

Notice of Meeting



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Western Area Planning Committee Tuesday 16 July 2024 at 9.30 am

in the Council Chamber, Council Offices,
Market Street, Newbury

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on Monday 15 July by emailing planningcommittee@westberks.gov.uk.

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.

Date of despatch of Agenda: Monday, 8 July 2024

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.

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 or email planningcommittee@westberks.gov.uk.

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

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



Agenda - Western Area Planning Committee to be held on Tuesday, 16 July 2024
(continued)

To: Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Denise Gaines, Nigel Foot, Tony Vickers and Howard Woollaston

Substitutes: Councillors Dennis Benneyworth, Martin Colston, Carlyne Culver, Billy Drummond and Stuart Gourley

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
 2. **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](#).
 3. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **24/00908/FUL 6 Northcroft Lane, Newbury** 5 - 22
- Proposal:** Use of the building as a SEND School
- Location:** 6 Northcroft Lane, Newbury, RG14 1BU
- Applicant:** Amegreen Children's Services
- Recommendation:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions.
- (2) **24/00571/FUL Mallards Haven, Frilsham** 23 - 38
- Proposal:** Retrospective: Partial retention of former bungalow for use as outbuilding, in association with dwelling approved under Application No. 18/00409/FULD. External alterations and hard landscaping.
- Location:** Mallards Haven, Frilsham, Thatcham, RG18 9XQ

Agenda - Western Area Planning Committee to be held on Tuesday, 16 July 2024
(continued)

Applicant: Mr and Mrs A Clark
Recommendation: Delegated to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

(3) **24/00767/HOUSE The Old Rickyard, Inkpen** 39 - 48

Proposal: Formation of a swimming pool.
Location: The Old Rickyard, Inkpen
Applicant: Mr and Mrs Colquhoun
Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions

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.

Sarah Clarke
Service Director – Strategy & Governance
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.



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Agenda Item 3.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00908/FUL Newbury	28 th June 2024 ¹	Use of the building as a SEND School 6 Northcroft Lane, Newbury, RG14 1BU Amegreen Children's Services

¹ Extension of time agreed with applicant until 19th July 2024

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=24/00908/FUL> and
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SCSZU4RD0NK00>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions.

Ward Member(s): Councillors Colston and Sturgess

Reason for Committee Determination: The application was called in regardless of the recommendation due to highway concerns.

Committee Site Visit: 10 July 2024

Contact Officer Details

Name: Gemma Kirk
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Gemma.Kirk@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for a change of use of 6 Northcroft Lane to a Special Educational Needs and Disability (SEND) school. This use would fall within Use Class F1 (Learning and non-residential institutions).
- 1.3 The application site is 6 Northcroft Lane (also known as The Temperance Hall) a Grade II listed building with associated courtyard area. The last known use of the building was a nursery. The application site sits to the north of Northcroft Lane and to the south of the road is an area for parking also included within the application site. The application site is within the town centre forming part of the town centre commercial area and the conservation area. The following environmental constraints are also found within the area: a Tree Preservation Order tree and the River Kennet (also a Site of Special Scientific Interest) to the south of the parking area. Temperance Hall is also located within Flood Zone 1 and 2 whilst the parking spaces to the south are within Flood Zones 2 and 3.
- 1.4 The proposed development seeks to change the use of Temperance Hall to a SEND school. The school is proposed to provide places for children with social, emotional and mental health needs in the secondary cohort (Years 7-12). It is proposed that the school be managed by Amegreen Children's Services and there would be 6 members of staff supporting the school, although it should be noted that the planning application relates to the land, not the proposed operator. The opening times are proposed between 09:00 – 15:00.
- 1.5 No building operations are proposed to facilitate the use of the site as a school. No alterations are proposed to the parking spaces on the opposite side of Northcroft Lane but are intended to be used at school pick-up and drop-off times.

2. Planning History

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

Application	Proposal	Decision / Date
09/00798/FUL	To erect a waterproof fixed parasol in children's play area.	APPROVED 08.07.2009
99/56303/LBC	Change of use to restaurant and ancillary areas A3 use.	APPROVED 12.01.2000
82/18268/ADD	Storage accommodation.	APPROVED 15.12.1982
81/14943/ADD	Pottery store office and additional toilet accommodation in pitched roof building at rear of site.	APPROVED 14.05.1981
78/08654/ADD	Addition of office to building under conversion all in matching detail and materials.	APPROVED 07.07.1978

77/06404/ADD	Conversion of temperance hall to arts workshop.	APPROVED 11.07.1977
76/05460/ADD	Change of use to arts centre	APPROVED 05.01.1997

2.2 The most recent use of 6 Northcroft Lane was as a nursery. This would fall within Use Class E(f) (Non-residential creche, day centre or nursery). Ofsted reports from 2012 and 2018 demonstrate there were 55 places at the nursery.

3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** 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 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 17th May 2024 at the pedestrian access gate for the site, with a deadline for representations of 8th June 2024. A public notice was displayed in the Newbury Weekly News on 16th May 2024; with a deadline for representations of 30th May 2024.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	7.4

3.4 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.7 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development. In addition, this application would provide specialist school places for children with social, emotional and mental health needs, and to this extent would positively contribute towards meeting the needs of persons with disabilities.
- 3.8 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.9 It is acknowledged that there are certain properties where there are concerns that the pick-up and drop-off at this site would create disturbance for nearby residents. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of providing additional specialist school places.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The building that is subject to a change of use is a Grade II listed building: Temperance Hall. The application is accompanied by a Heritage Statement by Heritage Fusion.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site is located within Newbury Town Centre's Conservation Area.

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.

Newbury Town Council:	Objection: Create additional traffic and building inappropriate for development.
WBC Highways:	<p>First Response: Request for additional information regarding parking of minibus, existing use management of parking and drop-off, change in parking layout, cycle parking. Noted that fewer trips made by proposed use.</p> <p>Second Response: Request for additional information: Parking space dimensions required, minibus cannot overhang in road, clear pedestrian access is required to be maintained. Parking spaces should be used for parent/carer drop-off. Secure cycle storage required for staff. Objections noted but difficult to substantiate objection on vehicle movement grounds due the previous use as a nursery.</p> <p>Third Response: Require accurate details of parking area.</p>
WBC Transport Policy:	The location is considered to be sustainable as it is well connected to public transport and nearby public car parking. Submission of travel plan is welcomed to encourage sustainable travel options. Recommend further incentives for staff to cycle to work and remove references to a London Borough. Travel targets are intended to be set following six months of occupation which is agreed with.
WBC Lead Local Flood Authority:	No objection to the proposals set out in the Flood Risk Assessment and Flood Evacuation Plan. A condition is recommended to ensure details of the flood evacuation plan are available.

WBC Environmental Health:	No comments to make.
WBC Conservation Officer:	Heritage Statement appropriately considers the significance of the listed building. Application only for change of use allowing for character and appearance to be preserved. To return an important building to use is supported.
WBC Tree Officer:	Following clarification that parking is existing the Tree Officer raised no objections.
WBC Archaeological Officer:	No below ground works or internal changes are proposed so there appears to be no direct impact to heritage assets. The building has been in several previous uses and the new educational use appears appropriate due to the history of the site.
WBC Ecology Officer:	With the confirmation that no external lighting is proposed there are no objections to the application.
WBC Education Services:	Request for further information on the need and data used. No further comments following applicant's response.
Environment Agency:	No comments received at time of writing the report.
The Canal and River Trust:	No comment.
Natural England:	No objection. The proposed development will not have likely significant effects on the statutorily protected site (SSSI) and no objections to the proposed development.
Thames Water:	No objections regarding wastewater network and sewage treatment works. No objections regarding water network and water treatment infrastructure capacity. An informative is advised.

Public representations

- 4.2 Representations have been received from 7 contributors, 6 of which object to the proposal and 1 in support of the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Highway impacts: increase in traffic where it is already busy, existing parking problems exacerbated, potential blocking of accesses, highway safety concerns with manoeuvring and parking, existing use was a problem, parking spaces incorrectly shown, damage to highway.
 - Neighbouring amenity: noise and disturbance from pick-up and drop-off.
 - Suitability: location and quality of indoor & outdoor space for proposed use.

- Flood risk: site was not accessible for a week due to flooding this year and the associated impacts to users.
- Support: proposal would be smaller operation than the nursery, Northcroft Lane in this location has double yellow lines which should prevent on-road parking, existing parking spaces should prevent on-road parking for proposed use.

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, ADPP2, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6, ECON.5, TRANS.1 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)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character, appearance and heritage assets
- Neighbouring amenity
- Highways
- Flooding
- Other matters

Principle of development

6.2 The application site is located within the settlement boundary of Newbury. Policy ADPP1 advises that most development will be within or adjacent to settlements in the settlement hierarchy and related to the transport accessibility and level of services for these settlements. Newbury is identified as an urban area where there is a focus for most development.

6.3 Policy ADPP2 provides the spatial strategy for Newbury. It is identified that Newbury will continue to provide a wide range of services and facilities including those for the community. The proposal will also bring an existing building into use in the historic area of Newbury where development should respect the historic environment.

6.4 Policy CS5 advises that the Council will work with infrastructure providers and stakeholders to meet requirements for infrastructure provision (including social infrastructure) whilst protecting local amenities and environmental quality.

- 6.5 Paragraph 99 of the NPPF advises it is important that there are sufficient school places to meet the needs of existing and new communities. A positive and proactive approach should be taken to meet this requirement and to widen the choice in education. Great weight is required to be given to the need to create, expand or alter schools through decisions on applications.
- 6.6 The information accompanying the application advise that the SEND School will provide 15-20 places for children at the secondary school age with social, emotional and mental health needs.
- 6.7 The Planning Statement advises the intention of the school is to meet a deficit of specialist places within existing schools (estimated at 443 spaces). The applicant already runs other SEND provisions within West Berkshire and noted the demand. The applicant advises that 11 children have already been identified to start in September, should permission be granted. This demonstrates that it would help meet the needs of the existing community.
- 6.8 The application is within the Town Centre Commercial Area in which Saved Policy ECON.5 applies. This relates to business development within commercial areas. Due to the nature of the proposed use, it is not considered that this policy is relevant.
- 6.9 It is considered that in principle there is strong support for the provision of SEND school in accordance with the NPPF and Policies ADPP1, ADPP2 and CS5 of the Core Strategy.

Character, appearance and heritage assets

- 6.10 Policy CS14 advises that development must demonstrate high quality design that respects and enhances the character and appearance of the area.
- 6.11 The application site also forms part of Newbury Town Centre Conservation Area and is a Grade II listed building. Therefore, Policy CS19 also applies which seeks to ensure that the local distinctiveness of the landscape character is conserved and enhanced. Within the policy it advises that particular regard shall be given to conservation and enhancement of heritage assets and their settings. This is supported by the Newbury Town Design Statement which seeks development that will preserve and enhance the historic fabric of the town centre.
- 6.12 In accordance with paragraph 200 of the NPPF the application is accompanied by a Heritage Statement. This assesses the significance of the building and the impact of the proposals. The report advises that bringing back the building into a functional use would have a net benefit for the Conservation Area and listed building reverting the building use back to a school setting.
- 6.13 The proposed development does not propose any external or internal alterations to the Grade II listed building fabric nor the parking spaces opposite. The Conservation Officer advises that due to no alterations to the building fabric of the listed building it would conserve the character and appearance of the building.
- 6.14 The Conservation Officer supported bringing an important building back into use and the Archaeological Officer noted that it would appear appropriate due to the history.
- 6.15 It is considered that the proposed change of use would be beneficial for both the Conservation Area and Grade II listed building and therefore would comply with the requirements of Policy CS14 and CS19 of the Core Strategy, the NPPF and Newbury Town Design Statement.

Neighbouring amenity

- 6.16 Policy CS14 requires development to have a positive contribution to the quality of life in West Berkshire.
- 6.17 Policies OVS.5 and OVS.6 seek to minimise an adverse impact on the environment and amenity from pollution including from noise.
- 6.18 The proposed development would not make any physical alterations to the building and therefore there would not be amenity impacts on the closest neighbours in terms of sunlight/daylight, outlook and privacy.
- 6.19 It is noted concerns were raised regarding noise and disturbance arising from traffic. Most vehicle movements would be at pick-up and drop-off times and due to the scale of the use it is considered that this would not result in harmful disturbance to neighbouring properties. Furthermore, when taking into consideration the previous use (as a nursery) was more intensive with approximately 55 children that operated between 07:30 and 18:30 the proposed use would be an improvement compared to what could already lawfully take place at the site.

Highways

- 6.20 Policy CS13 advises road safety is a key consideration for all development and improves travel choices reducing the use of single occupancy cars. Saved Policy TRANS.1 requires transportation needs of new development to be met through a variety of modes. The policy also advises that the level of parking provision will depend on alternative modes of transport available.
- 6.21 The NPPF at paragraph 115 advises that development should only be refused on highways grounds if there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.22 The location of the proposed SEND school is considered to be sustainable as supported by the Transport Policy Officer's response. This is due to the location in Newbury Town Centre where there is easy access to public transport and infrastructure for both cycling and walking. The plans show that secure cycle stands would be provided within the site, and it is proposed this is secured through a condition. A Travel Plan has also been submitted which encourages the use of sustainable modes of transport which was considered acceptable to the Transport Policy Officer. A condition would be required to secure the Travel Plan, its monitoring and targets to be set. Whilst it is encouraged to use sustainable travel options there are also nearby public car parks for those that may require to use a private vehicle.
- 6.23 Objections have been received from the public and Town Council regarding increase in traffic and highway safety concerns. These objections also relate to impacts it will have on the surrounding residents.
- 6.24 Regarding the concerns with the increase in traffic, the application is accompanied by a Transport Statement which sought to demonstrate that the proposed use would result in less vehicle movement than the existing nursery. It was estimated that there would be circa 48 vehicle movements from the existing use (based on the number of places at the nursery and staff). Whilst the proposed use would result in 16 in and 16 out per day (plus the additional minibus trips). The Highways Officer expects with the town centre location other modes of travel would also be used. The Highways Officers second set of comments on the application advised that *"Because of the previous uses as a nursery, which has the potential to generate a greater level of parent/carer drop off vehicle movements, it is likely it would be difficult to substantiate an objection on*

these grounds. The previous use as a nursery would be the fall-back position and presumably the building could be used as such without further consents”.

- 6.25 It is considered that in terms of the amount of traffic arising from the change of use this would result in an improvement due to the decreased intensity of the use, the encouragement of the use of other transport modes and the use of a minibus to transport approximately half the children to and from the site reducing the number of private vehicles visiting the site from the previous use. It is considered a condition could be used to limit the number of places at the SEND school would ensure that the proposed use would not be more intensive than the existing nursery.
- 6.26 It was noted there was some discussion regarding the parking of the minibus on-site to reduce the trips further. However, due to the size of the existing parking spaces the applicants have chosen to continue with the proposal for the minibus to be parked at the applicant’s headquarters outside of Newbury Town Centre.
- 6.27 Parking of private vehicles within the existing parking area was an area of concern raised by the Highways Officer due to potential vehicle overhang onto the highway. Further information was pursued by the Highways Officer to demonstrate the accurate dimensions of the parking area and how many cars could be parked in the area in accordance with standards. An extension to the parking area cannot be pursued due to the site constraints including the Tree Preservation Order. Options were explored with the applicant as to whether the parking area could be improved to accommodate parking spaces in accordance with parking standards. However, due to the size of the existing parking area this could not be improved. It is considered that the use of the existing parking area for drop-off and pick-up would not warrant the refusal of the application. This is because there is an existing lawful use as a nursery that could operate from the application site and use the parking area. The proposal would not exacerbate the parking demand that already could be achieved with a nursery use at the site. Furthermore, a proposed condition to limit the number of places at the school to 15 and a minibus used to pick-up and drop-off 10 children at the school would reduce parking pressures.
- 6.28 It is acknowledged that there are pre-existing highway problems on Northcroft Lane (it has not been demonstrated this is attributed to the existing use), but it is considered that this proposal would not exacerbate these to the extent the impact could be described as severe. This is because the proposed use would be less intensive than the existing nursery, a Travel Plan accompanies the application to try and minimise the use of private vehicle use, and it is intended that half the students would travel in one minibus to the site. Furthermore, there are double yellow lines outside the building which would prevent the waiting of vehicles in this location. The public objection and Highway Officer’s concerns are noted but it is considered that there are not sufficient reasons to substantiate the refusal of this application on highway grounds.

Flooding

- 6.29 Temperance Hall is located within Flood Zone 1 and 2 with Northcroft Lane and an area of the parking space located in Flood Zone 3. Policy CS16 will only accept developments located in areas of flood risk where it should be safe and not increase flood risk elsewhere, this should also take into account climate change. A Flood Risk Assessment (FRA) accompanies the application in accordance with Policy CS16 and the NPPF.
- 6.30 Policy CS16 and the NPPF does seek to locate development in areas of low flood risk requiring sequential and exception testing to be carried out for most applications in Flood Zone 2 and 3. However, paragraph 174 of the NPPF advises that changes of

use should not be subject to the sequential or exception tests. This application is for change of use and therefore paragraph 174 applies.

- 6.31 The Planning Practice Guidance advises for an application for a change of use the site-specific flood risk assessment should demonstrate how the development meets the objectives in the NPPF including mitigation measures and safeguarding for the lifetime of the development. Consideration should also be given to where there would be an increase in vulnerability of the occupiers of the building. A change of use also provides an opportunity to improve flood resilience of the existing development.
- 6.32 It is considered that the FRA does meet the requirements set out in the Planning Practice Guidance for a site-specific flood risk assessment. It is identified the use would be 'More Vulnerable' and appropriate in Flood Zone 2. The existing use (nursery) is also a 'More Vulnerable' use. It is considered there would be an improvement in terms of vulnerability of the development as the proposal would result in less vulnerable people being present on site than the existing use.
- 6.33 It has been demonstrated flood risk would not increase elsewhere as a result of the change of use. A discussion of mitigation measures is provided within the FRA. Recommendations include increasing the ground floor level of the building. However, due to the nature of the application and the listed building it is considered that this would not be possible and therefore other mitigation measures were suggested in the report this included temporary flood barriers it is noted these are referred to in the Flood Warning and Evacuation Plan accompanying the application. Flood resilience measures are also suggested in which some of these are already within the building- where possible the applicant should ensure resilience measures are implemented. The Flood Warning and Evacuation Plan to demonstrate safe escape routes is considered to be acceptable.
- 6.34 The Lead Local Flood Authority raised no objections to the application requesting a condition is applied for a condition to ensure that the Flood Warning and Evacuation Plan is placed in a visible location within the building to ensure it can be enacted correctly.
- 6.35 It is noted there are public objections regarding the suitability of this location for a SEND School, however the Flood Warning and Evacuation Plan takes this into account requiring the Management Team to keep a log of those who maybe on site that would require assistance in the event of a flood.
- 6.36 The FRA is based upon 15 places at the school, it is recommended a condition is applied to limit the number of places to this to ensure that the development remains acceptable in terms of flood risk.
- 6.37 It is considered that the proposed development would be in accordance with Policy CS16 and the NPPF as it would not increase the vulnerability of the existing use and it has been demonstrated that consideration has been given to mitigation and resilience measures to help protect the building and ensure its return to use after a flood event. Furthermore, this application would secure an evacuation plan accepted by the Lead Local Flood Authority.

Other matters

- 6.38 **Trees:** Policy CS14 and CS19 seek the conservation of trees where they contribute positively to the character of the area. Policy CS18 is also relevant seeking the protection of green infrastructure. To the south of the parking area is a Tree Preservation Order. The Tree Officer advised that providing no works were taking

place to the parking area there were no objections. The application is not seeking to make amendments to the parking area.

- 6.39 **Ecology:** Policy CS17 seeks the conservation and enhancement of biodiversity. The River Kennet to the south is a SSSI. This proposal only seeks to change the use of the existing building and no external lighting is proposed as part of the development. The Council's Ecologist is satisfied with this, and Natural England raised no objections. The proposed development is exempt from 10% Biodiversity Net Gain because it falls below the threshold for the *de minimis* exemption to apply.
- 6.40 **Suitability of building:** It is noted that comments have been submitted regarding whether the building is suitable for its intended purpose. The last use was for a nursery and therefore there would not be a planning reason why a SEND School would not be suitable within the building. The school would be subject to other regulations which would ensure it was suitable for use.

7. Planning Balance and Conclusion

- 7.1 It has been identified that the proposed SEND School would be located in a sustainable location within the Newbury Urban Area and therefore acceptable in principle under ADPP1 and ADPP2 of the Core Strategy.
- 7.2 The school would provide additional social infrastructure supported by Policy CS5 of the Core Strategy. The applicant has advised that 11 children have already been identified for places at the SEND School supporting children with social, emotional and mental health needs at secondary school age. The NPPF advises great weight should be attached to creation of a school. The social benefits of this proposal are given substantial weight in the planning balance.
- 7.3 The existing building is a heritage asset due to the designation as a Grade II listed building and within a conservation area. Whilst no alterations are proposed to the building the application would bring the building back into use. These heritage benefits are supported by the Conservation Officer and given significant positive weight in the planning balance.
- 7.4 There would be some minor economic benefits arising from the development due to the job creation for the 6 members of staff that would support the operation of the SEND School. There could also be benefit for surrounding businesses with any interaction that staff and students may have with the town centre due to the proximity.
- 7.5 Environmental impacts on ecology and trees are given neutral weight in the planning balance because the impacts are negligible. It is recognised that the SEND School would be located within Flood Zone 2 which would attract negative weight in the planning balance. However, the weight given to this is minor because it is demonstrated that the scheme would have the same vulnerability as the existing use and flood impacts could be mitigated and a flood evacuation plan can be secured using condition.
- 7.6 The most contentious issue is the highways impact of the scheme. It is recognised that there would be pick-up and drop-off children at the school in an area which has pre-existing parking problems. However, neutral weight is attached to this consideration. It is recognised that there may be some disturbance to residents, but it is considered that this proposal would not exacerbate any disturbance or highway impacts. The proposal could represent an improvement on the existing use due to a reduction of movements to and from the site and securing a travel plan through condition.

- 7.7 When weighing these matters in the planning balance it is considered that the social and heritage benefits of the proposed development outweigh any dis-benefits of this application.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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:

- (i) Location and Site Plan (2100 E100 P5) received on 24.06.2024;
- (ii) Ground Floor Plans (001) received on 30.04.2024;
- (iii) Heritage Statement (Heritage Fusion, 2100) received on 30.04.2024;
- (iv) Flood Risk Assessment (GeoSmart: 81842R1) received on 14.05.2024;
- (v) Swept Path Analysis Minibus (Drawing 2403067-TK01) within Transport Statement Final by Motion received on 30.04.2024;
- (vi) Email from Agent: Response to Highways Consultation received on 24.06.2024;
- (vii) Email from Agent: No changes to parking area received on 05.07.2024.

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

3. **Pre-commencement: Flood Evacuation Plan**

The hereby approved SEND School shall not be first brought into use until a leaflet Flood Warning and Evacuation Plan detailing the procedure to be followed is produced which is to be placed in a location visible to all and easily accessible for the plan to be enacted correctly in the event of a flood.

Reason: To ensure the safety of all occupants, particularly those with specific vulnerabilities. This condition is applied in accordance with the NPPF and Policy CS16 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because all users are required to be aware of the flood evacuation plan from first date of occupation. Agreed: 03.07.2024.

4. **Pre-commencement: Cycle parking**

The hereby approved SEND School shall not be first brought into use until cycle parking/storage facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and the Council's

Cycle and Motorcycle Advice and Standards for New Development (November 2014). A pre-commencement condition is required because the cycle parking should be made available for users from the first date of occupation. Agreed: 03.07.2024.

5. **Flood Warning Evacuation Plan**

The hereby approved use shall not be operated except in accordance with the Flood Warning and Evacuation Plan (81842.01R1) received on 14.05.2024. The plan shall be kept up-to-date, and relevant to all the occupants at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition.

Reason: To ensure the safety of all occupants, particularly those with specific vulnerabilities. This condition is applied in accordance with the NPPF and Policy CS16 of the West Berkshire Core Strategy 2006-2026.

5. **Travel Plan**

The hereby approved SEND School shall take place in accordance with the Travel Plan (Final by Motion) received on 30.04.2024. The following shall be undertaken:

- (i) Within 6 months of occupation a survey of staff travel will be undertaken where targets for monitoring will be derived to be agreed with the Local Planning Authority.
- (ii) These targets shall be monitored, and a report will be produced for the approval of the Local Planning Authority on the first, third and fifth anniversaries.

Notwithstanding the details in the Travel Plan the existing parking area shall be used for drop-off and pick-up.

Reason: To encourage the use of sustainable modes of transport and the reduction in private use vehicles. This is in accordance with the NPPF, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan (Saved Policies 2007).

6. **Limit on school places**

The hereby permitted used as a SEND School shall have a maximum of 15 places for children.

Reason: The occupation is limited because any greater number of places may impact on the highways and flood risk assessments. This condition is applied in accordance with the NPPF and Policies CS13 and CS16 of the West Berkshire Core Strategy 2006-2026.

Informatives

1. **Proactive statement**

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. **Pre-commencement conditions**

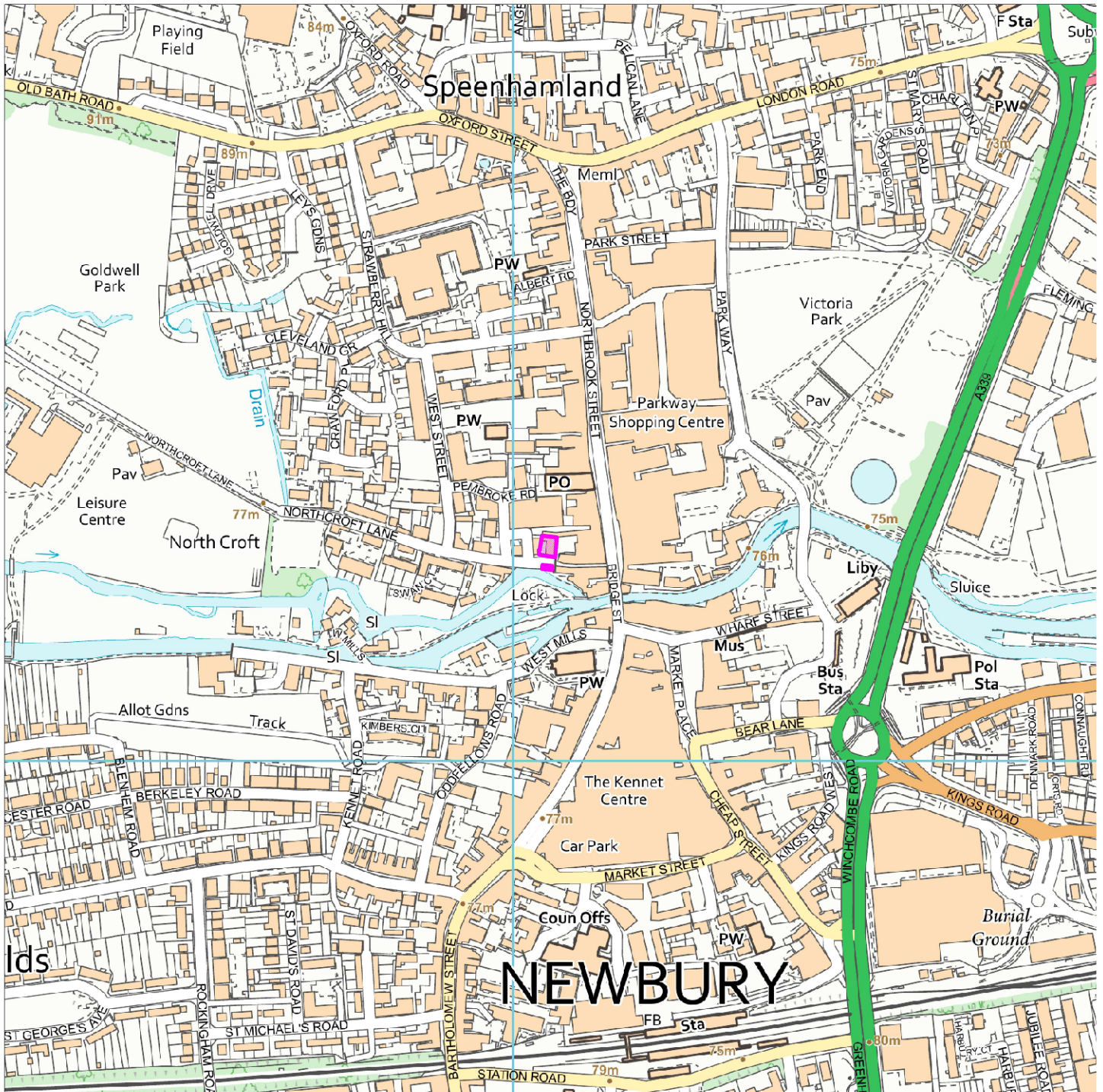
Conditions nos. 3-4 impose requirements which must be met prior to the commencement of the use. Failure to observe these requirements could result in

the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

3. **Thames Water Utilities**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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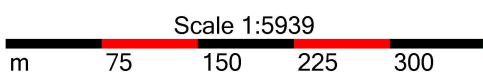
Map Centre Coordinates :

Scale : 1:5939

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Organisation	West Berkshire Council
Department	Not Set
Comments	Not Set
Date	01 July 2024
SLA Number	0100024151



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Agenda Item 3.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/00571/FUL Frilsham	24.05.2024 ¹	Retrospective: Partial retention of former bungalow for use as outbuilding, in association with dwelling approved under Application No. 18/00409/FULD. External alterations and hard landscaping. Mallards Haven, Frilsham, Thatcham, RG18 9XQ Mr and Mrs A Clark

¹ Extension of time agreed with applicant until 30.08.2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=24/00571/FUL>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SAOXWPRD0S100>

Recommendation Summary: Delegated to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

Ward Member(s): Councillor Culver

Reason for Committee Determination: More than 10 letters of objection.

Committee Site Visit: 10th July 2024

Contact Officer Details

Name: Catherine Ireland
Job Title: Planning Officer
Tel No: 01635 519111
Email: Catherine.Ireland@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the partial retention of a former bungalow for use as outbuilding, in association with the dwelling approved under planning permission reference 18/00409/FULD.
- 1.3 The application site is outside of a defined settlement boundary and is therefore in planning terms classed as being within the open countryside. It is within the North Wessex Downs National Landscape and a biodiversity opportunity area. There are local wildlife sites to the west and further to the north east of the site. The site is within an amber risk zone for great crested newts, and touches on red risk zones to the west and north east.
- 1.4 The site is accessed via byway FRIL/2/4 which is a narrow track, only one vehicle wide.
- 1.5 There is a historic environment record covering the application site and a wider area; this record relates to the remains of a redundant post-medieval brick and tile works, including buildings and pits.
- 1.6 There are areas of surface water flood risk on the site, which is also within a public protection consultation zone and a minerals safeguarding area.
- 1.7 Planning permission was first granted for a replacement dwelling in 2016, under application reference 16/02604/FULD, and subsequently amended under application reference 18/00409/FULD. Both permissions had conditions attached requiring the demolition of the existing (as was) bungalow, prior to the occupation of the new dwelling. A condition was also attached to both permissions removing permitted development rights for various works, including extensions, roof alterations or extensions and outbuildings.
- 1.8 Part of the original bungalow has been retained and turned into a tool shed. The remaining structure is proposed to be completely clad in oak timber boarding, with the pitched part of the roof to be covered with cedar shingles. The flat roof is a green roof.
- 1.9 Attached to the shed structure, a timber pergola has been constructed, with a polycarbonate roof.
- 1.10 The remaining footprint has been turned into a gravel terrace, with the whole structure enclosed by a metal railing fence.

2. Planning History

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

Application	Proposal	Decision / Date
80/12765/ADD	Conservatory.	01.05.1980

16/01391/FULD	Demolition of existing dwelling; erection of replacement dwelling with associated parking, turning and landscape works.	Withdrawn 28.07.2016
16/02604/FULD	Demolition of existing dwelling, erection of replacement dwelling with associated parking, turning and landscape works.	Approved 16.12.2016
17/00401/HOUSE	Demolition of existing workshop/garage and erection of cart shed.	Approved 10.05.2017
18/00409/FULD	Section 73: Variation of condition 2 'approved drawings' of previously approved application 16/02604/FULD: Demolition of existing dwelling, erection of replacement dwelling with associated parking, turning and landscape works.	Approved 05.04.2018
18/01584/COND1	Application for approval of details reserved by condition 3 - Schedule of Materials, 6 - Boundary Treatment, 8 - SUDS, 10 - Spoil Disposal Scheme and 11 - Landscaping Scheme, of planning permission 18/0409/FULD.	Approved 12.10.2018

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location 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 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 08.04.2024 to the front of the application site, with a deadline for representations of 29.04.2024. A public notice was displayed in the Newbury Weekly News on 11.04.2024; with a deadline for representations of 25.04.2024.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. 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 Based on the CIL PAIR form, it does not appear that the development would be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil.
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

- 3.11 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.12 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

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.

Frilsham Parish Council:	No objection subject to conditions for PIR controlled external lighting and elevations to be clad in oak.
WBC Highways:	There should have been a separate address for the former bungalow, but that doesn't seem to have happened. The site layout continues to be acceptable. The Local Highway Authority therefore has no objection to this planning application / proposal.
North Wessex Downs Natural Landscape:	No response received at time of report.
Archaeology:	Do not think that there are any archaeological implications to this proposal.
Environmental Health:	No environmental health objections.
Minerals and Waste:	No response received at time of report.
Ecology:	No response received at time of report.
Berkshire Newt Officer:	No response received at time of report.

Lead Local Flood Authority [LLFA]:	No comment to make on this application.
Public Rights of Way:	No response received at time of report.
West Berks Ramblers:	We have no objection to this application in principle but would ask that if permission is granted conditions are imposed requiring that access along BOAT FRIL/2/4 is kept clear of contractor's vehicles and is maintained at all times.
Tree Officer:	<p>TPO – no CA – no Ancient Woodland – Franklins Copse</p> <p>The old bungalow is on the boundary of the 15m buffer to Franklins Copse Ancient Woodland. The retrospective lean-to log store extends north of the original footprint of the bungalow and intrudes into this buffer by 1.5-2m. Standing government advice is that no development takes place within this buffer area as Ancient Woodland is irreplaceable habitat. This structure must not be allowed to become anything other than a temporary lightweight structure, or it will conflict with that advice and be unacceptable. So I have no objections subject to the following (bespoke) condition suggested below:</p> <p><u>Lean-to Log Store</u></p> <p>The approved Log Store hereby approved sits within the 15m buffer of Franklins Copse Ancient Woodland. It shall therefore, not be maintained as anything other than a lightweight, lean-to structure for the temporary storage of untreated firewood. It shall not be used for the storage of machinery, fuel or chemicals. It shall not have a foundation. It shall not be extended further into the buffer zone.</p> <p>Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

Public representations

- 4.2 Representations have been received from 15 contributors, 1 of which support, and 14 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Modest in scale, unobtrusive in the landscape. Will blend in when clad in accordance with the submitted plans.
 - Inaccuracy within the application regarding materials.

- Proposal fails to make a positive contribution to the character and appearance. Not in keeping with surrounding properties. Visible from the public right of way and road.
- Concern regarding the retention of structure that should have been demolished.
- No requirement for any more buildings. There should be no further development on the site above that granted under the replacement dwelling application.
- External lighting. There is already a lot of light pollution on the plot.
- Concern regarding compliance with conditions.
- Intensifies development contrary to policy C7.
- If approved will reduce the habitats for local wildlife, increase light and sound pollution.
- Condition on replacement dwelling permission requiring demolition of bungalow to prevent an accumulation of buildings. This retrospective application should there be refused.
- 2016 application – made a case for re-siting of the dwelling to improve the AONB.
- Reduces the privacy and amenity for the neighbours. Outlook for immediate neighbours degraded.
- AONB (now Natural Landscape) has not been enhanced but degraded.
- Proposal is not consistent with an outbuilding.

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, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C3 and C6 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 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 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development.
- The character and appearance of the area.
- The impact on neighbouring amenity.
- Highway matters.

- Flooding and drainage.
- Ecological matters.
- Green infrastructure.

Principle of development

- 6.2 The application site is located within the open countryside according to policy ADPP1 of the West Berkshire Core Strategy. In such areas only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Policy C3 of the HSA DPD requires development in the countryside to have regard to the character of the area in which it is located whilst Policy C6 relates to the extension or alteration of existing dwellings in the countryside and amongst other points, seeks to secure house extensions that are in character with the existing dwelling.
- 6.3 It is noted that the development subject to this application was part of the previous dwelling, a bungalow, on the site. For the purposes of this application, the proposal is being treated (in the interpretation of planning policy) as an extension in the form of an outbuilding to an existing dwelling, the existing here being the replacement dwelling first approved in 2016.
- 6.4 The current dwelling does not benefit from permitted development rights for outbuildings, and therefore, notwithstanding the condition requiring the removal of the original bungalow, planning permission is required for any new outbuilding.
- 6.5 In order to comply with policy C6 of the Housing Site Allocations DPD, an extension is required to be subservient to the original dwelling and designed to be in character with the existing dwelling. It must not have an adverse impact on the setting or local rural character, and the use of materials must be appropriate within the local architectural context. The extension must not result in significant harm to the living conditions currently enjoyed by residents of neighbouring properties.
- 6.6 The part of the bungalow that has been retained and the alterations implemented are lower than the height of the original bungalow and are considered to be subservient to the replacement dwelling, which is two storeys high. Whilst closer to the agricultural land to the west than the replacement dwelling, due to its scale and massing, it is not considered that there would be demonstrable harm to the space occupied within the plot or within the wider landscape.
- 6.7 The materials proposed, in particular the use of timber cladding, will help to give the appearance of an outbuilding and are considered to be acceptable within the local architectural context.
- 6.8 By virtue of the separation distance and the low height of the structure, it is not considered that there would be a detrimental impact on neighbouring amenity.
- 6.9 The application is therefore considered to be in accordance with policy C6 and is acceptable in principle.

Character and appearance

- 6.10 The site is within the North Wessex Downs Natural Landscape. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (now designated as Natural Landscapes). Policy CS14 seeks to ensure that proposals respect the character and local distinctiveness of the area. Policy CS19 seeks to ensure that development is

appropriate in terms of location, scale and design as well as the conservation, and where appropriate, enhancement of heritage assets including conservation areas.

- 6.11 The retention and alteration of part of the bungalow on site will increase the amount of built form on the site over that permitted under applications 16/02604/FULD and 18/00409/FULD. Policy C6 of the Housing Site Allocations DPD allows for the extension to dwellings in the countryside, including an assessment of the scale and impact on the landscape, against which the proposal has been assessed above. It is not considered that the retained part of the bungalow and the additional works would result in demonstrable harm due to the reduced massing and height of the structure in comparison to the original bungalow.
- 6.12 The low-quality materials of the original bungalow are noted; the full implementation of the materials shown within the application submission would further reduce the impact of the retained and altered structure. It is considered necessary to secure the implementation of the materials in order to make the scheme acceptable. As such, a condition securing the completion of the materials as stated within three months of any permission issued is recommended to be attached to any permission granted.
- 6.13 Policy ADPP5 seeks to protect the dark night skies of the North Wessex Downs National Landscape. A condition requiring the details of any external lighting prior to installation is recommended to be attached to any permission granted.
- 6.14 Reference has been made in letters of representation to the removal of permitted development rights and policy C7 of the Housing Site Allocations DPD in respect to the impact on the character of the area and the AONB/Natural Landscape. The condition regarding permitted development rights does not preclude any additional development on the site, only that an application is first required to be submitted to the Local Planning Authority to determine whether a proposed development is acceptable in terms of its impact on the landscape. Policy C7, whilst a consideration in relation to the previous applications relating to the replacement dwelling, is not the relevant policy in relation to this current application, as C6 applies to extensions to dwellings in the countryside.
- 6.15 Concern has been raised regarding the need for another outbuilding on the application site. Neither policy C6 nor other current development plan policies require an assessment of need in relation to extensions to dwellings in the countryside. This is not therefore considered to be a material planning consideration, other than the impact in respect of the character of the area and Natural Landscape.
- 6.16 Several of the letters of representation address the concern at the retrospective nature of the application, however, the LPA is required to consider such applications as they would any other, non-retrospective submission.
- 6.17 No comments from the North Wessex Downs Natural Landscape were received in response to the consultation carried out during the course of the application.
- 6.18 The proposal is therefore considered, on balance, to be in accordance with current development plan policies relating to character and appearance.

Neighbouring amenity

- 6.19 Policy CS14 of the West Berkshire Core Strategy states that new development must contribute to the quality of life in West Berkshire. SPD Quality Design - West Berkshire outlines considerations to be taken into account with regard to residential amenity, and SPG 04/2 House Extensions provides guidance in this respect. Policy OVS.6 of the

West Berkshire Local Plan Saved Policies considers the potential noise impact of development.

- 6.20 The proposal is located approximately 8 metres from the boundary of the site with the closest adjoining neighbour. It is approximately 52 metres from the rear of the closest neighbouring dwelling. It is not considered to result in demonstrable harm to neighbouring amenity as a result of a loss of privacy or light. Due to the separation distances and the low height of the structure it is not considered to have an overbearing impact or a sufficiently harmful impact on outlook as to warrant refusal of the application.
- 6.21 A letter of objection raised concern regarding noise; if a statutory noise nuisance is raised with Environmental Health following the completion of the development, this can be dealt with under legislation outside of the planning framework. A condition restricting the hours of work during the construction process is recommended to be attached to any permission granted.
- 6.22 The application is therefore considered to be in accordance with current development plan policies relating to neighbouring amenity.

Highway matters

- 6.23 Policy CS13 of the Core Strategy sets out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 6.24 The Highway Officer raised no objection to the proposals.
- 6.25 The Council's Public Rights of Way Officer did not provide a consultation response to the application. The application site is access via a public right of way; informatives relating to the PROW are recommended to be attached to any permission granted.
- 6.26 It is therefore considered that the application is in accordance with current development plan policies relating to highway matters.

Flooding and drainage

- 6.27 Policy CS16 of the Core Strategy states that development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. On all development sites surface water is required to be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 6.28 The Lead Local Flood Authority were consulted on the application and confirmed that they had no comment to make regarding the proposal. On the basis of the small scale of the development and the comments from the LLFA it is not considered necessary to secure details of SuDS by way of a condition. An informative regarding SuDS measures is recommended to be attached to any permission granted.
- 6.29 The application is therefore considered to be in accordance with current development plan policies regarding flooding and drainage.

Ecological matters

- 6.30 Policy CS18 of the Core Strategy states that the District's green infrastructure will be protected and enhanced whilst policy CS14 requires development proposals to respect the landscape and biodiversity of the surrounding area.
- 6.31 No consultation response has been received from the Council's Ecologist or the Berkshire Newt Officer. An informative highlighting the status of protected species is recommended to be attached to any permission granted.

Green infrastructure

- 6.32 Policy CS18 of the Core Strategy states that the District's green infrastructure will be protected and enhanced whilst policy CS14 requires development proposals to respect the landscape and biodiversity of the surrounding area.
- 6.33 A log store was shown on a superseded version of the block plan which would be within the 15m buffer to Franklins Copse Ancient Woodland. The Council's Tree Officer stated that this structure must not be allowed to become anything other than a temporary lightweight structure, or it will conflict with that advice and be unacceptable and recommended a condition. However, the agent for the application has confirmed that this element has been removed, and a condition is not therefore considered to be necessary.

Parish Council representations

- 6.34 The Parish Council's comments are noted, and a condition securing details of external lighting is recommended to be attached to any permission granted. A condition is also recommended securing the cladding of the elevations as shown within 3 months of any approval issued.

7. Planning Balance and Conclusion

- 7.1 Whilst the original dwelling on site should have been demolished prior to the occupation of the new dwelling, this application has to be considered on its own merits and is considered to be acceptable in principle as an extension to a dwelling within the countryside.
- 7.2 On balance, the retention and alteration of part of the bungalow are not considered to result in demonstrable harm to the character of the area and would not result in harm to neighbouring amenity. The application is therefore considered to be acceptable subject to conditions.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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:

- (i) Location plan 240208-01 received on 02.04.2024;
- (ii) Block plan 240208-02 Rev A received on 04.07.2024;
- (iii) Plans and elevations 240208-03 Rev A received on 23.05.2024.

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

3. **Materials**

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

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

4. **Materials within 3 months**

The oak timber boarding of the outbuilding hereby approved shall be fully installed within three months of the date of this decision notice.

Reason: To secure materials that respect the character and appearance of the area as the existing materials are of a poor quality. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

5. **External lighting**

No external lighting shall be installed on the outbuilding, log store, loggia or terrace hereby approved until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed on the outbuilding, loggia or terrace except in accordance with the above strategy.

Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

7. **Hours of work**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

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

No work shall be carried out at any time on Sundays or Bank Holidays.

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

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. **CIL**

The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus 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, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, 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 a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. **SuDS**

The Lead Local Flood Authority would hope that consideration would be given to the use of SuDS features that provide a control of rainfall at source. This would include features such as water butts and raised planters where a small volume of runoff would be contained for use in local irrigation of garden plants.

For more information on SuDS features, reference should be made to Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Sustainable Drainage Systems (2018). Reference should also be made to the Environment Agency Standing Advice. Further information regarding SuDS can be found in C753 The SuDS Manual which is available for free online.

We do not advise infiltration devices in areas where Clay is the underlying geology. To establish the underlying bedrock geology, reference should be made to the British Geological Survey (BGS) website. Where soakaways are to be used please carry out an infiltration test prior to construction and always ensure there is an alternative to discharge surface water runoff from the site (i.e. connection to a watercourse, or surface water sewer) when conceptualising the proposal.

4. **Public Right of Way**

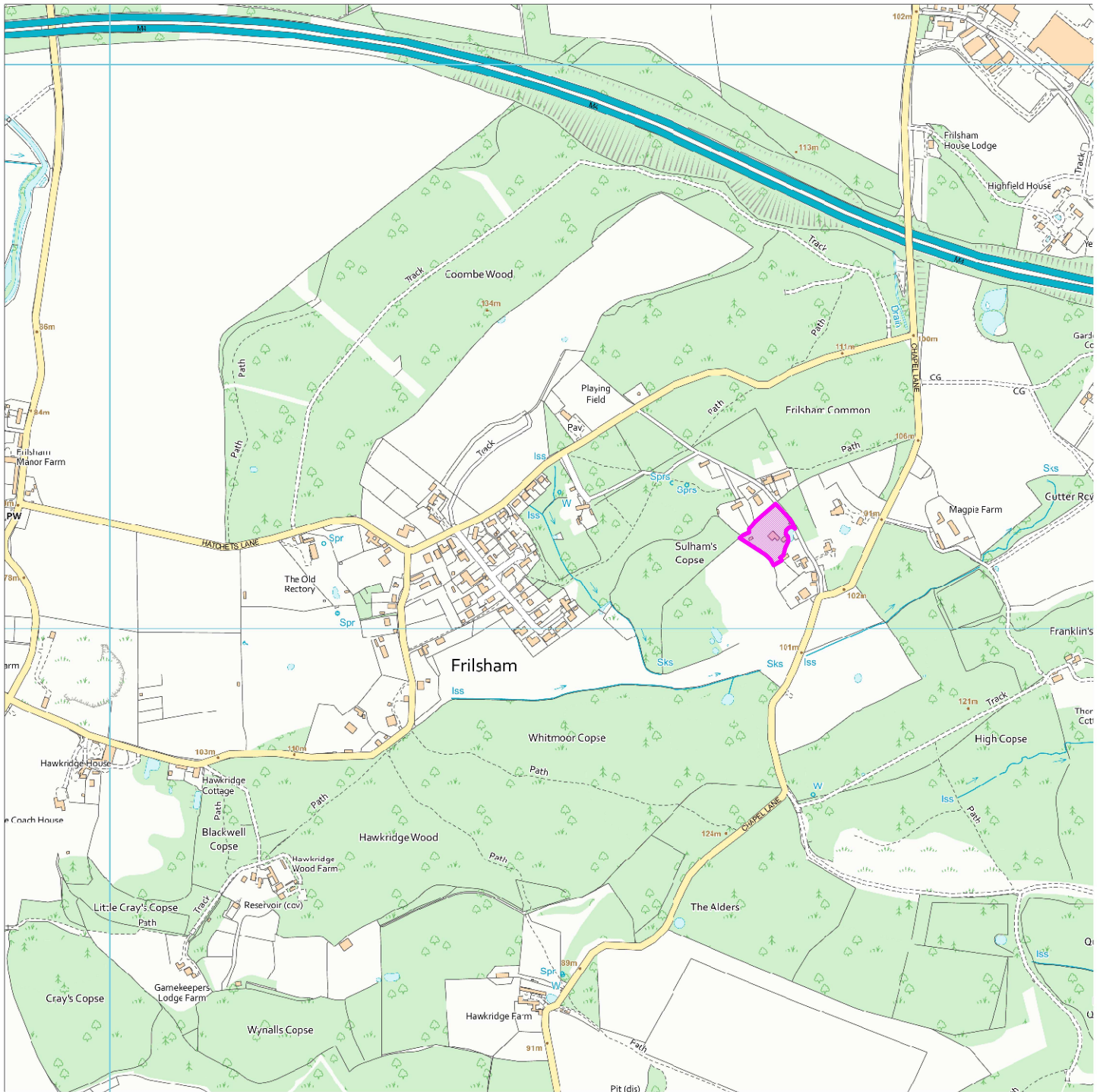
The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site and should give way to pedestrians, cyclists and equestrians at all times.

The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.

Nothing connected with either the development or the construction must adversely affect or encroach upon the byway, which must remain available for public use at all times.

5. **Protected Species**

Prior to the commencement of this proposal, you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter www.gov.uk/guidance/wildlife-licences.

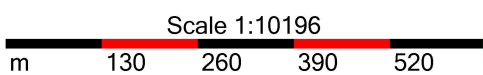


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Organisation	West Berkshire Council
Department	Not Set
Comments	Not Set
Date	01 July 2024
SLA Number	0100024151

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Agenda Item 3.(3)

Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(3)	24/00767/HOUSE Inkpen		20 June 2024		Formation of a swimming pool. The Old Rickyard, Inkpen Mr and Mrs Colquhoun

¹ Extension of time agreed with applicant until the 19th July 2024.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=24/00767/HOUSE>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SBZBL5RD0S100>

Recommendation Summary: The Development Manager be authorised to grant conditional permission.

Ward Member(s): Councillor Vickers

Reason for Committee Determination: Called in by Ward Member as the site is in a sensitive location within the North Wessex Downs National Landscape, a conservation area and in the setting of listed buildings.

Committee Site Visit: 10th July 2024

Contact Officer Details

Name: Michael Butler
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Michael.butler@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the construction of a swimming pool for personal use within the domestic curtilage of the Old Rickyard in Inkpen. The pool will be 12m by 6m in extent. It is located on higher ground in the curtilage to the north east of the main house.
- 1.3 The application site in question lies in the North Wessex Downs National Landscape (former AONB) and also in the Lower Inkpen Conservation Area. In addition it lies close to the grade 2* listed building of St Michael's Church in the hamlet. Church Farm house adjacent is also listed grade 2.
- 1.4 The proposed swimming pool lies in an elevated location in the rear garden of the Old Rickyard, a modern house built this century. It is a substantial dwelling but lies in a significant landscaped curtilage. There is a small outbuilding also adjacent the proposed swimming pool.

2. Planning History

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

Application	Proposal	Decision / Date
02/00247/FUL	Demolition of existing dwelling, erection of replacement dwelling	Approval. July 2002.
05/02040/HOUSE	Erection of a shed.	Approval. November 2005.
24/00829/HOUSE	Single storey rear extension.	Approved June 2024.

- 2.2 The final permission listed above has not yet been implemented.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location 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 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on the 22nd of May and expired on the 13th of June. A public notice was placed in the Newbury Weekly News on the 2nd of May 2024.

- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are relevant to this application.
- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. 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). There is no CIL liability with the proposal.
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. This application must be considered in relation to the impact the scheme may or may not have upon the setting of the grade 2* listed building of St Michael's Church adjacent.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site lies in the Lower Green conservation area for Inkpen which is designated heritage asset. Accordingly the Committee is required to consider the scheme in the light of this conservation area.

4. Consultation

Statutory and non-statutory consultation

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

Inkpen Parish Council:	<p>No objections but do have concerns about the following issues.</p> <ul style="list-style-type: none"> • The site falls within the conservation area and is a very quiet area of the rural AONB countryside and noise mitigation is requested. • The house has been extended extensively over the last few years and a full landscaping is required to diffuse the additional building work. • No external lighting should be erected without permission. • All construction work should be limited to protect the amenity of the area - no construction work at weekends and Bank Holidays.
Highways:	No objections.

Lead Local Flood Authority:	Conditional permission is recommended.
Thames Water:	No response.
Conservation Officer:	The introduction of the pool in this location would have a limited impact on the setting of the grade 2* listed church due to the low degree of intervisibility between the pool and the church. In addition in respect of the conservation area the views of the pool are not in the public domain. No objections.
Archaeology Officer:	No response.

Public representations

- 4.2 Representations have been received from one objector. 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:
- 4.3 The house has been extended already, the pool is close to the Church, the area should be kept quiet and tranquil as per the Village Design Statement, which this application will not promote.

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, CS14 and CS19, of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policy 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 2019-24
 - WBC Quality Design SPD (2006)
 - Inkpen Village Design Statement 2004

6. Appraisal

- 6.1 The main issues for consideration in this application are as below.

Principal of development

- 6.2 The application site is located outside of any defined settlement boundary. Overall, there is a general policy of restraint in the countryside, but the Council's policies allow for the approval of householder development where these changes do not undermine the general policy of restraint or have an adverse impact on the rural character of the countryside.

Noise

- 6.3 Policy OVS6 is a saved policy in the WBDLP of 2006 to 2026. According to the policy, "the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty."
- 6.4 The application site lies in the North Wessex Downs National Landscape (former AONB), in an area that is particularly quiet. It is however anticipated that given the purely domestic use of the pool and its relatively small scale, the expected level of noise generation from it during the summer months will be low, and no more than what would be considered reasonable in this location. It is accordingly considered that no objections should be raised in regard to any acoustic matters in relation to this application.

Heritage and landscape

- 6.5 Secondly there is the heritage and visual impact to take into account in relation to the pool and its potential impact upon the wider setting of the conservation area and the setting of the listed church. Paragraph 201 of the NPPF notes the following advice to local planning authorities in determining planning applications in relation to heritage assets: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."
- 6.6 In this case the listed building potentially affected is grade 2*. Only about 10% of all listed buildings are in this category so their visual setting is important to retain where possible. In this case the application site is at a much lower level than the church, and the intervening boundary is a mature and large hedge in the applicant's control which serves to provide an attractive natural screen between the curtilage of the Old Rickyard and the graveyard of the Church. Officers consider that the construction of the new pool in the location identified will accordingly not harm the setting of the church, but simply be a feature consistent with what might be expected in a large garden in this area.
- 6.7 In addition, policy CS19 in the Core Strategy is the primary policy on heritage advice and landscape character in the Local Plan. This policy notes that an area's sensitivity to change must be taken into account, having due regard to the proposed scale of the new application under consideration. In this case the pool set into the ground will have a minimal visual impact only being 72m² in extent. No additional buildings are proposed around it either. As such, whilst it is recognised that the application site is subject to heritage and landscape constraints, the proposal will not harm any of these in any material way, in the view of the officers. To conclude, whilst the scheme will not

positively contribute to the conservation area or the local setting of the church, the impact will be neutral and so acceptable in terms of policy at both the national and local level. The views of the Conservation Officer have effectively substantiated the officer view that little harm will arise to any designated heritage assets as a consequence of the application so it complies with NPPF.

7. Planning Balance and Conclusion

- 7.1 The application is considered to be satisfactory. It is acceptable in terms of principle and location in an established and well landscaped domestic curtilage. It is not considered that any additional planting around the site is required. The visual impact if any on the conservation area, the setting of the North Wessex Downs National Landscape and the setting of the church is neutral and so not harmful. It complies fully with policy accordingly and any noise impact will be small. Conditional permission is recommended.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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:

Plan number 231208-01 and 231208-02 (Location/block plan and site plan and sections).

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

3. Drainage

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

- (a) Include details of the frequency of emptying and maintenance of the swimming pool and where the proposed backwash will be discharged.
- (b) Include written confirmation from Thames Water of their acceptance of the discharge from the site and confirmation that the downstream sewer network has the capacity to take this flow.

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

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat

and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Guidance. A pre-commencement condition is required because the approved details will need to be incorporated into the development works.

4. **Working Hours (construction)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

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

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

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

24/00767/HOUSE

The Old Rickyard, Lower Green, Inkpen RG17 9DS



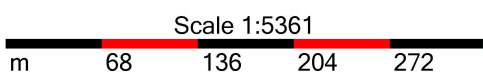
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