></p> <p>Details of secured via design measures</p> <p>Reason: In the interests of creating a safe and sustainable community.</p>
6.	<p><b>Removal of PD Rights</b></p> <p>Removal of PD Rights for roof dormers, side/rear extensions and outbuildings on relevant dwellings.</p> <p>Reason: To protect neighbouring residential amenity.</p>
7.	<p><b>Implementation of Landscaping</b></p> <p>Implementation of soft landscaping scheme. Any trees shrubs or plants that die or become seriously damaged to be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping</p>
8.	<p><b>Bus Gate Details (or Alternative restrictions) to Love Lane</b></p> <p>Notwithstanding details shown on the supporting plans, precise location and details of the proposed bus gate or alternative means of restricting vehicular access (e.g. rising bollards) to Love Lane, method of operation and timetable for implementation.</p> <p>Reason: In the interests of highway safety.</p>

9.	<p><b>Obscure Glazing</b></p> <p>Obscure glazing to first floor side/rear facing windows on relevant dwellings.</p> <p>Reason: To protect neighbouring residential amenity from loss of privacy</p>
10.	<p><b>Allotment Specification and Levels</b></p> <p>Notwithstanding details shown on the supporting plans, detailed specification of allotments, proposed levels and boundary treatments.</p> <p>Reason: To ensure the allotments are accessible and fit for purpose to encourage their use.</p>
11.	<p><b>School Drop off Areas and on-street Car Parking</b></p> <p>Notwithstanding details shown on the supporting plans, the detailed specification of the school drop off areas and associated car parking and timetable for implementation.</p> <p>Reason: In the interests of highway safety.</p>
12.	<p><b>Minor layout changes</b></p> <p>Notwithstanding details shown on the supporting plans, further details, and provision, of:</p> <ul style="list-style-type: none"> <li>- parking layout for plots 1,2,23 and 26 and the apartments,</li> <li>- 2m margins for fronting plots 8 and 17, and</li> <li>- Access road to plots to 138 and 143 to adoptable standard.</li> </ul> <p>Reasons: In the interests of highway safety</p>
13	<p><b>Pumping Station</b></p> <p>Notwithstanding details shown on the supporting plans, further details of pumping station, noise emission levels and boundary treatment</p> <p>Reasons: To preserve the residential amenity of occupiers of the approved dwellings close to the pumping station</p>
14	<p><b>Electric Vehicle Charging Points</b></p> <p>Details of electric charging points to be provided</p> <p>Reason: To promote sustainable modes of transport</p>
15.	<p><b>Highways Conditions</b></p> <p>Relevant highways conditions – updates to be provided.</p> <p>Reason: In the interests of highway safety</p>

### **Informative Notes**

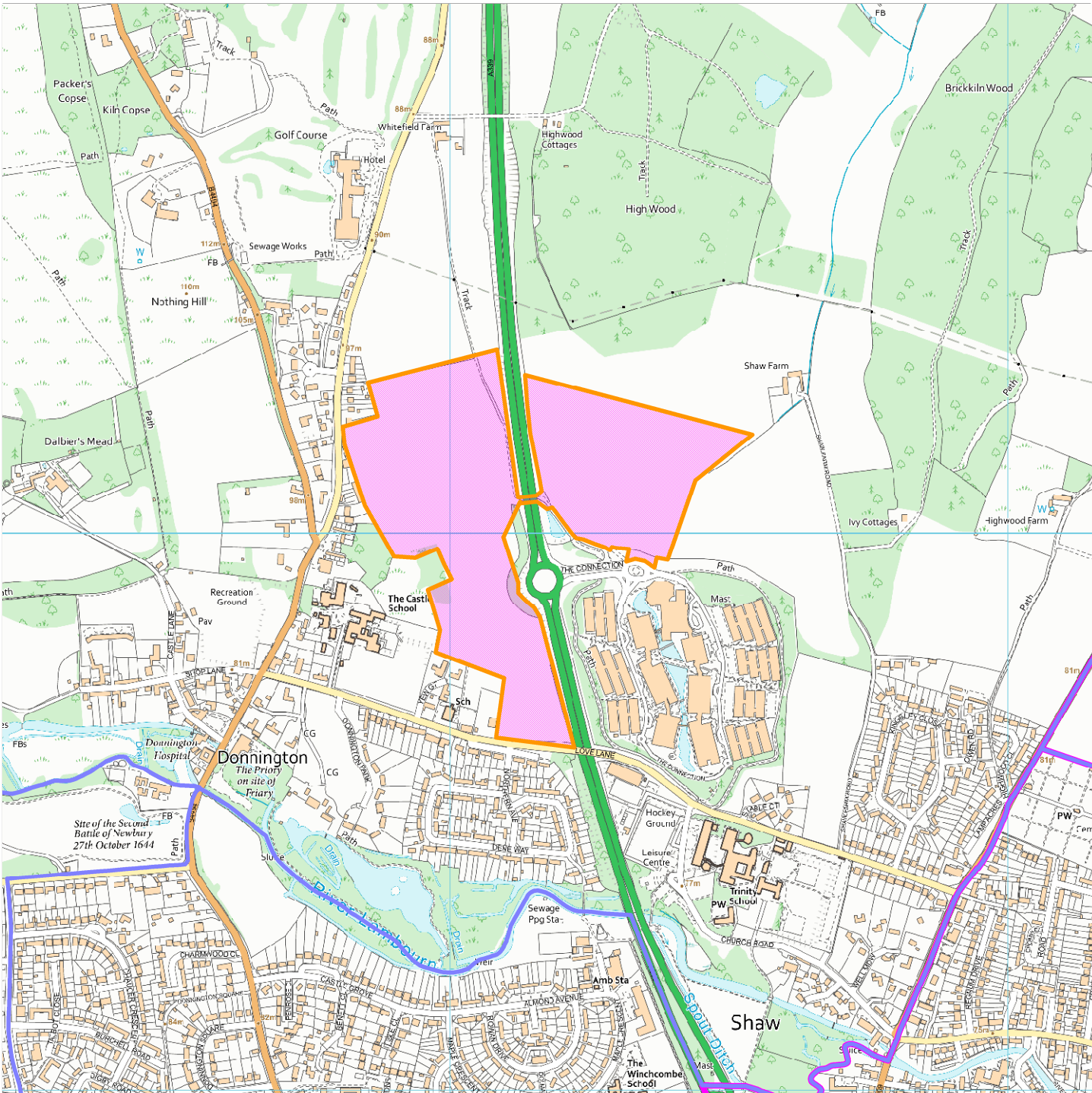
1.	<b>Royal Berkshire Fire and Rescue</b>
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	<p>The development will need to be designed and built in accordance with the functional requirements of current Building Regulation requirements. The Fire Authority seeks to raise the profile of these requirements and requests that the relevant documentation is made available to the applicant and/or planning agent by means of web link:</p> <p><a href="https://www.gov.uk/government/publications/fire-safety-approved-document-b">https://www.gov.uk/government/publications/fire-safety-approved-document-b</a></p> <p>Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation.</p>
2.	<p><b>Thames Water</b></p> <p>Waste Comments</p> <p>Thames Water has identified that the existing foul water network infrastructure needs upgrading to meet the needs of this development. The applicant is therefore advised to contact Thames Water to agree a position for foul water networks. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request further information by visiting the Thames Water website at <a href="https://thameswater.co.uk/preplanning">thameswater.co.uk/preplanning</a>.</p>
3.	<p><b>CLP Pipe Lines</b></p> <p>We confirm that our client CLH-PS's apparatus will be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact CLH-PS to arrange a site visit. Their contact details are:</p> <p><b>Central Services Email: <a href="mailto:pipeline.admin@grupoclh.com">pipeline.admin@grupoclh.com</a></b>  <b>Ashdon Road Tel: 01799 564101</b>  <b>Saffron Walden</b>  <b>Essex, CB10 2NF</b></p> <p>When contacting CLH-PS, please quote our unique reference <b>202102</b>, which is specific to this enquiry.</p> <p>You should note that the interests of the CLH-PS are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from CLH-PS. CLH-PS's Easement Strips are 6 metres wide and can incorporate other associated CLH-PS facilities.</p> <p>CLH-PS will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining a Works Consent can take between four and six weeks depending on circumstances at the time of application.</p> <p>To reiterate, you should not undertake any work or activity without first contacting CLH-PS for advice and, if required, a Works Consent. For a copy of CLH-PS's</p>

	<p>Standard Requirements for Crossing or Working in Close Proximity to CLH-PS Pipelines, please visit <a href="https://cdn.linesearchbeforeudig.co.uk/pdfs/lbud-standard-requirement-uk-um.pdf">https://cdn.linesearchbeforeudig.co.uk/pdfs/lbud-standard-requirement-uk-um.pdf</a>. This will provide you with practical information regarding the legislation that governs the CLH-PS.</p> <p>You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH-PS apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.</p> <p>Please note that implementation of any unapproved work that affects the CLH-PS Easement Strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage.</p>
4.	<p><b>Construction Management Plan and Infrastructure Works</b></p> <p>The applicant is advised to engage with the local community and local parish council in preparing and implementing a final construction management plan. The plan should be kept under review during the carrying out of the development to protect the amenity of the area.</p> <p>The applicant is also advised to consult with the local parish council before commencing major infrastructure works that may implications for the local community e.g. laying new services under Love Lane.</p>
5.	<p><b>Public Rights of Way</b></p> <p>Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.</p> <p>The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.</p>
6.	<p><b>Working Proactively with the Applicant</b></p> <p>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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area</p>

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Land Adjacent To Hilltop Oxford Road Donnington Newbury

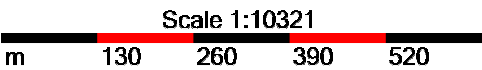


Map Centre Coordinates :

Scale : 1:10321

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	14 September 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)	20/00047/RESMAJ Shaw Cum Donnington Parish Council	13 April 2020*	<p>Reserved matters application for phased development of 179 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to:</p> <p>Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works).</p> <p>Matters to be considered: Appearance, Landscaping, Layout and Scale, and discharge of Condition 4 (site wide housing mix) and 5 (strategic landscaping plan) of 19/00442/OUTMAJ.</p> <p>Land Adjacent To Hilltop (eastern parcel), Oxford Road, Donnington, Newbury</p> <p>Taylor Wimpey UK</p>

\*Extension of time agreed until 25 Sept 2020

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00047/RESMAJ>

**Recommendation Summary:** Subject to the receipt of satisfactory amended plans and information within 3 months in respect of highways issues to delegate to the Head of Development and Planning to **GRANT APPROVAL OF RESERVED MATTERS** or, should such satisfactory plans and information not be **received** within that period, to **REFUSE** the application.

**Ward Member(s):** Councillor Lynne Doherty  
Councillor Steve Masters

**Reason for Committee Determination:**

Referred by the Development Control Manager to allow Members the opportunity to assess the detailed proposals arising from the outline approval of this prominent and important housing development site

**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**

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## 1. Introduction

- 1.1 **Proposal summary** - This application seeks reserved matters approval for phased development of 179 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to:
- 1.2 *Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works).*
- 1.3 The reserved matters for consideration are:
- Layout;
  - Appearance;
  - Scale; and
  - Landscaping.
- 1.4 In addition, the discharge of the following Planning Conditions of 19/00442/OUTMAJ is sought as part of this application:
- No. 4 (site wide housing mix), and
  - 5 (strategic landscaping plan).
- 1.5 **Site description** - The application site covers approx. 9 hectares of a larger site of 23 hectares of agricultural land immediately to the north of the existing urban edge of Newbury within the Parish of Shaw-cum-Donnington. The larger site is in two parcels on either side of the A339 which is a major road linking Newbury to the M4 and the A34. The application site forms the land parcel to the eastern side of A339 which is being progressed for residential redevelopment by Taylor Wimpey. To the west, beyond tree lined the western and south-western boundaries of the site, and the A339, there is the land parcel that is being progressed for redevelopment by David Wilson Homes which is subject to a separate reserved matters application 18/03061/RESMAJ, further west is the village of Donnington. To the south is the access road owned by Vodafone which leads into the Vodafone headquarters, further south is the centre of Newbury. To the north and east is open farmland, with a Grade II Listed Building 'Shaw Farm Barn' located approximately 140m to the north-east of the application site.
- 1.6 The site is accessed from the existing Vodafone road 'the connection' from its junction with the A339. An existing public right of way Shaw 4/4) travels through the A339 under pass and along the south-western boundary of the site. This PROW links the western and eastern parcels of land. To the south, the PROW links with footpaths encircle the Vodafone site and links with routes in central Newbury via Love Lane.
- 1.7 In terms of topography, the site slopes from approx. 95m on the northern boundary, down to 80m to the southern boundary (levels change of 15m).
- 1.8 **Background** – This application site forms the eastern parcel of the wider 23.1 hectare site which was subject to outline application reference 14/02480/OUTMAJ for mixed used development comprising the following components:
- Up to 401 dwellings on 11.35ha of land

- A 400m<sup>2</sup> local centre (Use Classes A1/A2/D1/D2, no more than 200m<sup>2</sup> of A1) on 0.29ha of land,
  - One form entry primary school site on 1.71ha of land,
  - Associated public open space, landscaping and associated highway works.
- 1.9 The application was in outline form with the only matter for determination relating to 'access'. All other matters relating to appearance, scale, layout and landscaping were to be reserved for consideration at a later stage.
- 1.10 The application was refused planning permission on 26 November 2015 and subsequently allowed under appeal decision reference APP/W0340/W/16/3143214 on 20 March 2017. The decision was subject to a completed s106 legal agreement to ensure the provision of new local centre, new school, affordable housing, highways matters and ecological mitigation, and 32 planning conditions which covered a range of matters.
- 1.11 Condition 1 required the site to be redeveloped in accordance with the approved access plans and a number of key development parameters. The access plans showed:
- Main access from A339 via the Vodafone roundabout forming a new length of spine road into the site;
  - Pedestrian/cycle link to Love Lane and Oxford Road/Whitefield Cottages via the A339 underpass, and links into existing PROW network that to the south of the site that encircle the Vodafone Headquarters.
- 1.12 The development parameters plans (in relation to this application site known as the 'eastern land parcel') refers to:
- Land Use – which showed the broad areas of housing, open space and strategic access roads.
  - Density Parameters – which set out areas of lower (up to 30dph), medium (up to 35 dph) and higher density (up to 45dph) across the site.
  - Building Heights Parameters – this provided restrictions on development height across the site including areas of up to 2-storey (9m ridge), up to 2.5 storeys (10m ridge) and up to 3 storeys (10.5m)
  - Movement & Access Parameters – this showed the main site access via new 4<sup>th</sup> arm of a roundabout from the existing Vodafone access known as the 'connection' which is private road. Retained public rights of ways (which included linking the western and eastern parcels of land through an underpass below the A339)
  - Landscaping Parameters – this showed broad areas of public open space, landscape corridors/buffers, existing trees and children's play areas (LEAPs and LAPs).
  - Drainage Parameters – this showed approx. areas for surface water drainage attenuation across the site which comprises a single large SUDS basin towards the southern part of the site.
- 1.13 Condition 2 required the development to be carried out in accordance with a phasing plan which shall show the phases in which development would be delivered as part of the first reserved matters submission.
- 1.14 Condition 4 required details of the housing mix unit including tenure and type of units as part of the first reserved matters submission.

- 1.15 Condition 5 required the submission of a strategic landscaping plan as part of the first reserved matters submission.
- 1.16 Other relevant conditions are discussed further below.

*Application reference 19/00442/OUTMAJ*

- 1.17 The above scheme (allowed under appeal decision APP/W0340/W/16/3143214) was subsequently amended under application 19/00442/OUTMAJ in order to respond to the constraints of the site affecting the western parcel of land (currently subject to separate reserved matters application 18/03061/RESMAJ) such as oil pipelines, site levels, drainage, highways design standards (including revised drop areas for school children), amongst other technical requirements, which involved minor changes to the development parameters plans approved under condition 1.
- 1.18 The changes to the above parameters plans did not propose any changes to the 'eastern land parcel' which is the subject of this reserved matters application (20/00047/RESMAJ). This means the development parameters for this application site are as originally agreed by the Planning Inspector in allowing the original planning appeal decision.
- 1.19 Other changes were also required to the associated legal agreement to improve the deliverability of the school such as revised triggers for payment of school funds and site handover. It is noted that the council will now receive a financial contribution to deliver the school. This means the Council will be responsible for the procurement of the new school.
- 1.20 **Proposal details** – Reserved matters approval is sought for 179 dwellings pursuant to outline planning application number 19/00442/OUTMAJ dated 25 June 2020 which allowed for up to 401 dwellings across the eastern and western parcels of the wider site. A separate reserved matters application for the balance of 222 dwellings is sought under application 18/03061/RESMAJ for the western parcel of land.
- 1.21 The reserved matters for consideration relate to appearance, landscaping, layout and scale for 179 dwellings (including 71 affordable housing units) as described further below. Other elements of the outline planning permission relating to the details of the new local centre and new primary school are not for consideration as part of this reserved matters application. However it is recognised as part of the development phasing plan approved under application reference 18/03020/COND1 shows reserved matters application 18/03061/RESMAJ covering Phases 1 – 4 (up to 222 dwellings), the School and Local Centre are in Phases 5 and 6 respectively and this reserved matters application (20/0047/RESMAJ) relates the final phase (7) of housing development for 179 dwellings.
- 1.22 The supporting plans to this reserved matters submission show the following:

*Layout*

- 1.23 The proposed layout shows 179 dwellings comprising a mixture of 1 to 5 bedroom properties of which 71 would be affordable units (including shared ownership and social rented) which are distributed throughout the site. The layout plan shows the proposed housing within perimeter blocks. Public open space is provided within a large area to the south of the site around a proposed SUDS pond, around the boundaries of the site, and within pockets through the development including LAP within the centre of the housing and LEAP to the north-eastern corner.
- 1.24 Access was approved in detail at the outline stage therefore the proposed layout shows the main access from the Vodafone roundabout. A street hierarchy is provided which

shows a main spine road from the roundabout off which a secondary street forms a loop around the site. Shared surface streets and private driveways branch off from the secondary street loop. Pedestrian/cycle links are shown around the site including through the public space around the boundaries of the site and through the A339 underpass to the west which would provide access to Love Lane and Oxford Road/Whitefield Cottages via the western parcel of land (currently under reserved matters application 18/03061/RESMAJ). The footpaths would link into the existing PROW network that provides connections to the south of the site that encircle the Vodafone Headquarters and connects to Love Lane.

- 1.25 In relation to the interface with the eastern end of the A339 underpass/subway, the site layout has been amended to ensure 3-storey apartments have habitable room windows that face the underpass.
- 1.26 The layout provides a variety of house types, with varying setbacks from the road. Key views are terminated by focal or dual fronted buildings. A mixture of car parking arrangements are provided including on-street, on-plot to side/front and within shared parking courts.
- 1.27 As set out further below, extensive areas of public open space/green infrastructure are provided around the site.

### *Proposed Housing Mix*

- 1.28 As part of this submission, the discharge of Planning Conditions no 4 (site wide housing mix) of planning permission reference 19/00442/OUTMAJ is also sought. Table below shows the wider housing mix for both the western and eastern parcels of land (entire site - left hand table), the housing mix for this application site, the eastern parcel (right hand table) and the housing mix for the western parcel (middle table) which is subject to the separate reserved matters application 18/03061/RESMAJ.

Site : Entire Site, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury				Site : DWH Western Parcel, land adjacent to Hilltop, Oxford Road, Donnington, Newbury				Site : Eastern, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury.			
<b>PRIVATE</b>				<b>PRIVATE</b>				<b>PRIVATE</b>			
HOUSE TYPE	BEDS	NO.		Dwellings	BEDS	NO.	%	HOUSE TYPE	BEDS	NO.	%
Two Bed Dwellings	2	15		Two Bed Dwellings	2	8	6%	Two Bed Dwellings	2	7	6%
Three Bed Dwellings	3	52		Three Bed Dwellings	3	29	22%	Three Bed Dwellings	3	23	21%
Four Bed Dwellings	4	125		Four Bed Dwellings	4	69	52%	Four Bed Dwellings	4	56	52%
Five Bed Dwellings	5	49		Five Bed Dwellings	5	27	20%	Five Bed Dwellings	5	22	20%
<b>TOTAL PRIVATE</b>		<b>241</b>		<b>TOTAL PRIVATE</b>		<b>133</b>	<b>60%</b>	<b>TOTAL PRIVATE</b>		<b>108</b>	<b>60%</b>
<b>Affordable Rent</b>				<b>Affordable Rent</b>				<b>Affordable Rent</b>			
HOUSETYPE	BEDS	NO.		HOUSETYPE	BEDS	NO.	%	HOUSETYPE	BEDS	NO.	%
One bedroom dwellings	1	48		One bedroom dwellings	1	27	30%	One bedroom dwellings	1	21	30%
Two Bed Dwellings	2	26		Two Bed Dwellings	2	14	16%	Two Bed Dwellings	2	12	17%
Three Bed Dwellings	3	31		Three Bed Dwellings	3	17	19%	Three Bed Dwellings	3	14	20%
Four Bed Dwellings	4	7		Four Bed Dwellings	4	4	4%	Four Bed Dwellings	4	3	4%
<b>Total Rent</b>		<b>112</b>		<b>Total Rent</b>		<b>62</b>	<b>28%</b>	<b>Total Rent</b>		<b>50</b>	<b>28%</b>
<b>Shared Ownership</b>				<b>Shared Ownership</b>				<b>Shared Ownership</b>			
HOUSETYPE	BEDS	NO.		HOUSETYPE	BEDS	NO.	%	HOUSETYPE	BEDS	NO.	%
Two Bed Dwellings	2	22		Two Bed Dwellings	2	13	15%	Two Bed Dwellings	2	9	13%
Three Bed Dwellings	3	26		Three Bed Dwellings	3	14	16%	Three Bed Dwellings	3	12	17%
<b>Total Shared Ownership</b>		<b>48</b>		<b>Total Shared Ownership</b>		<b>27</b>	<b>12%</b>	<b>Total Shared Ownership</b>		<b>21</b>	<b>12%</b>
<b>TOTAL AFFORDABLE</b>		<b>160</b>		<b>TOTAL AFFORDABLE</b>		<b>89</b>	<b>40%</b>	<b>TOTAL AFFORDABLE</b>		<b>71</b>	<b>40%</b>
<b>GRAND TOTAL</b>		<b>401</b>		<b>GRAND TOTAL</b>		<b>222</b>		<b>GRAND TOTAL</b>		<b>179</b>	

1.29

### *Appearance*

- 1.30 The applicants design approach has been to create different character areas within the site including 'Street Open Space' which corresponds to the southern edge of the site, 'Side Street' which relates to western edge, 'Street' which relates to the broadly

central parts of the site, 'Feature Space' which refers to the inner core areas of the site and 'Edge' which forms of the northern and eastern edge. The different character areas contain variation in mixture house types, design and materials to respond to the different characteristics of different parts of the site such as topography, density and building heights.

- 1.31 The supporting plans show a mixture house types, design and materials. The house designs include detached, semi-detached, terrace and apartments. The architectural details include features such gable fronts, dormers, bay windows, brick soldier courses above windows, exposed lintels and cills, recessed porches, recessed and gable fronted canopies, chimneys, Georgian style front door surrounds, variation in fenestration (including Juliet balconies) and doors.
- 1.32 The proposed external materials include facing brick with combinations of buff, multi-red, orange-red, red multi, white render, tile hanging (red) and weatherboarding (3 different shades of grey). The roof tiles include slate grey (Russell Grampian) and peat brown (Russell Grampian). Other external materials include cast stone cills and quoins. The boundary treatments include a mixture hedges and shrub planting, brick walls in different brick types, timber close boarded fencing and metal railings.

#### *Scale*

- 1.33 The supporting plans show the proposed housing would be largely 2-storey (up to 9m ridge) with some limited 2.5 (up to 10m) and 3 storey units (up to 10.5m ridge). There are a variety of house sizes (1 to 5 bedroom) proposed within the site ranging from 64m<sup>2</sup> to 172.6m<sup>2</sup>.

#### *Landscaping*

- 1.34 As part of this submission, the discharge of Planning Condition no 5 (strategic landscaping plan) of planning permission reference 19/00442/OUTMAJ is sought. In this regard, a supporting landscape framework plan is provided which shows existing trees, hedgerows and woodland to be retained, new structural planting, native hedgerows & hedgerow trees and landscape buffer tree mix to site boundaries and the edges of the development parcels.
- 1.35 The following key elements are incorporated into the strategic landscape buffer planting and retained vegetation
- Tree and woodland buffer planting along the A339;
  - Woodland buffer alongside the northern boundary, east of the A339;
  - Buffer planting and individual open space trees to the eastern edge of the developed area including varieties of grass;
  - Buffer planting and individual open space trees to the southern edge of the developed area including wetland meadow grass.
- 1.36 The Landscape Framework plans also provide species mixes for the Landscape Buffer Tree Mix, Native Hedgerows and Hedgerow Trees, as well as trees to open spaces and internal streets.
- 1.37 Detailed soft and hard landscaping plans are provided which show the open space being arranged around a large SUDS area to the south of the site and towards the outer edges of the site, with area of open space (LAP) being provided within the housing area. Existing trees and hedgerows to the western and south-western boundary being retained and incorporated within the open space. Substantial new tree planting is located across the scheme especially along the site boundaries and within areas of the public space including the LEAPs and LAP.

- 1.38 The soft landscaping includes proposed trees, hedgerows (native, ornamental), woodland planting, shrubs (ornamental), landscape buffers mix (including native shrubs and individual trees), varieties of grass. The plans show street trees planting throughout the scheme (street trees would be located within tree pits with root barriers to protect other underground infrastructure), green verges and soft landscaping around car parking areas.
- 1.39 The hard landscaping materials correspond to the different element of the scheme including main street, secondary loop road, road junctions, private driveways, pedestrian footpaths (inner, outer and private) and parking courts. A variety of materials are proposed including tarmac, key block setts (brindle, bracken and natural colour), stone, tarmac and buff paving slabs to footpaths and buff tactile paving.

## 2. Planning History

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

Application	Proposal	Decision / Date
20/01944/COND5	Application for approval of details reserved by conditions (20) arboricultural method statement and (31) noise of approved 14/02480/OUTMAJ - Outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m <sup>2</sup> local centre (Use Classes A1/A2/D1/D2 - no more than 200m <sup>2</sup> of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works. Matters to be considered: Access.	Pending consideration at the time of writing this report
20/01097/COND4	Application for approval of details reserved by Condition 10 'construction method statement', 21 'construction environmental management plan', 22 'lighting design strategy for biodiversity' and 23 'landscape and ecological management plan' of appeal reference APP/W0340/W/16/3143214 (14/02480/OUTMAJ).	Pending consideration at the time of writing this report
20/00703/RESMAJ	Approval of reserved matters application for phase development of 179 dwellings following approval of outline application 14/02480/OUTMAJ (APP/W0340/W/16/3143214).	Pending consideration at the time of writing this report

	<p>Matters to be considered: Appearance, Landscaping, Layout and Scale.</p>	<p>This relates to the same application site, the subject of this application.</p> <p>It is understood this duplicate application was submitted by the applicant to comply with time limits for the submission of reserved matters applications under the outline planning permission.</p> <p>This application will be withdrawn on the successful conclusion of this reserved matters application 20/00047/RESMAJ.</p>
20/00655/RESMAJ	<p>Approval of reserved matters application for phased development of 222 dwellings pursuant to planning application 19/00442/OUTMAJ which relates to Section 73: Variation of Condition 1 (Approved Plans) of planning application 14/02480/OUTMAJ allowed under appeal reference APP/W0340/W/16/3143214 for a mixed use scheme on 23.1 ha of land, comprising up to 401 dwellings on 11.35 ha of land.</p> <p>A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 ha of land, a one form entry primary school site on 1.7 ha of land, public open space, landscaping and associated highway works. Matters to be considered: Appearance, Landscaping, Layout and Scale.</p>	<p>Pending consideration at the time of writing this report.</p> <p>This relates to application site known as the 'western' parcel of land and same applicant (David Wilson Homes) that is the subject of a separate reserved matters application committee report (18/03061/RESMAJ).</p> <p>It is understood this duplicate application was submitted by the applicant to comply with time limits for the submission of reserved matters applications under the outline planning permission.</p> <p>This application will be withdrawn on the successful conclusion of reserved matters application 18/03061/RESMAJ</p>
20/00162/COND3	<p>Application for approval of details reserved by Condition 18 - Archaeological Scheme of investigation of appeal</p>	<p>Approved on 10 February 2020</p>

	reference APP/W0340/W/16/3143214 (14/02480/OUTMAJ).	
18/03061/RESMAJ	Reserved matters application for phased development of 222 dwellings pursuant to outline planning application number 19/00442/OUTMAJ which relates to Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works). Matters to be considered: Appearance, Landscaping, Layout and Scale, and discharge of Condition 4 (site wide housing mix) and 5 (strategic landscaping plan) of 19/00442/OUTMAJ.	<p>Pending consideration at the time of writing this report</p> <p>The site is known as the 'western' parcel of land with the applicant being 'David Wilson Homes'.</p> <p>This application is for consideration as separate item on this same planning committee agenda</p>
19/00442/OUTMAJ	Section 73: Variation of Condition 1 (approved plans) of planning application reference 14/02480/OUTMAJ allowed under appeal decision reference APP/W0340/W/16/3143214 dated 20 March 2017 Outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m2 local centre (Use Classes A1/A2/D1/D2 - no more than 200m2 of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works. Matters to be considered: Access.	Approved on 25 June 2020

14/02480/OUTMAJ	Outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m2 local centre (Use Classes A1/A2/D1/D2, no more than 200m2 of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works. Matters to be considered: Access.	Refused planning permission on 26 November 2015 and subsequently allowed on appeal reference APP/W0340/W/16/3143214 on 20 March 2017.
19/00178/COND2	Application for approval of details reserved by Condition 18 Archaeological Scheme of investigation of appeal reference APPW0340W163143214 (14/02480/OUTMAJ). Approved on 30 January 2019.	Approved on 30 January 2019.
18/03402/NONMAT	Proposed non-material amendment to planning permission reference 14/02480/OUTMAJ relating to an outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m2 local centre (Use Classes A1/A2/D1/D2 - no more than 200m2 of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works with matters to be considered (Access), allowed on appeal on the 20 March 2017 under appeal decision reference APP/W0340/W/16/3143214 to amend the proposed eastern access plan listed under conditions 1 and 13.	Approved on 31 January 2019
18/03020/COND1	Application for approval of details reserved by Condition (2) Phasing Plan of allowed on appeal planning permission/ 14/02480/OUTMAJ	Approved on 08 February 2019
19/00849/ADV	Proposed 2800mm x 1900mm advertising sign board.	Approved on 15 May 2019.

### 3. Procedural Matters

- 3.1 The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not “EIA development” and therefore an Environmental Statement is not required.
- 3.2 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council’s Statement of Community Involvement. This has involved the display of site notices (most recently on 12 August 2020) and press notices within the Newbury Weekly News (on 23 January 2020).
- 3.3 The proposed development would create new residential floor space that would be liable to CIL payments in accordance with the Councils CIL Charging Schedule.

### 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.

<b>Shaw Cum Donnington Parish Council</b>	<p>Comments (summarised by officers)</p> <ul style="list-style-type: none"><li>• The PC do not object to the general details of the proposal which seem to accord with 14/02480 except as detailed below – it is determined to ensure suitable provisions are made for the local community as envisaged in the outline proposal.</li><li>• Contrary to the outline planning permission, the proposal does not include details of the local centre and there is local concern it will not come forward – the applications should not progress until details of the local centre are provided in consultation with the PC and it should thereafter be delivered within phase 1 of the development.</li><li>• Adverse impact on highway safety on the local highways infrastructure (including Love Lane and Oxford Road, amongst others) from increased traffic generation and on-street parking demand from the proposed use taking into account cumulative impacts with existing schools and proposed construction traffic. These issues being compounded by existing flooding on roads, Thames Water infrastructure works, highway’s related access/improvements/construction works and lack of mitigation such as alternative temporary site access into the site that would minimise impact on the Love Lane.</li><li>• Insufficient drop off and car parking areas to serve the new school within the site. The PC suggest that only a temporary access road should be provided for the bus access and that the detailed works for the school drop off area are addressed when the school details come forward. Access could be provided by a sump breaker to</li></ul>
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	<p>reduce costs for this temporary arrangement. As the bus will not be provided until the 100<sup>th</sup> dwelling has been completed it may well be that by that time the school design will have come forward.</p> <ul style="list-style-type: none"> <li>• Insufficient information on the length of construction works and potential disruption. The PC acknowledge the development must proceed. However, plans for the development areas affecting Love Lane are at significant cost to residents, school children and all those who must use this road.</li> <li>• The PC request that due to the impact on the parish as a whole during the construction phase that the developer consult them with regard to the contractor's schedule of movements.</li> <li>• The appeal decision considered the complete site therefore a new application should come forward that provides details of all of the interrelated elements of the site, i.e. school (including its delivery to ensure it serves the community), local centre (including details of the developer), east and west parcels of housing similar to the approach taken to the Sandleford housing allocation.</li> <li>• The PC seeks to ensure that funding is secured (as per the outline permission) to implement the bus service within the agreed timeframe, and that the bus route and timetable will be agreed between West Berkshire Council and the Parish Council, for the benefit of both existing and new residents on both sides of the A339.</li> <li>• The PC request consultation in the preparation of the construction management statement (details required via planning condition) to minimise the impact on the highway, public safety and local amenity</li> <li>• The PC request sufficient infrastructure e.g. water and potable water is provided to serve the development and that all service providers liaise with the Parish Council and residents before connection works commence</li> <li>• The PC invite the developers to consider alternative locations for the local centre including focusing funding around the existing village hall with associated expanded infrastructure which attract new facilities e.g. pharmacy, retail and café which do not exist now.</li> <li>• To address the climate emergency, the proposal should meet higher environmental standards using technologies such as solar panels and heat pumps</li> <li>• The PC have concerns over how the proposal would integrate socially with the existing village rather becoming two satellite residential areas to Newbury</li> <li>• The PC request sufficient screening arrangements to prevent noise and visual intrusion from the A339.</li> </ul>
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	<ul style="list-style-type: none"> <li>• A police approved CCTV scheme, secured via planning condition should be implemented at the A339 underpass.</li> <li>• The scheme includes insufficient allotment provision (providing 5 only), up to 11 should be provided including potential provision within this application site or within the western parcel of land (DWH)</li> <li>• Insufficient infrastructure to support the rapid population increase as a result of the proposed development with the existing village hall at capacity, and the local centre not yet coming forward yet or including community facilities.</li> <li>• Inadequate linkages between the western and eastern parcels of land especially via car.</li> <li>• Proposal would increase flood risk and confirmation required that the proposed balancing pond would be safe and appropriate pumping arrangements are provided</li> </ul> <p>Other comments</p> <ul style="list-style-type: none"> <li>• Financial help should be provided to convert the old school into an additional community hub.</li> <li>• Provision should be made for controllable parking near Love Lane on the development land.</li> <li>• Opening of car access to the Oxford Road at the north-west corner of the site.</li> <li>• Provision of a proper car tunnel under the A339 joining the eastern and western estates to reduce the acute isolation of the eastern area.</li> </ul>
<b>Speen Parish Council</b>	No comments
<b>Cold Ash Parish Council</b>	Cold Ash Parish Council support comments made by Donnington Parish Council, and West Berkshire Council should support the Parish with their request that the local centre within the development is built.
<b>Newbury Town Council</b>	No comment
<b>Highways England</b>	No objection
<b>WBC Highways:</b>	<p>Objection - request that the main access (which also serves Vodafone) known as 'the connection' and internal site is adopted by the Council via s278/38 adoption agreement, with this requirement ensured by planning condition and amended plans to demonstrate:</p> <ul style="list-style-type: none"> <li>- improve surveillance of the eastern end of the underpass,</li> <li>- revised traffic calming measures within the site requested,</li> </ul>

	<ul style="list-style-type: none"> <li>- internal access road designs to meet adoptable standards</li> <li>- Sight lines at the junctions and bends within the site shown for vehicle speeds of 20 mph</li> <li>- Minor changes to parking provision for the flats</li> <li>- Details of electric car charging points</li> </ul> <p>Amended plans/information requested - further updates to be provided</p>
<b>WBC Waste Management</b>	Further information required on extent of private drives and extent of roads for adoption to ensure access for waste collection, clarification of travel distances for bin collections for flats 99-106 – amended plans received (further updates to be provided).
<b>WBC Environmental Health</b>	No objection - This is a reserved matters application for consideration of appearance, landscaping, layout and scale. All environmental health matters of concern were raised at the outline stage and are covered by conditions which will require approval and discharge prior to development commencing.
<b>WBC Drainage (SUDS)</b>	Request further drainage information but note this would be subject to a separate discharge of conditions application under outline condition no.27
<b>Environment Agency</b>	No comments
<b>WBC Education</b>	No objection
<b>WBC PROW</b>	No objection
<b>Ramblers Association</b>	No comments
<b>WBC Ecology</b>	No comments
<b>WBC Affordable Housing Officer</b>	No objection following the receipt of amended plans providing revised affordable housing distribution across the site
<b>Natural England</b>	No comments
<b>WBC Planning Policy Team</b>	No comments
<b>WBC Landscape</b>	Requested additional tree planting – amended plans received, further comments awaited (updates to be provided).
<b>WBC Parks and Leisure</b>	No comments
<b>CLH Pipeline System</b>	No comments received

<b>WBC Conservation</b>	No objection
<b>Thames Water</b>	No objection
<b>Police Design Advisor</b>	Request amendments to blank house elevations to include additional windows to provide surveillance of public realm, relocation of visitor space and planning conditions to ensure secured by design measures are implemented to reduce the risk of crime and anti-social behaviour – amended plans received (further updates to be provided)
<b>RB Fire and Rescue</b>	No objection
<b>NHS CCG</b>	Support new healthcare funding secured through s106 and CIL funding to mitigate impact on local healthcare facilities including GP Surgeries.
<b>BBOWT Wildlife Trust</b>	No comments received
<b>WBC Archaeology</b>	No objection
<b>WB SPOKES</b>	No objection – need to ensure eastern and western land parcels linked by cycle route through the A339 under pass and need to ensure satisfactory cycle storage provided
<b>Access Officer</b>	No comments received

### ***Public representations***

- 4.2 A total of 6 representations have been received, 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 representations received raise the following points:
- Lack of local infrastructure to support the development with the existing village hall fully booked and no local shop – the latest plans remove the local centre until a later phase of development and it should be brought forward.
  - Insufficient provision made for allotments and where provided should be of a suitable standard and in an appropriate location on level ground in accordance with the PC comments.
  - The proposal should be higher environmental standards e.g. energy saving improvements, improved insulation/solar energy, etc to address the climate emergency.
  - Taking into account climate change, the proposal would have an adverse impact on flood risk, within insufficient mitigation being provided, compounding existing flooding issues within the site (including the A339 underpass) and surrounds.
  - The proposed parking and drop off area for the new school would create substantial congestion given how close it is to the existing school facilities.

- Support the PC comments that a temporary road should be built to facilitate bus access.
- The A339 underpass between the 2 halves of the site is inadequate to service a development of this size.
- Proposal does not accord with outline planning permission as it does not include local centre
- Lack of noise mitigation for houses facing the A339

## 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, ADDP2, CS1, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
  - Policies OVS.5, OVS.6, TRANS.1, RL.1, RL.2 and RL.3 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:
- Quality Design SPD
  - Shaw cum Donnington Parish Plan 2009
  - Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.
  - The National Planning Policy Framework (NPPF)
  - The Planning Practice Guidance (PPG)

## 6. Appraisal

### Principle of development

- 6.1 The development of this site (eastern parcel) as part of a larger development comprising up to 401 dwellings, with other elements described above, and associated public open space, landscaping and associated highway works was allowed under appeal decision APP/W0340/W/16/3143214 on 20 March 2017 (as varied under planning permission reference 19/00442/OUTMAJ on 25 June 2020).
- 6.2 For these reasons, the proposed development is considered acceptable in principle subject to the detailed material considerations set out below.
- 6.3 For the avoidance of doubt, this application relates to the approval of details relevant to layout, scale, appearance and landscaping for a phased development of 179 dwellings, and conditions 4 and 5 of the outline permission relating to housing mix and strategic landscaping strategy.
- 6.4 Other elements of the wider development such the local centre, school as well as other technical matters addressed by planning conditions on the outline planning permission including details relating to sustainable drainage strategy, underpass

CCTV details, construction management plan and noise mitigation measures, are not for consideration as part of this reserved matters application.

6.5 The main issues for consideration in this reserved matters application are:

- Character and appearance (including layout, scale, appearance and landscaping);
- Open space;
- Impact on setting of AONB;
- Wider landscape and visual impact;
- Housing mix;
- Residential amenity;
- Highways matters;
- Public Rights of Way;
- Other matters.

**Character and appearance (including layout, appearance, scale and landscaping ‘the reserved matters’)**

6.6 Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design. Good design relates not only to the appearance of a development, but the way in which it functions. Paragraph 127 of the NPPF, states that planning decisions should ensure that developments (amongst others):

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.7 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD) which provides detailed design guidance on residential development. Part 1 in particular provides design guidance, including key urban design principles. The NPPF, The SPG Quality Design and The Shaw Cum Donnington Parish Plan (2009) also support the above aims.

*Layout*

6.8 The proposed layout shows 179 dwellings comprising a mixture of 1 to 5 bedroom properties of which 71 would be affordable units (including shared ownership and social rented) which are distributed throughout the site. The layout plan shows the proposed housing within perimeter blocks. Public open space is provided within a large area to the south of the site around a proposed SUDS pond, around the boundaries of the site, and within pockets through the development including LAP within the centre of the housing and LEAP to the north-eastern corner.

6.9 Access was approved at the outline stage therefore the proposed layout shows the main access from the Vodafone roundabout. A street hierarchy is provided which shows a main spine road from the roundabout off which a secondary street forms a loop around the site. Shared surface streets and private driveways branch off from the

secondary street loop. Pedestrian/cycle links are shown around the site including through the public space around the boundaries of the site and through the A339 underpass to the west which would provide access to Love Lane and Oxford Road/Whitefield Cottages via the western parcel of land (currently under reserved matters application 18/03061/RESMAJ). The footpaths will link into the existing PROW network to the south of the site that encircle the Vodafone Headquarters and connects to Love Lane.

- 6.10 In relation to the interface with the eastern end of the A339 underpass/subway, the site layout has been amended to show a 3-storey apartment block with ground, 1<sup>st</sup> and 2<sup>nd</sup> floor habitable room windows facing and providing surveillance of the subway. This would ensure a good level of surveillance would be provided. The police advisor has raised no objections to this arrangement.
- 6.11 The police advisor did request additional windows are installed on any blank elevations in other parts of the site to increase surveillance of the public realm. In this regard additional information have been received to address this requirement. Further 'secured by design' measures are also recommended that can be secured through the imposition of planning conditions to contribute to the creation of a safe and sustainable environment.
- 6.12 The layout provides a variety of house types, with varying setbacks from the road. Key views are terminated by focal or dual fronted buildings. A mixture of car parking arrangements are provided including on-street, on-plot to side/front and within shared parking courts.
- 6.13 The proposed layout would accord with development parameters approved at the outline stage which show the broad areas for housing, strategic access and movement, density, open space and drainage infrastructure.
- 6.14 The general layout approach with perimeter blocks providing active frontages, and some small courtyards would add to the wider pattern of development found within the locality and is responsive to the overall spatial constraints of the site which include undulating topography and existing drainage routes, amongst others.
- 6.15 Following the receipt of satisfactory amended plans, the detailed layout also shows affordable housing pepper potted throughout the site to ensure it would integrate with the scheme as a whole.
- 6.16 Whilst the overall layout approach is considered acceptable in principle, as set out further below, the councils Highways Service have requested amendments to address their technical design standards. Officers consider these are technical matters that can be addressed under delegated powers.
- 6.17 For these reasons, the proposed layout is considered acceptable subject to satisfactory amended plans coming forward which can be resolved by officers under delegated powers.

#### *Appearance*

- 6.18 Whilst it is recognised that the immediate context of the site is commercial with existing residential development further afield, there is significant variation in the existing built form within the wider locality including larger detached and semi-detached gabled fronted dwellings with hipped roofs constructed in red facing brick with brown roof tiles within Donnington Village. The older properties around shop lane being terraces. On Love Lane, the buildings are predominantly 2-storey and also include a mix of detached and semi-detached dwellings. The houses are primarily red brick, with some use of render, pebble dash and hung tiles. The roofs are pitched and constructed from

brown or terracotta tiles. Some of the dwellings are gable fronted, with hipped and half-hipped roofs also found. The dwellings are generally set back from the road behind, hedges, walls and fences.

- 6.19 In respect of Shaw, it is arranged around a central main through street running from east to west – Kiln Road/Turnpike Road. From this primary road a variety of residential streets branch off. These differ in character reflecting their build period. The dwellings are generally set back from the roads by front gardens. The majority of buildings are two storey detached or semi-detached properties. The houses are a mix of red, yellow and brown brick, with some use of render and hung tiles. Roofs are pitched and constructed from slate, brown or terracotta tiles. Features such as porches are common on the newer dwellings. Car parking in Shaw is generally found on plot within the driveways and front gardens of the properties. Higher density areas with terraced properties have on-street parking.
- 6.20 The applicant's design approach has been to create different character areas within the site. The different character areas contain variation in mixture house types, design and materials to respond to the different characteristics of different parts of the site such as topography, density and building heights. This approach would allow differentiate parts of the scheme from each other to aid legibility and provide interest at level through subtle variations.
- 6.21 The supporting plans show a mixture house types, design and materials. The house designs include detached, semi-detached, terraces and apartments. The architectural details include features such as gable fronts, dormers, bay windows, brick soldier courses above windows, exposed lintels and cills, recessed porches, recessed and gable fronted canopies, chimneys, Georgian style front door surrounds, variation in fenestration (including Juliet balconies) and doors.
- 6.22 The proposed external materials include facing brick with combinations of buff, multi-red, orange-red, red multi, white render, tile hanging (red) and weatherboarding (3 different shades of grey). The roof tiles include slate grey (Russell Grampian) and peat brown (Russell Grampian). Other external materials include cast stone cills and quoins. The boundary treatments include a mixture hedges and shrub planting, brick walls in different brick types, timber close boarded fencing and metal railings.
- 6.23 The above approach would create a scheme with its own identity and character that would result in a good quality appearance for this modern residential development.

#### *Scale and density*

- 6.24 As set out above, the site slopes from north to south with a levels change of approx. 15m. To respond to the constraints of the site, development parameters were approved at the outline application stage (as varied) which restrict building heights across prominent parts of the site to 9m (for 2-storey), to 10m (for 2.5 storey) and up to 10.5m (for 3-storey). In addition, density parameters were set for the site including areas of lower density (up to 30 dph), medium density (up to 35 dph) and higher density (up to 45 dph).
- 6.25 The supporting plans show the proposed housing, whilst of varying design and size, would be predominantly 2-storey with some limited 2.5 storey in appropriate locations and 3 storey units at key locations. This approach is in general accordance with the building heights parameters for the site and would ensure development heights are lower where there is increased landscape sensitivity.
- 6.26 The density across the site ranges from 43 dph to 29 dph with the highest densities being located on lowest part of the site, the density then transitions through to medium density, and then low density development at the outer edges of the site along the

northern and eastern boundary. This approach would be in general accordance with the density parameters for the site which allows from up to 45dph to 30 dph.

- 6.27 It is also recognised there is a significant variation in the existing built form within the wider locality in terms of building heights and sizes, and density. The proposal would be compatible with this mix found within the wider area.
- 6.28 For these reasons, the proposal, in terms of scale and density is considered acceptable.

#### *Landscaping*

- 6.29 The outline permission (as varied) approved the redevelopment of the site subject to development parameters including land use and landscaping/open space. The approved parameters plans showed the broad areas of landscaping, existing trees/hedgerows, open space (including play areas). A further outline planning condition (no.5) was imposed which required the submission of a landscape framework/strategic landscaping plan.
- 6.30 This reserved matters submission, which includes a strategic landscape plan to discharge no.5, would accord with development parameters approved at the outline stage. The proposal would include tree and woodland buffer planting along the A339, and retain existing tree screening to the western and south-western boundary of the site to reflect existing roadside tree belts and screen views of the development, it would allow for the provision of a varied width landscape buffer alongside the northern boundary, it would include a landscape buffer to the north-eastern and eastern boundary of the site to provide a soft edge to the development and limit visual impacts.
- 6.31 The proposal would facilitate substantial new tree planting within the site resulting in a net gain overall. The detailed landscaping strategy allows for new tree, shrub, hedgerow and ground cover planting to replenish and enhance the existing. The landscaping also integrates with the provision of accessible green infrastructure and public open space with the site, allows new ecological habitat and creates a connected, multi-functional network of green spaces and corridors around the site.
- 6.32 The hard landscaping plans shows a mix of hard landscaping details which would be appropriate for this modern residential development and would ensure the creation of a good quality landscaped environment.
- 6.33 Existing trees around and beyond the western and south-western boundaries of the site would be retained and appropriate tree protection measures would be secured through conditions imposed on the outline planning permission (as varied).
- 6.34 For these reasons, the detailed landscaping scheme would harmonise with surroundings. In addition, the landscaping details provided are considered sufficient to discharge the requirements of outline planning condition no. 5 (strategic landscaping).

#### *Conclusion on scale, appearance, layout and landscaping*

- 6.35 In summary, it is considered that the proposal would accord with the design principles and development parameters set out at the outline application stage. It is therefore considered, in terms of layout, scale, appearance and landscaping, the proposal would have an acceptable impact on the character and appearance of the area.

#### **Open Space**

- 6.36 According to the NPPF (paragraph 96), access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health

and wellbeing of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.

- 6.37 Core Strategy Policies CS5, CS14 and CS18 all seek to ensure good quality open space within development. Saved Local Plan Policies RL.1, RL.2 and RL.3, together with the Planning Obligations SPD, provide a clear framework for delivering open space within major developments that is consistent with the NPPF.
- 6.38 The outline planning permission was subject to parameters plan which showed broad areas of public open space/green infrastructure and children's play areas (LEAPs and LAPs). This proposal is supported by an open space delivery plan which shows substantial open space within the scheme and plays areas consistent with the open space parameters approved at the outline stage.
- 6.39 The supporting plans show details for the LEAP (Locally Equipped Area for Play) within the north-eastern corner of the site which include 7 different items including climbing frames, slides and swings. Appropriate hard surfacing materials such as bonded rubber mulch (brown colour) are shown to ensure the safe operation of the equipment. Whilst the comments of the council's leisure team are awaited, the general design approach and type of equipment proposed is considered acceptable in principle.
- 6.40 It is noted concerns have been raised that the allotment provision is insufficient and not accessible. In this regard, it is recognised that the allotment provision, in terms of broad size and location closer to the existing village facilities, was approved at the outline stage which showed approx. 660m<sup>2</sup> located within the western parcel of land (subject to reserved matters application 18/03061/RESMAJ). The application site, the subject of this reserved matters application, did not include any allotment provision as part of the approved outline parameters plans.
- 6.41 Overall, the proposal makes satisfactory provision of open space to meet the needs of the development.

#### **Impact on the setting of AONB**

- 6.42 Policy ADDP5 seeks to ensure development proposals conserve the scenic beauty and distinctive character of the AONB. The NPPF gives the highest status of protection for the landscape and scenic beauty of AONBs, and states their conservation should be given great weight in planning decisions. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.
- 6.43 The proposal would be located outside of the AONB but within its setting (approx. 1.5km from its southern boundary), as such consideration should be given to the direct and indirect effects upon this designated landscape. Taking into account the significant areas of intervening feature such as the A339 and woodland planting which screen views towards the site from within the AONB there are no materially adverse impacts upon the AONB.
- 6.44 For these reasons, the proposal would conserve the scenic beauty and distinctive character of the AONB.

## **Wider Landscape and Visual impact**

- 6.45 One of the core planning principles of the NPPF is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.46 Core Strategy Policy CS19 states 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 will be given to, amongst other matters.
- (a) The sensitivity of the area to change.
  - (b) Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.47 According to Policy CS19, proposals for development should be informed by and respond to:
- (a) The distinctive character areas and key characteristics identified in relevant landscape character assessments including Historic Landscape Characterisation for West Berkshire and Historic Environment Character Zoning for West Berkshire;
  - (b) Features identified in various settlement character studies including Quality Design SPD, and community planning documents which have been adopted by the Council such as Parish Plans and Village Design Statements.
- 6.48 This reserved matters submission, which accords with development parameters agreed at the outline stage, and taking into account new tree and woodland planting proposed and retention of existing vegetation retained, is not considered to introduce any materially new landscape and visual impacts from that previously considered as part of the outline planning permission. As such the proposal is considered acceptable in terms of wider landscape and visual impact.

## **Housing Mix**

- 6.49 Core Strategy Policy CS6 provides the Council's framework for the delivery of affordable housing. The Council's affordable housing policies are crucial in seeking to assist the Council in meeting the requirements of the NPPF which seeks to ensure local planning authorities provide for their objectively assessed housing needs.
- 6.50 The outline scheme secured 40% affordable housing in accordance with the requirements of Core Strategy Policy CS6. The table below shows how this affordable housing would be provided in the context of the overall housing mix including the open market houses. The table shows the proposal would provide a good mix of house sizes which would be responsive to the districts housing needs.
- 6.51 The proposed housing mix is therefore considered acceptable and sufficient to discharge the requirements of condition 4 of the outline permission (as varied).

## Proposed Housing Mix Table:

Site : Entire Site, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury			
<b>PRIVATE</b>			
HOUSE TYPE	BEDS	NO.	
Two Bed Dwellings	2	15	
Three Bed Dwellings	3	52	
Four Bed Dwellings	4	125	
Five Bed Dwellings	5	49	
<b>TOTAL PRIVATE</b>		<b>241</b>	
<b>Affordable Rent</b>			
HOUSE TYPE	BEDS	NO.	
One bedroom dwellings	1	48	
Two Bed Dwellings	2	26	
Three Bed Dwellings	3	31	
Four Bed Dwellings	4	7	
<b>Total Rent</b>		<b>112</b>	
<b>Shared Ownership</b>			
HOUSE TYPE	BEDS	NO.	
Two Bed Dwellings	2	22	
Three Bed Dwellings	3	26	
<b>Total Shared Ownership</b>		<b>48</b>	
<b>TOTAL AFFORDABLE</b>		<b>160</b>	
<b>GRAND TOTAL</b>		<b>401</b>	

Site : DWH Western Parcel, land adjacent to Hilltop, Oxford Road, Donnington, Newbury			
<b>PRIVATE</b>			
Dwellings	BEDS	NO.	%
Two Bed Dwellings	2	8	6%
Three Bed Dwellings	3	29	22%
Four Bed Dwellings	4	69	52%
Five Bed Dwellings	5	27	20%
<b>TOTAL PRIVATE</b>		<b>133</b>	<b>60%</b>
<b>Affordable Rent</b>			
HOUSE TYPE	BEDS	NO.	%
One bedroom dwellings	1	27	30%
Two Bed Dwellings	2	14	16%
Three Bed Dwellings	3	17	19%
Four Bed Dwellings	4	4	4%
<b>Total Rent</b>		<b>62</b>	<b>28%</b>
<b>Shared Ownership</b>			
HOUSE TYPE	BEDS	NO.	%
Two Bed Dwellings	2	13	15%
Three Bed Dwellings	3	14	16%
<b>Total Shared Ownership</b>		<b>27</b>	<b>12%</b>
<b>TOTAL AFFORDABLE</b>		<b>89</b>	<b>40%</b>
<b>GRAND TOTAL</b>		<b>222</b>	

Site : Eastern, Land adjacent to Hilltop, Oxford Road, Donnington, Newbury.			
<b>PRIVATE</b>			
HOUSE TYPE	BEDS	NO.	%
Two Bed Dwellings	2	7	6%
Three Bed Dwellings	3	23	21%
Four Bed Dwellings	4	56	52%
Five Bed Dwellings	5	22	20%
<b>TOTAL PRIVATE</b>		<b>108</b>	<b>60%</b>
<b>Affordable Rent</b>			
HOUSE TYPE	BEDS	NO.	%
One bedroom dwellings	1	21	30%
Two Bed Dwellings	2	12	17%
Three Bed Dwellings	3	14	20%
Four Bed Dwellings	4	3	4%
<b>Total Rent</b>		<b>50</b>	<b>28%</b>
<b>Shared Ownership</b>			
HOUSE TYPE	BEDS	NO.	%
Two Bed Dwellings	2	9	13%
Three Bed Dwellings	3	12	17%
<b>Total Shared Ownership</b>		<b>21</b>	<b>12%</b>
<b>TOTAL AFFORDABLE</b>		<b>71</b>	<b>40%</b>
<b>GRAND TOTAL</b>		<b>179</b>	

## Residential Amenity

- 6.52 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. According to Core Strategy Policy CS14 new development must make a positive contribution to the quality of life in West Berkshire. Adverse impacts to neighbouring amenity could potentially arise from (but not necessarily limited to) any overlooking or overshadowing of neighbouring land by the development, and any new noise or disturbance (during construction or from approved uses). Guidance on maintaining high standards of amenity for adjoining property is contained in Quality Design SPD (Part 2)

### *Neighbouring residential amenity*

- 6.53 Taking into account separation distances and intervening features such as trees between the proposed housing and existing housing around the site, the proposal would not materially harm neighbouring residential amenity by way of loss of light, outlook or privacy, nor would it result in any significant overbearing impact or loss of outlook.
- 6.54 In terms of construction impacts, the outline permission (as varied) imposed planning conditions to secure the implementation of a construction management plan. Whilst this would subject to a separate discharge of conditions application, information has been provided to show hours of operation would be limited 0800 to 1800 Monday to Friday and noise monitoring would be undertaken to minimise noise and disturbance to the occupiers of neighbouring residential properties. It is also noted that a Contractors Working Group would be set up to consult and liaise with local residents and the parish council to address any issues that may arise during the course of the development.

### *Residential amenity of future occupiers*

- 6.55 The supporting plans demonstrate ample levels of internal and external amenity space would be provided in the interests of ensuring a satisfactory living environment for future occupiers.
- 6.56 It is noted that due to the levels changes there is an increased risk of overlooking between properties. The removal of PD rights for roof extensions, use of obscure glazing, off-setting of rear to rear facing two-storey elevations and appropriate boundary treatment would help reduce this impact.
- 6.57 The A339 is located beyond the western boundary of the site which is a significant noise source. In this regard, the outline permission imposed planning conditions to secure relevant noise mitigation so-as to ensure a satisfactory noise environment for future occupiers. These could include measures such as acoustic window glazing, acoustic fencing and mechanical ventilation. These measures would be considered as part of a separate discharge of conditions application.
- 6.58 The Vodafone complex of office buildings are located to the south of the site but as they set well away from dwellings, they would not harm the amenity of the future occupiers of the proposed dwellings in terms of noise and disturbance.
- 6.59 For these reasons, the proposal would have preserve neighbouring residential amenity and would result in the creation of a good quality living environment for future occupiers.

### **Highways Matters**

- 6.60 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst other criteria): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.
- 6.61 It is noted concerns that have been raised over the potential highways impact taking in to account cumulative impacts. In this regard, planning permission was allowed under appeal decision APP/W0340/W/16/3143214 (as varied under planning permission reference 19/00442/OUTMAJ) therefore the traffic impacts of the proposal on the local highway network, and the location terms of its accessibility by sustainable modes of transport, have already been judged to be acceptable. In addition, the granting of outline planning permission (as varied), which was subject to development parameters for movement and access across the site, approved the access arrangements for the development which include main access to the A339, access to Love Lane, new pedestrian/cycle links to western parcel of land through the A339 underpass. As such, in terms of overall highways impact, the proposal is considered to be acceptable.
- 6.62 The detailed internal layout includes a street hierarchy which includes a main spine road, secondary streets providing a loop, shared driveways, bus routes and pedestrian/shared cycle routes throughout the site. Drawings have been provided to demonstrate satisfactory internal access for refuse and emergency vehicles. The proposed layout would be in accordance with movement and access parameters plans approved at the outline stage (as varied).
- 6.63 In terms of overall refuse storage and parking provision, the supporting layout plans demonstrate the site is capable of meeting the refuse storage, off-road cycle and car parking provision requirements for the development. Other details such as construction management plan and implementation of the access ways are covered under planning conditions forming part of the outline planning permission (as varied).

- 6.64 The Councils Highways Team have carefully considered the proposal and raise no objection to the overall principle of the development, and the access and layout design approach proposed but have requested amended plans/additional information and planning conditions to ensure the sites internal roads and its main access 'the connection' is adopted, amendments to the layout to improve surveillance of the eastern end of the underpass, revised traffic calming measures within the internal site layout, internal access road designs to meet adoptable standards, sight lines at the junctions and bends within the site shown for 20 mph vehicle speeds, minor changes to parking provision for the flats and details of electric car charging points.
- 6.65 In respect of the requested additional planning condition to require the access to be adopted by the council, this is addressed by condition no.17 of the outline planning permission (as varied) which requires the detailed layout of the site with regards to highway infrastructure to comply with the local planning authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design should be to a standard that is adoptable as public highway.
- 6.66 As access was approved in detail at the outline stage, a requirement to impose additional planning conditions to require the access to be adopted at this reserved matters would not meet the requirements set out in paragraph 55 of the NPPF which indicates planning conditions should only be imposed where they are necessary, reasonable and enforceable.
- 6.67 In respect of surveillance of the eastern end of the subway, amended plans have provided which show a 3-storey apartment block with ground, 1<sup>st</sup> and 2<sup>nd</sup> floor habitable room windows facing and providing surveillance of the subway. Concerns were raised that on-street car parking could restrict views. However, given the apartment block would incorporate habitable windows at 1<sup>st</sup> and 2<sup>nd</sup> floor overlooking the subway, a good level of surveillance would be provided. In addition, it is recognised that an operational CCTV system would be provided within the subway as part of the outline planning permission before any dwellings are occupied.
- 6.68 In respect of other outstanding technical highways matters relating to revised traffic calming measures, internal access road designs, sight lines at the junctions and bends, minor changes to parking provision for the flats and details of car charging points, amended plans/additional information has been requested. Officers consider these are technical matters that can be addressed under delegated powers.
- 6.69 For the above reasons, taking into account any cumulative impact, and subject to amended plans/additional information to address outstanding technical highways matters, the proposal would not have an adverse impact on the local highways infrastructure in terms of traffic generation or highway safety.

### **Public Rights of Way**

- 6.70 According to the NPPF (paragraph 98), planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. Core Strategy Policies CS14, CS18 and CS19 are consistent with the NPPF in terms of protecting the amenity of public rights of way.
- 6.71 The proposal would maintain the existing public rights of way within the site which includes a right of way (Shaw 4/4) which travels through the A339 underpass and along the south-western boundary of the site and leads to the existing PROW network around the Vodafone site and connects to Love Lane to the south. The proposal would provide new footpaths which would integrate with the existing PROW network to ensure the

proposed housing is accessible in accordance with the movement and access parameters agreed at the outline stage. The Councils Public Rights of Way Team have carefully considered the proposal and raise no objection.

- 6.72 Planning conditions and informative notes can also be added to any reserved matters approval to ensure the details of the new footpaths and interface with the PROW are agreed with the Councils PROW Team. In addition, the applicant is aware of the need to protect the existing rights of way and to ensure they are not damaged during the construction process.
- 6.73 For these reasons, the proposal would not have an adverse impact on the existing Public Right of Way network.

### **Other matters**

#### *CCTV*

- 6.74 Officers can confirm provision was made for a new CCTV system for the underpass below the A339 linking the western and eastern parts of the application site under the appeal decision. The CCTV provision is a requirement of the associated legal agreement and relevant planning conditions. The final CCTV specification would need to be agreed and the CCTV would be operational prior to first occupation of any of the new homes within the site.

#### *Historic Environment conservation*

- 6.75 Core Strategy Policy CS19 states 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 will be given to, amongst other matters, (c) the conservation and, where appropriate, enhancement of heritage assets and their settings (including conservation areas, listed buildings, and other heritage assets recorded in the Historic Environment Record), and (d) accessibility to and participation in the historic environment by the local community.
- 6.76 A Grade II Listed Building 'Shaw Farm Barn' is located approximately 140m to the north-east of the application site. Taking into account the separation distances and proposed landscape buffers, the proposal is not considered to introduce any materially new impacts in terms of impact on the setting of the listed building or the wider historic environment from that previously approved considered acceptable as part of the outline application (as varied).

#### *Matters settled at the outline application stage*

- 6.77 Matters relating to s106 planning obligations (including relevant off-site financial contributions), site access, flood risk, ecology, land contamination, air quality, new footway links, contamination, loss of agricultural land, minerals, sustainable construction, amongst others matters, were settled at the outline application (as varied), and where necessary addressed through the imposition of separate planning conditions e.g. SUDS/drainage, noise mitigation measures, construction management plan, external lighting, improvements to the A339 underpass/subway external surfacing, tree protection measures, finished floor levels, which require details to be submitted to and approved in writing by the Local Planning Authority and therefore are not commented on further as part of this report.

## 7. Planning Balance and Conclusion

- 7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the proposed development complies with the development plan when considered as a whole and is therefore recommended for approval.

## 8. Full Recommendation

- 8.1 Subject to the receipt of satisfactory amended plans and information to address the following technical highways requirements:

- revised traffic calming measures within the site;
- internal access road designs to meet adoptable standards;
- sight lines at the junctions and bends within the site shown for vehicle; speeds of 20 mph; and
- Minor changes to parking provision for the flats

within three months of the date of this Committee (or such longer period that may be authorised by the Head of Development and Planning) to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below (with delegated authority to amend/add/delete the final list of planning conditions to address technical issues):

OR, if satisfactory amended plans and information to address the above technical highways requirements are not received, to REFUSE PLANNING PERMISSION for the reason listed below.

### **Conditions**

*Officer Note - the following conditions are provisional drafts and a full list will be provided in the committee update papers.*

1.	<b>Approved Plans</b>  The development hereby permitted shall be carried out in accordance with the approved plans and documentation.  Reason: For the avoidance of doubt and in the interests of proper planning.
2.	<b>LEAP and LAPS Implementation</b>  Implementation of LEAP and LAPs prior to occupation of any housing.  Reason: In the interests of creating a sustainable community.
3.	<b>Details of proposed footpath/cycle link and interface with PROW</b>  Notwithstanding details shown on the supporting plans, details of the how any new footpaths, their specification and means of the integration with the PROW around the A339 underpass, and implementation prior to occupation of housing.  Reason: To promote sustainable modes of transport

4.	<p><b>Samples of External Materials</b></p> <p>Samples of all external materials to be made available to the LPA.</p> <p>Reason: To ensure the satisfactory appearance of the development.</p>
5.	<p><b>Secured via Design measures</b></p> <p>Details of secured via design measures</p> <p>Reason: In the interests of creating a safe and sustainable community.</p>
6.	<p><b>Additional Windows and Relocation of Visitor Car Space</b></p> <p>Notwithstanding details shown on the supporting plans, details of additional windows and relocation of visitor space</p> <p>Reason: In the interests of creating a safe and sustainable community.</p>
7.	<p><b>Removal of PD Rights</b></p> <p>Removal of PD Rights for roof dormers, outbuildings, side rear extensions on relevant dwellings.</p> <p>Reason: To protect neighbouring residential amenity.</p>
8.	<p><b>Implementation of Landscaping</b></p> <p>Implementation of soft landscaping scheme. Any trees shrubs or plants that die or become seriously damaged to be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping</p>
9.	<p><b>Electric Substation</b></p> <p>Notwithstanding details shown on the supporting plans, details of the electric substation</p> <p>Reason: To ensure the satisfactory appearance of the development</p>
10.	<p><b>Obscure Glazing</b></p> <p>Obscure glazing to first floor side/rear facing windows on relevant dwellings.</p> <p>Reason: To protect neighbouring residential amenity from loss of privacy</p>
11	<p><b>Boundary treatment</b></p> <p>Notwithstanding details shown on the supporting plans, details of the boundary treatment</p> <p>Reason: To ensure the satisfactory appearance of the development</p>

12	<b>Electric Vehicle Charging Points</b>  Details of electric charging points to be provided  Reason: To promote sustainable modes of transport
13.	<b>Highways Conditions</b>  Relevant highways conditions – updates to be provided.  Reason: In the interests of highway safety

### ***Refusal Reasons***

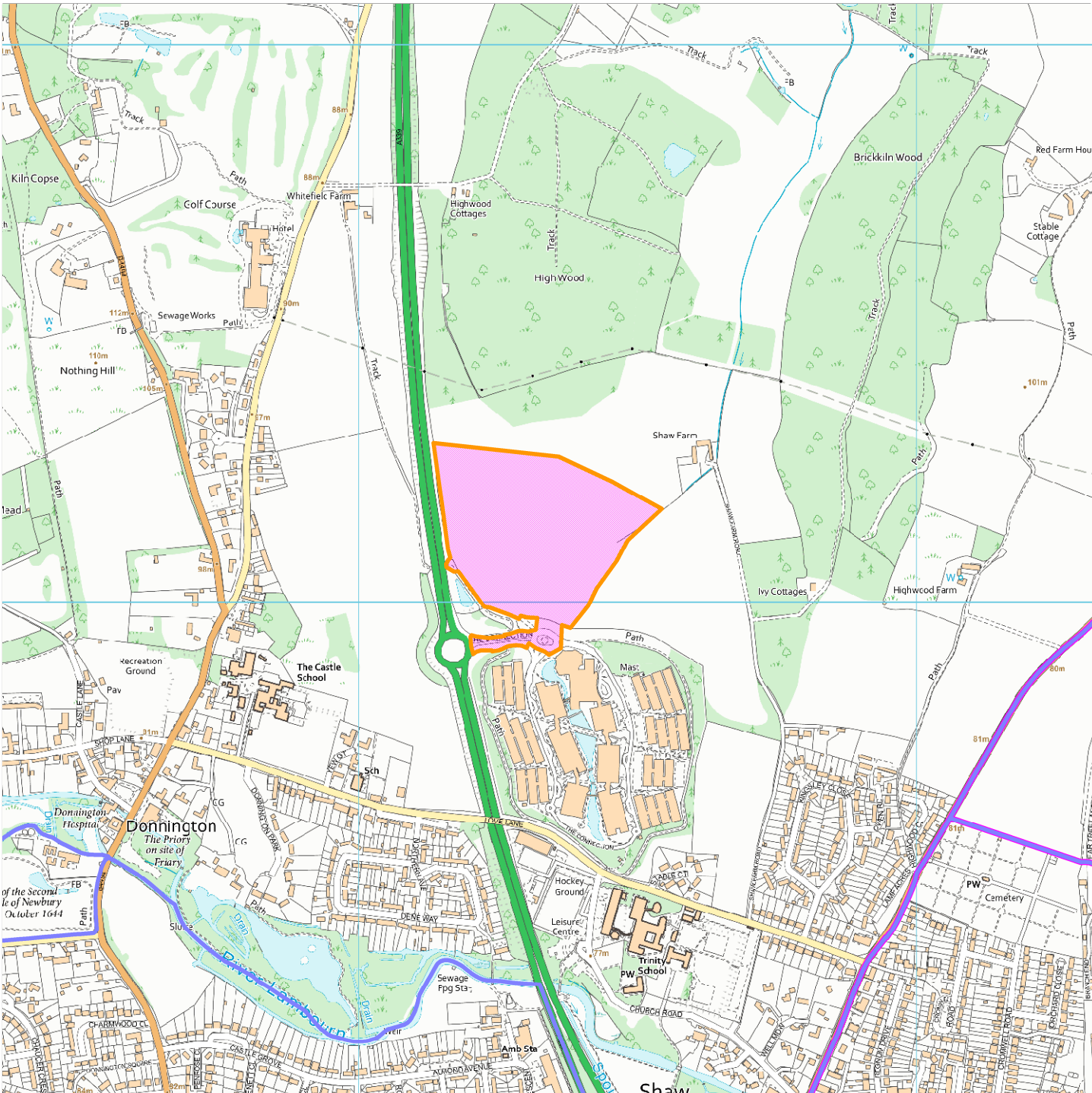
1.	<b><u>Insufficient information</u></b>  Insufficient information has been provided to demonstrate the proposal would have an acceptable impact on highway safety contrary to the requirements of paragraph 109 of the National Planning Policy Framework and Policy CS13 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012
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### ***Informative Notes***

1.	<b>Royal Berkshire Fire and Rescue</b>  The development will need to be designed and built in accordance with the functional requirements of current Building Regulation requirements. The Fire Authority seeks to raise the profile of these requirements and requests that the relevant documentation is made available to the applicant and/or planning agent by means of web link:  <a href="https://www.gov.uk/government/publications/fire-safety-approved-document-b">https://www.gov.uk/government/publications/fire-safety-approved-document-b</a>  Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation.
2.	<b>Thames Water</b>  Waste Comments  Thames Water has identified that the existing foul water network infrastructure needs upgrading to meet the needs of this development. The applicant is therefore advised to contact Thames Water to agree a position for foul water networks. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request further information by visiting the Thames Water website at <a href="https://thameswater.co.uk/preplanning">thameswater.co.uk/preplanning</a> .

3.	<p><b>Construction Management Plan and Infrastructure Works</b></p> <p>The applicant is advised to engage with the local community and local parish council in preparing and implementing a final construction management plan. The plan should be kept under review during the carrying out of the development to protect the amenity of the area.</p> <p>The applicant is also advised to consult with the local parish council before commencing major infrastructure works that may implications for the local community.</p>
4.	<p><b>Public Rights of Way</b></p> <p>Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.</p> <p>The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.</p>
5.	<p><b>Secured by Design Guidance</b></p> <p><b>1. External Communal entrances:</b> <u>All</u> external and internal Communal entrance doors meet the requirements of the minimum physical security requirements of <u>LPS1175 Issue 8 B3)</u></p> <ul style="list-style-type: none"> <li>i. Developments with more than two floors are required to have a visitor door entry system and access control system.</li> <li>ii. All external and internal Communal entrance doors access will be controlled via an electronic remote release locking systems with audio/visual intercom links to each apartment. This will allow residents to communicate with their visitors without having to open their front door and speak to them face-to-face as this allows them to filter who is allowed into the building and up into their flat..</li> <li>iii. The system will be required to record and store images for a minimum of 30 days.</li> <li>iv. Tradesperson's release mechanisms are not permitted as they have been proven to be a cause of ASB and unlawful access to residential areas</li> <li>v. Postal services: Best practice advises that Tradesman's Buttons (allowing postal deliveries) <u>must not be fitted</u> as unauthorised individuals can also use these to gain access to private residential areas(negating any physical security a closed door offers) The preferred management of mail delivery is either via external wall amounted letterboxes or via 'through the wall mail deliveries, if this cannot be achieved, the postal boxes must be located within a secured entrance lobby, (with secondary internal access controlled communal entrance door) this allows postal services to be delivered into the lobby whilst ensuring the internal corridors and stairwells of the apartments remain private.</li> <li>vi. Residential door Sets: Individual flat entrance doors must also comply with ADP-Q, and meet the minimum physical security requirements of PAS24:2012.</li> </ul>

	<p><b>2. Compartmentalisation:</b> The Access control system must provide compartmentalisation of each floor within block</p> <p><b>3. Secure communal lobbies:</b> Any internal door sets should meet the same specification as above be access controlled (ground floor and residential floor lobbies)</p> <p><b>Bin and cycle store doors.</b> Must be robust and secure (meet the minimum physical security standards of LPS 1175 issue 8 B3, with electronic access control. Double leaf door can be problematic sustainable operation and security, as the active leaf is required to secure against the passive. Additional details as to the type, style and minimum physical security standards of the doors will be required - alternatively a large single leaf door may well be more appropriate and cost effective.</p>
6.	<p><b>Working Proactively with the Applicant</b></p> <p>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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.</p>

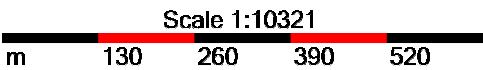


Map Centre Coordinates :

Scale : 1:10321

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	14 September 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)	20/01083/FUL Inkpen Parish Council	06/07/2020	Replacement dwelling  Quill Cottage, Craven Road, Inkpen, Hungerford, RG17 9DX  Mr and Mrs Jones
<sup>1</sup> 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 with regard 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 The determination of the applicant was deferred by Members at the WAPC 21<sup>st</sup> July 2020. Following the discussions of the WAPC, amendments and updates have been added to the original committee report, these are in bold.**
- 1.2 This application seeks planning permission for a replacement dwelling.
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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
<b>Total</b>	<b>165sq.m</b>

- 1.8 The applicant/agent has submitted that the GIA of the existing dwelling is 145sq.m, the applicant/agent has not submitted the measurement of each room as the Case Officer has done above. From the information submitted by the applicant/agent, it would appear that their measurements do not include the existing garage, should the garage be deducted from the Case Officers calculations, the same GIA of 145sq.m is reached.
- 1.9 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.m<sup>1</sup>.
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 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.
- 1.14 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.
- 1.15 The proposed front elevation includes a prominent 1.8m solid flint and brick wall (**this measurement has not been submitted by the agent it is therefore understood that there are no challenges to it**), which 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.

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

Application	Proposal	Decision / Date
05/01344/HOUSE	<a href="#">Proposed alteration and extension to existing bungalow.</a>	Approved 03/07/2005
95/46272/CERTP	<a href="#">Certificate of lawfulness for an existing use of land as garden area.</a>	Approved 14/03/1995
20/00048/FUL	<a href="#">Replacement dwelling with attached double garage and annex above.</a>	Withdrawn 06/03/2020

- 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 At the WAPC of 22<sup>nd</sup> July 2020, where this application was first considered and then deferred, Members queried the level of engagement between the case officer and agent. During the course of the application there has only been limited contact and correspondence with the agent and applicant but the case officer responded those contacts that were received and advised of her concerns and likely recommendation prior to the meeting of the WAPC. Further limited contact has occurred since the committee meeting as described later in this report.**
- 3.4 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).
- 3.5 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 30<sup>th</sup> June 2020 – Appendix A
  - Appeal 3243683, determined 18<sup>th</sup> 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.

<b>Inkpen Parish Council:</b>	<p><b>Object</b></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 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>
<b>WBC Highways:</b>	<p><b>No objections</b></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>
<b>Public Rights of Way</b>	<b>No objections</b>
<b>Drainage Officer</b>	<b>Standing advice</b>
<b>Natural England</b>	<b>No comments to make</b>

<b>Ecology</b>	<b>No objections, subject to planning conditions</b>
<b>Rambling Society</b>	<b>No comments received</b>
<b>Tree Officer</b>	<b>No comments received</b>
<b>Thames Water</b>	<b>No comments received</b>
<b>Environment Agency</b>	<b>No comments received</b>

### ***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:
- The existing dwelling is not subject to a condition limiting the period of use as a dwelling; and
  - 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
  - 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
  - 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
  - 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
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<b>Height</b>	4.9m	7.6m	+ 2.7m	55.1%
<b>Footprint</b>	176sq.m	194sq.m	+ 18sq.m	10.2%
<b>GIA<sup>2</sup></b>	145sq.m	304sq.m	+ 145sq.m	109.7%
<b>Length</b>	14.7m	15.3m	+ 0.6m	4.1%
<b>Width</b>	7.9m	13.6m	+ 5.7m	72.2%

**6.9** Following the deferral of the application at WAPC, the agent has submitted a collection of plans which include measurements. The amended plans show the existing dwelling as a different size to the plans that were originally submitted and considered by the case officer and Members. A number of the plans use a “sketchy line” effect, this creates a number of lines on the plan, the sketchy nature of the submitted plans also make the exact measurement of the ground level unclear. Some of the amended plans submitted by the agent now show definite lines which can be more accurately measured from. Within the planning system it is a requirement for the applicant/agent to submit accurate plans and factually correct supporting information. Officers have accepted the amended plans as part of the current application.

**6.10** This table shows the measurements submitted by the applicant/agent post WAPC 21<sup>st</sup> July 2020:

	<b>Existing</b>	<b>Proposed</b>
<b>Height</b>	5.1m	7.6m
<b>Footprint</b>	164sq.m	181sq.m
<b>GIA<sup>2</sup></b>	147sq.m	286sq.m
<b>Length</b>	13.4m	15.2m
<b>Width</b>	7.4m	15.2m

**6.11** The Case Officers original GIA measurement for the existing dwelling contained a typo and should read 166sq.m. The difference in the Case Officers’ measurements and the applicant/agents’ measurement for the proposed footprint and GIA and footprint appears to be the result of the inclusion/exclusion of the proposed shed, approximately 14sq.m (based on the Case Officer’s measurement, this measurement has not been provided by the applicant/agent).

**6.12** For complete clarification and the avoidance of doubt the agreed measurements based on the latest set of plans are provided below. These measurements do not include any sheds or garages. On plans which include “sketchy lines” the measurement is taken from the outer line. The length of the existing dwelling is taken as the element which is visible from the road, it does not include the extension (dining room) which does not visually form part of the street scene. For measurements where there is a marginal difference of under 1%, the case officer

<sup>2</sup> GIA excludes detached garage

is content to use the measurements provided by the agent as this is not a material difference and will not affect the overall conclusion reached, level of conflict with policy or the recommendation.

	Existing	Proposed	Difference	Percentage Increase
<b>Height</b>	5.1m	7.6m7	+ 2.5m	49%
<b>Footprint</b>	164sq.m	181sq.m	+ 17sq.m	10%
<b>GIA<sup>2</sup></b>	147sq.m	286sq.m	+ 139sq.m	95%
<b>Length</b>	13.4m	15.2m	+ 1.8m	13%
<b>Width</b>	7.4m	15.2m	+ 7.8m	245%

- 6.13 The approximate cubic capacity of the existing and proposed dwellings has also been calculated as follows: existing 808m<sup>3</sup>, proposed 1,132.7m<sup>3</sup>. The proposed dwelling will result in an increase of approximately 33% of the existing cubic capacity.
- 6.14 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.
- 6.15 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.
- 6.16 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.
- 6.17 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."*
- 6.18 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.
- 6.19 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.

- 6.20 The existing dwelling on site does not part of an agricultural, equestrian, or other commercial rural enterprise.
- 6.21 Matters relating to ecology are discussed later in this report.
- 6.22 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.

- 6.23 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***

- 6.24 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.

- 6.25 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.
- 6.26 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.
- 6.27 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.
- 6.28 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.
- 6.29 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.
- 6.30 The impact of the proposed development on the nearby public rights of way was queried by Members during the previous WAPC. Whilst some Members of the Committee were of the view that the proposed dwelling would not be overly visible from the public right of way (INKP/16/1), as is the case with the existing bungalow, it is important to note that the existing bungalow is substantially lower than the proposed two storey dwelling which will extend well above the existing screening on the boundaries. It is also the case that most of the existing trees and hedges on the site boundaries will lose their leaves during the autumn and winter months, as such provide much less screening. These trees and hedges are not subject to a TPO and could be cut back or removed at any time by the current or future occupiers. The reliance on none protected trees and hedges as a form of screening is not advised, as there is no mechanism that can ensure they remain in perpetuity.**
- 6.31 Public right of way INKP/15/1 exits on to Craven Road directly in front of the proposal site. Owing to the overall size, scale and bulk of the proposed dwelling will be highly visible when walking towards Craven Road along the public right of way.**
- 6.32 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.

- 6.33 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.
- 6.34 During the WAPC 21<sup>st</sup> July 2020, it was queried by Members whether there was more than just a single dwelling which includes dormer windows in the vicinity of the site. The area assessed by the case officer when viewing other dwellings with dormer windows is the immediate area surrounding the proposed dwelling, which covers the houses which the proposed development scheme will be read in conjunction with when viewed the street scene. These dwellings include the stretch of from Quill Cottage to Honeysuckle Cottage on both sides of the road.**
- 6.35 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.
- 6.36 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.
- 6.37 At the previous WAPC (21/06/2020), a Member and the applicant indicated that the applicant would be willing to amend the scheme, changing the proposed materials and boundary treatment. Post Committee this was put to the applicant/agent who has stated that they are unwilling to amend these elements of the proposal scheme prior to determination:**

***"We believe that the materials as proposed are appropriate to the street scene, to the village of Inkpen and to the wider rural West Berkshire location. As per my previous statement for committee, they are exactly what is identified in the Inkpen Village Design Statement as being appropriate. We have not been provided with any indication that alternative materials would be viewed more positively. I don't think changing materials is appropriate at this stage. However final approval of materials is a standard condition that is normally applied to approvals for new/replacement dwellings so if the materials are an issue, then it would be reasonable to point out to committee members that a change of material could be dealt with by condition." (email from applicant 26/08/2020)***

- 6.38** Whilst it is possible to condition the materials of a dwelling via a planning consent, given the prominent and highly sensitive nature of the development, this is not the most appropriate mechanism to determine the proposed materials, particularly if substantial changes are proposed. The final design should be submitted as an entirety to allow Members make a fully informed decision on the final appearance of the proposal scheme.
- 6.39** The applicant/agent is also of the view that the overall landscaping boundary treatment could be controlled via condition, should Members vote to approve the scheme, the approved plans would including the 1.8m flint wall, the wall could therefore be lawfully constructed. Again, due to the prominent and highly sensitive location, it is extremely preferable for the development to be assessed and determined as whole particularly with regard to significant factors such as materials and landscaping. Should the application be approved, the 1.8m wall could be lawfully constructed.
- 6.40** It is also noted that the applicants' written submission for the WAPC 21<sup>st</sup> July 2020, included the suggestion that the 1.8m wall could be removed from the proposed development if the applicant was approved, and that this could be done via a planning condition. The Case Officer provided the applicant/agent with the opportunity to amend the plans after the previous Committee, this offer was not taken up by the applicant/agent and no amended plans have been received.
- 6.41** 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.
- 6.42** 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 Due to the significant conflict of the proposed development with the requirements of policy C7 of the Housing Site Allocation DPD, officers believe the grant of planning permission would undermine and cause significant harm to the achieving the aims of the Local Development Plan. The proposed development is contrary to the policies of the Local Plan, which must be the starting point for decision making in respect of planning applications.**
- 8.3 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 in 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><b>Principle of Development</b></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><b>Design and Impact on the Open Countryside an North Wessex Downs AONB</b></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><b>Proactive</b></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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></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: 30<sup>th</sup> June 2020**

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**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.
- 

### 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', where 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: 18<sup>th</sup> June 2020**

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**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.
- 

### 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 site<sup>1</sup>. 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

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<sup>1</sup> APP/W0340/W/18/3214091

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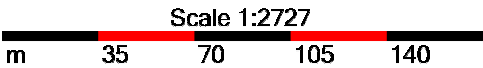


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Department	
Comments	Not Set
Date	13 July 2020
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