

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	21/01843/HOUSE West Woodhay	31 August 2021 ¹	<p>Section 73 variation/removal of condition 3 (approved plans) of approved 18/01441/HOUSE - Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.</p> <p>Lake House (formerly Hayward Green Farm), West Woodhay Road, West Woodhay, Newbury, West Berkshire, RG20 0BU.</p> <p>Mr. C. Brown</p>
¹ Extension of time agreed with applicant until 30 June 2022			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01843/HOUSE>

Recommendation Summary: **DELEGATE** to the Service Director – Development and Regulation to make representations at appeal that planning **permission should be granted** subject to conditions together with the authority to negotiate or amend those conditions during the course of the appeal.

Ward Member(s): Councillor Dennis Benneyworth, Councillor James Cole, Councillor Claire Rowles.

Reason for Committee Determination: More than 10 objections received.

Committee Site Visit: 14 July 2022

Contact Officer Details

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1. Introduction

- 1.1 This is an item for decision in relation to appeal against non-determination pursuant to planning application 21/01843/HOUSE. The applicants exercised their ability to appeal against non-determination of the application, so the decision whether to grant planning permission will be made by the Planning Inspectorate, not the Council. The decision of the Committee on this item will determine the position the Council adopts at the appeal (i.e. whether the Council supports or resists granting planning permission). This decision should nonetheless be made on the basis of compliance with the Development Plan and material considerations.
- 1.2 The application sought planning permission for amendments to the plans approved under condition 3 of permission 18/01441/HOUSE granted for the demolition of garden store; external alterations to the Eastern Pavilion including the provision of rooflights (retrospective); erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.
- 1.3 The proposed amendments to the previous permission granted are:
- Alterations to the Eastern Pavilion comprising:
 - Replacement of full height timber doors on western elevation with windows and glazed entrance doorway;
 - Replacement of full height timber door on eastern elevation with two windows;
 - Removal of window on ground floor of north elevation and replacement of window on first floor with porthole style opening;
 - Replacement of window on ground floor of south elevation with a glazed doorway and replacement of window on first floor with porthole style opening;
 - Removal of staff accommodation on first floor;
 - Stair altered to serve basement.
 - Alterations to the Western Pavilion comprising:
 - Replacement of full height timber doors on eastern elevation with windows and glazed entrance doorway;
 - Replacement of full height timber door on western elevation with two windows and enlargement of approved windows;
 - Removal of window on ground floor of north elevation and replacement of window on first floor with porthole style opening;
 - Replacement of window on ground floor of south elevation with a glazed doorway and replacement of window on first floor with porthole style opening;
 - Stairway altered to serve basement.
 - Reorientation and increase in the extent of the basement located under the western pavilion from approximately 493sqm to 1426sqm, such that the proposed basement would extend below and between both pavilions, across the entire driveway area in front of the main dwelling.
 - The basement previously approved comprised garaging for 8 vehicles, a plant room, hall, car lift, turntable and underground passageway to the main house. The basement now proposed would comprise: a wash bay; stairwell from the western pavilion and lobby; archive storage; 2 plant rooms; car lift; parking for 6 vehicles; car turntable; 3 WCs; a TV room; stairwell from the eastern pavilion and lobby; 2 changing rooms and a lobby; 2 wellness areas; sauna and steam

rooms; gym room; games room, utility room; a swimming pool; 3 store rooms and a stair to the main house.

- As shown on the submitted section plans (drawing numbers 6038/PL12 Rev A and 6038/PL13 Rev A) the previously approved basement floor was at a depth of approximately 4.5m and 6m below ground level and the basement structure was approximately 3.4m in height (including the floor and ceiling). The floor level of the basement proposed in this application would be located between 5.5m and 6.4m below ground level and the basement structure would be approximately 5.5m in height (including the floor and ceiling). The agent has confirmed that the proposed swimming pool within the basement would be raised and therefore there will be no additional depth to the basement to accommodate the proposed swimming pool.
- The proposed car lift from the driveway to the basement would be located in approximately the same location as that previously approved and would be finished in the same material as that used on the driveway/forecourt.

1.4 It is important to note the previous application submitted to vary permission 18/01441/HOUSE (ref: 20/01694/HOUSE) which sought permission to alter the fenestration in respect of the Eastern Pavilion only from that previously approved. As detailed below, that application was refused and dismissed at appeal for reasons discussed later in this report. The changes to the Eastern Pavilion proposed in this application differ from that previously refused and dismissed at appeal for the following reasons:

- A porthole type window is now proposed above the glazed doors on the southern elevation;
- The porthole type window on the northern elevation is relocated to the first floor level;
- The proposed rooflights on the eastern elevation are located closer to the ridge of the pavilion building;
- The windows at ground floor level on the eastern and western elevations are shorter in height;
- The WC is removed from the ground floor and the first floor will now form a void to the ground floor.

1.5 The application was part retrospective due to some of the changes proposed to the Eastern Pavilion having already been implemented at the site.

2. Planning History

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

Application	Proposal	Decision / Date
12/00408/CERTE	Use of the dwelling for occupancy.	Approved 26.04.2012
12/02892/FUL	Replacement dwelling and garage block.	Approved 05.05 2013

13/01560/COND1	Condition discharge details for permission ref 12102892/FUL- - Replacement dwelling and garage block.	Approved 10.09.2013
13/01949/FUL	Replacement dwelling (alternative).	Approved 27.09.2013
13/03171/COND1	Application for approval of details reserved by Conditions 2 - Materials, 3 - Construction Method Statement, 4 - Landscaping, 5 - Tree Protection, 6 - Arb Report and Condition 7 - Spoil disposal statement of approved application – 13/01949/FUL - Replacement dwelling.	Approved 14.03.2014
13/02986/NONMAT	Non Material amendment to planning permission 13/01949/FUL - Replacement dwelling - (Amendment) 2 no. additional dormers and adjustments to roof over bay projection.	Refused 06.01.2014
14/00590/FUL	Replacement dwelling.	Approved 27.05.2014
14/02479/FUL	Section 73: Variation of Condition 2 - Materials of planning permission reference 14/00590/FUL (Replacement dwelling). To allow use of Portland stone instead of lime render.	Approved 21.11.2014
14/03407/FUL	Removal or variation of Condition 2 - Materials as specified in approved reference 14/00590/FUL (Replacement dwelling).	Approved 18.02.2015
15/00673/FUL	Relocate Existing Drive.	Approved 08.06.2015
15/01729/FUL	Section 73a - Variation of Condition 2 - Materials of approved reference 14/00590/FUL - Replacement dwelling.	Approved 01.09.2015
15/01980/COND1	Details reserved by Conditions 4: Tree protection, 5: Arboricultural Method statement, 6: Landscaping, of planning permission 15/00673/FUL: Relocate existing drive.	Approved 19.08.2015
15/03435/HOUSE	Landscape scheme for new dwelling.	Approved 18.03.2016
16/00193/COND1	Details reserved by Conditions (4) - Tree protection scheme and (5) -Arboricultural Method Statement of approved planning permission 14/00590/FUL.	Approved 20.4.2016

16/02789/FUL	Change of use from incidental to ancillary residential, together with inclusion within the curtilage (if required).	Refused 10.01.2017
18/01441/HOUSE	Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.	Approved 05.07.2019
19/02835/COND1	Application for approval of details reserved by condition 13 - Construction Method Statement of approved application 18/01441/HOUSE.	Approved 14.02.2020
19/03032/COND2	Application for approval of details reserved by Condition 8 - External lighting and 9 - Removal of soil of approved application 18/01441/HOUSE.	Approved 12.02.2020
20/01694/HOUSE	Alterations to external elevations of Eastern Pavilion	Refused 22.10.2020 Appeal dismissed 09.07.2021
20/02027/HOUSE	Retention of existing access for a temporary period of 2 years.	Refused 10.11.2020 Appeal dismissed 09.07.2021
21/01347/FUL	Retention of track (retrospective) and extension of track and construction of access.	Refused 14.01.2022
21/02793/FUL	Installation of two ponds and retrospective permission for the retention of an existing pond.	Awaiting determination
22/001191/FULMAJ	Extension of residential curtilage.	Awaiting determination

- 2.2 Application 20/01694/HOUSE (dismissed at appeal) proposed similar alterations to the Eastern Pavilion that is proposed as part of this application. Therefore, the appeal decision for application 20/01694/HOUSE is a material consideration of significant weight in the determination of this application. A copy of that appeal decision is provided in Appendix 1 at the end of this report.

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at Schedule 2, paragraph 10(b) (urban development projects) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations. However, taking into account the selection criteria in Schedule 3 of the EIA Regulations, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is not considered “EIA development” within the meaning of the Regulations.
- 3.2 The application was advertised by means of a site notice displayed on 5th August 2021 on the site; the deadline for representations expired on 26th August 2021.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 Initial assessment based on the CIL PAAIR form, it appears that the development will be liable for a CIL payment. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

West Woodhay Parish Council:	1st Response: Object: 1. Given the size of the development, West Woodhay Parish Meeting do not considered this a ‘minor material amendment’. 2. We would like to draw the Council’s attention to Appeal Ref: APP/WO340/W/20/3265904, referring to application ref: 20/01694/House dated 23 July 2020 whereby the development proposed was refused permission for retrospective alterations to the external elevations of the Eastern Pavilion. The Inspector Christopher Miell dismissed the appeal application stating: “I have been unable to conclude that the proposal would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. This is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.” How can the council consider a similar application that has already been refused by the council and dismissed at appeal by the Inspector in Bristol? Given that the plans state that
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the Western Pavilion will mirror the existing Eastern Pavilion, this will further brighten up the dark skies. Therefore this application should be refused.

3. West Woodhay Parish Meeting would like to know if AONB have been consulted on the planning application given that the size of the original car park (Ref: 18/01441/HOUSE) was reduced following a meeting between the agent and Rebecca Davies of AONB. In an email from Steven Sensecal to Matthew Shepherd dated 14th May 2019, Mr Sensecal wrote "We have also reduced the size of the basement and replaced the ramp to the basement parking with a car lift. These changes have reduced the footprint and built form of the building, which, as we agreed at the April site meeting, will in turn reduce its impact on the AONB". Given that this new development is 3x the footprint of the previously approved underground car park and 4.6x the footprint of the main residence; we object to this application for the same reasons.

4. Given the size and depth of the proposed underground development at Lake House, water pumps will be used to pump water away. As the nearest residents and the village of West Woodhay is topographically upstream to Lake House, they are very worried that their ground water will be drained away over time which could have an ecological impact on all upstream areas. The council should also bear in mind that the majority of the properties within West Woodhay are on their own water supply, many with private bore holes. We note that the applicant has submitted a hydrological report for water drainage downstream of the development and we request that the applicant provides a hydrological report for the properties and land upstream to confirm that this development will have no impact on any water upstream, including fields, gardens, trees, ponds, bogs, bore holes and house foundations.

5. West Woodhay Parish Meeting would also like to know what the true depth is of the proposed underground development? If the application fails to detail measurements and illustrate the swimming pool with no depth or no height between the surface water level and the ceiling! Please see the drawings supplied by Adam Architectural, floor plans dated 12/07/2021.

2nd Response (letter from Allen Planning Ltd. on behalf of West Woodhay Parish Council, full copy available on planning file):

Object as to whether an application under section 73 is admissible in terms of the significant change in development proposed from that approved by the LPA under reference 18/01441/HOUSE to that sought through this application. Object on the basis of the impact of the development on the character of the area and the wider AONB, including "Dark Skies". Proposal would have an adverse impact on the AONB, including potential "light pollution" which is a material consideration for development within the AONB, and the application is thereby contrary to the advice in the Framework and the development plan. Proposal should be supported by an ecology report. Details of proposed full depth of subterranean

	<p>development. Application fails to detail measurements and illustrate the swimming pool with no depth or height indicated between the surface water level and the ceiling. Such matters are of course material, potentially, to issues of surface water/flooding and also ecology.</p> <p>3rd Response (following submission of lighting assessment and drainage strategy):</p> <p>Object: Lighting assessment is inadequate, omitting details of all lighting at the property, the previous application for the glass windows and doors (to replace the wooden doors of the garage) were refused by the council and dismissed at appeal; both the proposed lighting and existing lighting is unacceptable in a remote area of AONB as advised by the Inspector; the amended Hydrogeological Report dated 03/11/2021 does not mention any effect that the drainage might have upstream and at no point has a visit any of the neighbouring land or properties been made to make their assessment; request WBC to undertake their own independent Hydrogeological Report.</p> <p>4th Response (following consultation response from the Lead Local Flood Authority (LLFA)):</p> <p>The impact on local water supply has not been adequately assessed by the applicant and that a report assessing such should be submitted for consideration to the Council prior to the determination of this application. Ideally this assessment should be carried out by an independent specialist and one not appointed by the applicant himself.</p> <p>5th Response (additional comments on hydrogeological report and response from LLFA):</p> <p>The hydrogeological report does not relate or refer to any impact upstream or outside the site. The LLFA Officer originally queried this, as have we, but he admits his views are based purely on opinion not facts and he states it would be difficult to prove the impact on groundwater levels one way or the other. Surely the Council should be insisting on proof that there are no detrimental issues to outside properties and interests before considering approval. The LLFA Officer also states Cole Easdon should have specifically addressed this issue in more detail, which they haven't done. As regards the 3rd paragraph, West Woodhay Parish Meeting don't have any evidence of adverse effects through accelerated drainage of groundwater yet, but we are asking a reasonable question, and looking for assurance which is not unreasonable. We believe the onus should be on the Applicant to provide an answer. On the 7th paragraph, the consultant feels that additional measures should be introduced to slow the flow of groundwater in dry weather which sounds very sensible and West Woodhay Parish Meeting would support that.</p>
East Woodhay Parish Council:	<p>Object:</p> <ul style="list-style-type: none"> In line with the launch of the consultation process for our Neighbourhood Plan, we have realised the need to work

	<p>even more closely with our neighbouring Parish Councils, as we are all being put under increasing pressure by developers and landowners with little thought to the impact of their proposals on the infrastructure (water table, roads, drainage, schools, doctors etc), and on this Area of Outstanding Natural Beauty, as well as on the environment more generally.</p> <ul style="list-style-type: none"> • This proposal represents exactly one of those type of proposals (especially when viewed in conjunction with application number 21/01347/FUL – retention of track (retrospective) and extension of track and construction of access – to which we also object.) • The details of this proposal have been much discussed in other letters of objection which we support – notably that from Allen Planning dated 18th August 2021 and submitted on behalf of West Woodhay Parish Meeting. <p>In essence, we believe that this application should be refused for amongst other reasons:</p> <ul style="list-style-type: none"> • There is no demonstration that such a major excavation would be in the public interest nor that there is a need for such an undertaking. • There seems to have been no consideration to the impact on the immediate environment of such a project which will be detrimental – not least because of its proximity to a major gas pipeline. • The dark skies are much valued within this AONB and any further fenestration to the property is unacceptable (and some, we note has already been declined on Appeal.) • Similarly – whilst not specifically discussed – the proposal would most likely require further external lighting (as may application 21/ 01347/FUL) and this would be unacceptable in an area where we are trying to protect the dark skies. • What seems to be a project which could have devastating impact on neighbouring properties, has not assessed what this impact may be in terms of the effect on the water table etc. • The proposal would appear to be a gross over-development of the site (scale and mass) which is not in keeping with the area, the AONB, and represents a further ‘urbanisation’ of the countryside which is not acceptable.
Inkpen Parish Council:	<p>Object:</p> <ul style="list-style-type: none"> • overdevelopment of the site in scale and mass; • the proposal is not sympathetic to the AONB; • the development is beyond reasonable domestic requirement.
Hamstead Marshall Parish Council:	<p>Object:</p> <ul style="list-style-type: none"> • development has progressed in tactical stages to exploit planning policy; • looking at the current proposal in the context of the trajectory of this development process, and the blatant

	<p>breaches of planning consent, it is abundantly clear that this is not merely enhancing a family home, but a determinedly commercial enterprise such as a health spa or hotel;</p> <ul style="list-style-type: none"> • no need or justification for this type of house or current application in open countryside; • overdevelopment of site contrary to planning policy; • contrary to NPPF as it does not conserve and enhance the natural environment; • light pollution; • development would detract from the natural beauty of the AONB; • contrary to Core Strategy, North Wessex Downs AONB Management Plan, Policies C2, C3 and C6 of the Housing Site Allocations DPD and the NPPF; • burden of lorry traffic on narrow lanes damaging highways and affecting highway safety to local traffic, horses and cyclists both during the construction process and if and when it might become a commercial enterprise.
Kintbury Parish Council:	<p>Object:</p> <ul style="list-style-type: none"> • overdevelopment of the site within the AONB; • traffic flow through Kintbury during construction and after completion given the scale of the development; • the proposals will have an effect on the "dark skies" which are an integral part of the AONB; • Kintbury Parish Council has been made aware of the objections raised by West Woodhay Parish and other adjacent parishes and fully supports their objections.
Lead Local Flood Authority (LLFA):	<p>1st Response:</p> <p>The approved applications consist of a new main house and pavilion situated within the surface water flow path, as defined in the Environment Agency's risk of flooding from surface water mapping, with an underground basement parking area with a depth of 6.35m intruding into ground where high groundwater occurs. Approval for the associated drainage proposals was given on the basis that measures were necessary to protect the proposed property from surface water flood. Intercepted water as well as the run-off from new impermeable areas (roof and driveways etc.) was proposed to be piped to a storage pond, with onward discharge into an existing watercourse at a controlled rate of 4 l/s.</p> <p>Whilst it was reasonable to allow run-off from new impermeable areas to discharge off site in this way to provide flood protection for the buildings during heavy rainfall events, the measures so far constructed, or which still have planning approval, include significant lengths of land drains. The land drain system also potentially allows up to 4 l/s of groundwater to flow continuously from the site throughout the year, even when no rainfall occurs. With hindsight, this is an un-intended consequence of the permission for off-site discharge that allows draining of additional water away from the site in an accelerated and 'un-natural' way</p>

	<p>thus causing an increase in the cumulative volume of water downstream (however relatively small that volume may be); it allows rapid removal of water from the site which should ideally remain underground as a resource.</p> <p>It is difficult to gauge with any certainty the effect the reduction in groundwater level will have had on the site already – the Cole Easdon Drainage Strategy states that [perched] groundwater is likely to be in cells at depths of between 0.5m and 3m below ground level - so it is assumed that the buildings will have been designed to allow for ground shrinkage due to the presence of clay and the drying out of the upper ground layer once groundwater is removed. Even more difficult to assess is the effect the reduction in groundwater will have on the wider area outside of the site since the groundwater is considered to be perched in this area and is at quite shallow depths. There is a potential for the effects of the removal of groundwater to reach much further 'upstream' of the site. This point has been raised by an objector to the Application and the Applicant's comments are required in respect of this.</p> <p>The new proposal will be far more detrimental in the effect it will have through the greater level of groundwater removal from the site that will be taking place, which is a cause for concern to us.</p> <p>In order not to exacerbate the situation further due to the proposed tripling in size of the new basement, the drainage solution for the current proposal should aim to eliminate any further loss of groundwater from the site overall and instead include measures to allow as much as possible back into the ground on the 'downstream' side of the buildings. Ideally a separate flow control should be included on the land drain system to reduce any off-site flow from this source. Since there may well be irrigation required for landscaped areas within the property, storage of water for this purpose could be proposed rather than draw off mains or borehole-supplied water, giving one small way of reducing the negative impact.</p> <p>During construction, extensive de-watering operations will be required that will be far greater scale than for the earlier phases of the development. Notwithstanding the issue of the volume of water that will be pumped out, inevitably this water will have a high degree of suspended silt which will need to be removed prior to onward discharge of cleaned water. No proposal has been offered for this so far but I envisage this will require silt-buster type devices or similar which will allow silt to settle out before cleaned water is allowed from the units. This must be subject to a specific condition requiring proposals to deal with the silt, including details of the length of time anticipated for the 'cleaning' process to complete to ensure that temporary storage of polluted water is provided at sufficient capacity.</p> <p>The current proposals also provide for drainage of the ground above the basement once constructed with that water also being disposed of. There should not be any need for this drainage if the structure's waterproofing is adequate and instead the area could</p>
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	<p>be planted with suitable plants to deal with the resulting site conditions.</p> <p>The excavations for the new basement will produce a substantial volume of spoil which requires disposal. Any proposals for temporary stockpiling or permanent spreading out on site are required for review so that consideration can be given to the effect this may have on the movement of water over the site, or of polluted run-off if stockpiling is used.</p> <p>The final point is that the Drainage Strategy plan 6683/501 E does not include the existing watercourse where the site outfall point occurs and the drawing should be extended to cover this area.</p> <p>2nd Response following submission of amended Hydrogeological Report:</p> <p>A concern set out in my previous response of 23rd Sept 2021 was the potential effect that the large basement area would have on groundwater in the area, although it was stated that this effect was difficult to gauge with any certainty. The updated CE Report now presents a revised strategy whereby the entire basement structure will be surrounded by free draining material that is un-connected to any other part of the drainage system (section 4.4). So, whilst groundwater entering the free draining material on the 'upstream' side of the building potentially can travel through that material to the 'downstream' side of the building much more rapidly than natural conditions would allow, it would rely on permeability through the surrounding soils to escape any further downstream and for that reason I am therefore satisfied that it's unlikely to lead to further unduly rapid draining of groundwater upstream of the basement development after all.</p> <p>As raised by West Woodhay Parish Meeting, the updated CE Report does not specifically mention any effect that the overall drainage system might have upstream in the wider locality, i.e. outside of the site boundary. This was one of the points raised in my earlier response and which the Parish picked up on. My comment concerning what effect any reduction in groundwater will have outside of the site was based solely on opinion and it should be emphasised that it would be extremely difficult to prove one way or the other that groundwater is likely to be adversely affected over the wider local area compared to the immediate environs of the basement under the latest proposal, for the reason already discussed. It may have been beneficial if Cole Easdon had perhaps specifically addressed this particular issue in more detail.</p> <p>Equally it would be interesting to know if the Parish have any real evidence of adverse effects from possible accelerated drainage of groundwater through what has already been implemented at the site, since with the amended proposals not contributing anywhere near as much to the problem as was initially envisaged, it is the already completed works that will now likely have the biggest influence. If there is hard evidence of an existing</p>
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	<p>detriment, that could then be passed back to the Applicant's team for further analysis and comment.</p> <p>In the CE Report at section 4.8, it is discussed about water drained into the pond potentially being re-used on site for watering the garden for instance. This option is considered to be very feasible and should be carried through into future detailed design. This same water could even be used to feed the natural swimming pool perhaps? Water re-use would be something I would like to have added to any approval conditions.</p> <p>The statement in section 4.5 concerning the basement slab being covered by an 800mm deep soft landscaping layer allowing sub-soil flows to "continue in an easterly direction" is also a positive improvement on the previous drainage strategy.</p> <p>Sections 4.6 and 4.11 deal with construction issues. Prevention of silt pollution will be a particular problem during the dewatering activities as the excavation is so vast. We are currently looking at problems with dewatering activities causing pollution on another site, so would flag up that there will need to be multiple silt busters employed in parallel to cope with the volume of water needed to be pumped out and time required for silt to drop out of the water. Ideally the suggested swale should be close to the construction area to allow water back into the ground as close to 'source' as possible; the swale itself will probably need to be of a substantial size. For that reason an estimate of required siltbuster capacity and temporary swale volume must be provided within the construction method statement, with consideration given to supplementary anti-pollution measures if necessary. Again this should be subject to condition.</p> <p>As touched on above (and in more detail on 23rd September), it is the already constructed land drains and downstream drainage system which possibly now present the biggest detriment to water management on site. Repeating last year's comments, this is something that was approved previously without realising the "un-intended consequence", or side-effect, on groundwater. Although the Applicant would be under no obligation to do so under the planning process, I would still request that some additional measure(s) is or are introduced to slow the flow of groundwater from the site when the weather is otherwise dry, as opposed to removal of rainfall run-off for which the measures were originally intended (and approved for).</p> <p>The final point previously was regarding the extent of site the Drainage Strategy Drawing covered. There is a slight improvement on the previous version but I still don't consider it extends as far as it should and perhaps the drawing size should be increased from A3 to A2 to accommodate everything.</p> <p>3rd response following submission of amended Drainage Strategy Plan:</p> <p>No response received.</p>
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Environmental Health:	No objections.
Health and Safety Executive:	No objections.
WBC Highways:	No comments regarding application.
Natural England:	No comments regarding application.
Tree Officer:	No objections subject to a condition regarding landscaping.
National Grid:	No objections subject to a condition to prevent development until an Independent Engineering Assessment to confirm the proposed development and method of construction will have no impact on the gas pipeline, has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Grid.
North Wessex Downs AONB:	No response received.
WBC Ecology:	No response received.
British Gas (TRANSCO):	No response received.

Public representations

- 4.2 Representations have been received from 12 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Increase in traffic, particularly HGVs on narrow lanes;
 - Impact on highway safety and damage to private property as a result;
 - Proposal already refused by West Woodhay Parish Council, West Berkshire Council and the Planning Inspector due to light pollution;
 - Increase in light pollution;
 - Impact on dark skies of the AONB;
 - Impact on geology of the area;
 - Impact on the existing landscape and scenic beauty of the AONB;
 - Impact on nearby major gas pipeline requiring comments from National Grid;
 - Impact on hydrology of the area, including upstream and lack of assessment;
 - An independent hydrology assessment must be undertaken;
 - North Wessex Downs AONB previously had issues with the basement which had to be reduced in size to overcome their concerns;
 - Suburbanisation of green field area through development such as this;
 - No information regarding intended final use of the site;
 - Potential commercial use of the property;
 - Impact on water drainage, aquifers and wildlife;

- No need or justification for the development proposed;
- Lack of involvement of the community by applicant;
- Impact of construction on local community;
- Overdevelopment;
- Impact on ecology;
- Impact on rural setting;
- Impact on view from Wayfarer's Walk;
- Impact on sub-surface water tables and underground water migration;
- Disposal of spoil on site impacting on landscape and drainage of area;
- It is presented as a variation, whereas in reality it is a major new application;
- Lack of information regarding true depth of basement proposed;
- Disposal of spoil;
- Impact of pile driving close to major gas pipeline.

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, CS5, CS13, CS14, CS16, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C6 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5 and 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 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Character and Appearance and AONB;
- Dark Night Skies of the North Wessex Downs AONB;
- Drainage;
- Highway Safety;
- Impact on Utilities near the site;
- Ecology and Landscaping;
- Neighbouring Amenity;
- Other Matters;
- Conditions.

Principle of development

- 6.2 The principle of the development was established under the previously approved application, 18/01441/HOUSE which considered that, as the proposed Western Pavilion would have a ridge height that is the same as the Eastern Pavilion's ridge height and that both of these would be subservient in height to the replacement dwelling on site, together with a basement and car lift that would not be visible in the AONB, the proposal was in accordance with Policy C6 of the HSA DPD.
- 6.3 The proposed variations to the approved scheme in this application do not alter the heights of either of the pavilions from that previously approved and the proposed amendments to the basement would equally not be visible in the AONB.
- 6.4 As such, the principle of the proposed alterations is considered acceptable subject to consideration of the impact on the character and appearance of the area, AONB, drainage and highways amongst other matters.
- 6.5 Representations received and comments from the Parish Council raise concern that the proposed amendments do not represent minor material amendments to the development previously approved, and therefore cannot be considered under an application submitted under section 73 or 73A of the Town and Country Planning Act 1990 (as amended).
- 6.6 The description of the development approved under permission 18/01441/HOUSE stated 'Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.' The development seeking permission under this application is not considered to deviate materially from the description of development proposed under the original application and is therefore able to be considered to fall within the remit of a S73/73A application.

Character and Appearance and AONB

- 6.7 The Inspector in the previous appeal for the changes in fenestration to the Eastern Pavilion opined the following:

'11. The proposed alterations would materially change the external appearance of the East Pavilion. Consequently, the East Pavilion would no longer mirror the external appearance of the West Pavilion outbuilding, which is currently under construction. Despite this, the bulk, scale and massing of the buildings and the overall architectural style of the two buildings would remain comparable, and, thus the buildings would maintain a cohesive and balanced appearance.'

12. Moreover, the traditional style and proportionality of the proposed fenestration would be of a high quality and the East Pavilion would appear well related to the main dwelling.'

13. The Council have expressed concern that the proposed elevational changes would result in a building that no longer reads as an ancillary outbuilding, subservient to the main dwellinghouse.'

14. I wholly disagree with the Council's position. The bulk, scale and massing of the outbuilding would remain unaltered and when viewed from the front of the house, it would be visually apparent that the East Pavilion was an ancillary outbuilding to Lake House, which is a substantial dwellinghouse which has a dominant relationship with the East Pavilion.'

15. For these reasons, I conclude that the proposal would have an acceptable effect upon the character and appearance of the area. In addition, I find that the proposed changes to the design and appearance of the East Pavilion building would have a neutral impact upon and thus would conserve the natural beauty of the North Wessex Downs AONB.'

- 6.8 The amendments proposed in this application would change the appearance of the Western Pavilion such that it would mirror the changes also proposed to the Eastern Pavilion. The changes in the Eastern Pavilion from that previously considered by the Inspector, as set out in paragraph 1.3 of this report, are minor and immaterial to the overall appearance. Neither of the two Pavilions would be increased in height, bulk massing or scale as a result of this application beyond that considered by the Inspector.
- 6.9 The previous appeal decision is a material consideration of significant weight. Taking into account the Inspector's conclusions on the impact on the character and appearance of the area and AONB, the proposed amendments to both the Eastern and Western Pavilions would have an acceptable effect upon the character and appearance of the area and the changes to the design and appearance would have a neutral impact upon, and thus would conserve the natural beauty of, the North Wessex Downs AONB.
- 6.10 In respect of the proposed basement, no part of the basement would be visible above ground. The proposed car lift from the driveway/forecourt of the Western Pavilion to the basement would be located in approximately the same location as that previously approved and would be finished in the same material as that used on the driveway/forecourt. Therefore, there would be no visual impact on the AONB as a result of the proposed changes to the approved basement scheme, including its enlargement.
- 6.11 For the reasons given above, the amendments proposed would accord with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (the 'CS') and Policy C3 of the West Berkshire District Council Housing Site Allocations Development Plan Document (the 'DPD'), in so far as they collectively require new development, including the design of housing in the countryside, to be of a high quality design that respects the character and appearance of the area and landscape character of the District.

Dark Night Skies of the North Wessex Downs AONB

- 6.12 The Inspector in the previous appeal for the proposed changes in fenestration to the Eastern Pavilion opined the following:

'19. The appellant argues that the proposed changes are of a 'minor nature' and when viewed in the context of the whole site, which includes the Lake House, they contend that the proposal would not give rise to any adverse impacts in respect of the strong sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. I disagree with this position.

20. Whilst the proposal would not increase the extent of built form at the appeal site, it would nevertheless result in a significant increase in the extent of glazing on the existing building. In particular, the proposal would see a large number of timber doors and several unadopted window openings, all of which would prevent most light spillage from the building due to their opaque properties, replaced with glazed windows and doors, which would result in light spillage to occur from the use of internal lighting during night hours.

21. To this regard, I note that no technical information has been put forward by the appellant to demonstrate that the impact of light spill from the existing building would

be comparable to that if the proposed changes were to occur. Moreover, no substantive evidence has been provided to demonstrate how any light spillage could be mitigated against.

22. Given the above, I am unable to conclude that the development would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. As such, I cannot conclude that the proposal would accord with Area Delivery Plan Policy 5 of the CS.'

- 6.13 The application under consideration here alters little in terms of the fenestration proposed for the Eastern Pavilion from that considered by the Inspector previously at appeal. However, this application also proposes changes to the fenestration in the Western Pavilion as well which would undoubtedly increase the potential for light pollution. The Inspector in the previous appeal decision advised that their conclusions were based upon a lack of technical information being provided by the appellant to demonstrate that the impact of light spill from the existing building would be comparable to that if the proposed changes were to occur. Moreover, the Inspector concluded that no substantive evidence has been provided to demonstrate how any light spillage could be mitigated against.
- 6.14 For this application a Lighting Assessment has been provided by the applicant. The conclusions of that Lighting Assessment considers the baseline for application site immediately surrounding the main dwelling and pavilions prior to the proposed changes to be located within Environmental Zone E2, as defined in the Guidance Notes for the Reduction of Obtrusive Light (GN01/2021), (CIE150:2017), largely as a result of the artificial light spillage from the already approved and constructed dwelling. The remainder of the property at Lake House and the wider area is considered to fall within Environmental Zone E1.
- 6.15 As a result of the changes proposed in this application, the Lighting Assessment submitted concludes that light spillage from the fenestration proposed would be limited to areas immediately surrounding each of the pavilions, falling away to below 0.5lux within a short distance from the pavilions, as shown in figure 12 of the submitted Lighting Assessment. Once the proposed changes to both pavilions have been implemented, the Lighting Assessment concludes that there would be negligible change to the current baseline situation as a result of the proposed changes. The Lighting Assessment advises that it was undertaken on the basis of a worst case scenario where no window coverings were considered in the calculations for light levels. Window coverings, which are likely to be used, would therefore reduce light levels further.
- 6.16 Technical information regarding lighting that was absent for consideration by the Inspector in the previous appeal has now been submitted for this current application. That technical information demonstrates a negligible increase in light pollution from the current baseline. Therefore, the changes in fenestration proposed to both pavilions are not considered to detrimentally impact on the dark skies of the AONB.

Drainage

- 6.17 The application and subsequent amendments have been reviewed by the Lead Local Flood Authority (LLFA). Concern was raised regarding the potential effect of an increase in the size of basement would have on groundwater in the area. However, the LLFA officer acknowledges in his response that this matter is difficult to gauge with any certainty. The updated Hydrogeological Report provided by the applicant presented a revised strategy whereby the entire basement structure is to be surrounded by free draining material that is un-connected to any other part of the drainage system. Therefore, whilst groundwater entering the free draining material on the 'upstream' side of the building can potentially travel through that material to the 'downstream' side of the

building much more rapidly than natural conditions would allow, it would rely on permeability through the surrounding soils to escape any further downstream. As a result, the LLFA concluded that the development proposed is unlikely to lead to further unduly rapid draining of groundwater upstream of the basement development.

- 6.18 The LLFA note the concerns of the Parish Council regarding the impact of the proposal upstream in the wider locality (as also raised in many of the representations received). The LLFA advised that any previous comment they made on what effect any reduction in groundwater will have outside of the site was based solely on opinion and it should be emphasised that it would be extremely difficult to prove one way or the other that groundwater is likely to be adversely affected over the wider local area compared to the immediate environs of the basement under the latest proposal.
- 6.19 In the absence of any evidence to support the concern regarding the potential impact on groundwater outside of the application site, and, given that the LLFA acknowledge that it would be extremely difficult to prove one way or the other that groundwater is likely to be adversely affected over the wider local area compared to the immediate environs of the basement under the latest proposal, a reason for refusal, due to the potential for such impact, would not be able to be reasonably and sufficiently substantiated at appeal and therefore does not adequately justify resisting the current proposal on this ground
- 6.20 Therefore, subject to conditions securing appropriate drainage, including surface water drainage, and re-use of water within the site where possible, the development proposed is not considered to run contrary to Development Plan Policy CS16 of the Core Strategy.

Highway Safety

- 6.21 The Local Highway Authority officer has reviewed the application and raises no objections. A number of representations received raise concern regarding the impact of traffic, in particular HGVs, and highway safety as a result of the proposed development. Whilst the proposed changes to the appearance of the pavilions is not considered to introduce any significant traffic or impact on highway safety, the increase in the size of the proposed basement has the potential to result in an increase in the associated number of HGV movements during excavation works, due to the increased volume of spoil that will need to be moved.
- 6.22 A spoil condition was attached to the previous permission granted (18/01441/HOUSE) and it is considered that whilst there may be some additional movements of HGVs as a result of the increased volume of spoil, that can be adequately controlled by condition, as was the case for the previous permission.
- 6.23 Therefore the proposal is considered to be acceptable and in accordance with CS13 of the West Berkshire Core Strategy (2006-2026), Saved Local Plan policy TRANS.1 and the NPPF subject to conditions.

Impact on Utilities near the site

- 6.24 As identified in the previous permission, a main gas pipeline is located close to the site and the proposed development.
- 6.25 As was the case for the previous application, National Grid have been consulted and have requested a condition requiring the submission of an independent engineering report and construction method statement for the development in regards to the pipeline.
- 6.26 Consultation with the Health and Safety Executive has also taken place who raise no objections.

- 6.27 It is clear that the protective easement is being observed as part of the development and any further permits or discussions during the course of construction need to be between the contractors and National Grid. The relevant insurance for the contractors will need to be observed to guarantee the safety of the pipeline; these are all issues beyond the control of planning legislation.

Ecology and Landscaping

- 6.28 Policy CS 17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The NPPF supports the overall aims and objectives of this policy. The application site is located within a biodiversity opportunity area. A preliminary ecology report was submitted for the previous application that was approved, which made several recommendations including:-

- No further protected species surveys were required
- The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged.
- Enhancements should be incorporated into the design of the development to benefit biodiversity. This could include installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
- Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

- 6.29 Subject to the same condition to secure these recommendations as was attached to the previous permission, the impact on ecology and biodiversity is considered to be acceptable.

- 6.30 The Tree Officer has raised no objections to the proposed development subject to a condition requiring landscaping to be implemented in accordance with the previously approved landscaping scheme.

- 6.31 Subject to conditions, it is considered the development complies with CS17 of the Core Strategy and provides mitigation and protection to the ecology of the site and will not have a detrimental impact in accordance with the provisions of Core Strategy CS17 and advice within the NPPF.

Neighbouring Amenity

- 6.32 In regards to neighbouring amenity, securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. SPD Quality Design - West Berkshire outlines considerations to be taken into account with regard to residential amenity, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies considers the potential noise impact.

- 6.33 The impact on neighbouring amenity is considered to be minimal. The nearest neighbouring dwellings are Fishpond Farm and Hatch House Farm. Both of these dwellings benefit from a considerable separation distance between themselves and the proposed development. Fishpond farm dwelling is located approximately 300 metres from the proposed development. Hatch House Farm is located approximately 430 metres from the proposed development. The development does not raise concern in regards to overlooking, overbearing, overshadowing or loss of daylight and/or sunlight

to neighbouring amenity given the level of separation between the proposed development and neighbouring buildings. Any impact on neighbours from construction noise during works will also be minimal and temporary until development is finished.

- 6.34 As demonstrated in the submitted Lighting Assessment, the proposed changes to the pavilions will not cause undue impact on the neighbouring amenity as a result of light pollution, given the distance of separation.
- 6.35 For these reasons, the proposal is in accordance with Development Plan Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies.

Other Matters

- 6.36 A number of representations received raise concern about the potential future use of the property for commercial purposes. Should the applicant wish to use the property for purposes other than as a single residential dwelling, planning permission would be required and the impact of that proposed development would be considered in the determination of such an application.
- 6.37 Representations also raise concern over the lack of communication and involvement between the applicant and the local community. Whilst the NPPF strongly encourages applicants to engage with the local community and seek pre-application advice, it also recognises that the Local Planning Authority cannot require that a developer engages with themselves or the local community before submitting an application.

Conditions

- 6.38 This application has been submitted seeking to vary the approved plans condition attached to permission 18/01441/HOUSE (condition 3) in order that amendments to the previously approved scheme are secured. As Officers consider the proposed changes to the approved scheme to be acceptable, it is recommended that condition 3 of the previous permission is amended accordingly to account for the new plans.
- 6.39 As with all applications to vary or remove conditions submitted under section 73 or 73A of the Town and Country Planning Act 1990 (as amended), the Local Planning Authority can also vary or remove conditions that were previously attached to the permission, or add new conditions, to account for new matters that may arise or be introduced by the amendments proposed, or, to include previous information that may have been submitted in respect of conditions attached to the previous permission.
- 6.40 Permission 18/01441/HOUSE was granted subject to the following conditions:
- Condition 1 – time limit for development to commence before two years from date of decision;
 - Condition 2 – Use of ancillary buildings prevented until the applicant has entered into a variation of the section 106 agreement of application 93/42531/ADD to vary the residential curtilage so that it accurately represents what has been approved under application 14/00590/FUL and 15/03435/HOUSE;
 - Condition 3 – Approved Plans;
 - Condition 4 – Materials;
 - Condition 5 – Restriction on use of outbuildings for domestic ancillary use to the main dwelling;
 - Condition 6 – No development to commence until existing garden store and garage building have been demolished;

- Condition 7 – No occupation of the pavilions until landscaping has been implemented in accordance with the approved plan;
- Condition 8 – No development to take place until details of external lighting have been submitted and approved;
- Condition 9 – Details of how spoil will be dealt with including where it may be deposited on site and timescales for depositing or removal;
- Condition 10 – Securing ecological mitigation measures set out in the preliminary ecological appraisal;
- Condition 11 – Land drainage and surface water drainage to be implemented in accordance with the approved drainage strategies;
- Condition 12 – No demolition or construction works to take place outside of specified hours;
- Condition 13 - No development to commence until an Independent Engineering Assessment to confirm the proposed development and method of construction will have no impact on the gas pipeline, has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Grid.

- 6.41 In respect of condition 1 this is proposed to be removed as the development has commenced due to the changes in fenestration having already been implemented for the Eastern Pavilion and works to construct the basement have commenced.
- 6.42 In respect of condition 2, this remains necessary and is proposed to be applied in the same format with the references to an outbuilding varied to refer to 'outbuildings (pavilions) and basement' for greater clarity.
- 6.43 In respect of condition 3, this is proposed to be varied to account for the new plans.
- 6.44 In respect of condition 4, this is proposed to remain unchanged.
- 6.45 In respect of condition 5, it remains necessary to restrict the use of the pavilions and basement to ancillary residential use. Therefore, it is proposed to be applied in the same format with the references to an 'outbuilding' varied to refer to 'outbuildings (pavilions) and basement' for greater precision and clarity.
- 6.46 In respect of conditions 6, this is proposed to remain unchanged.
- 6.47 In respect of condition 7, a minor change to the wording is proposed to provide greater clarity and precision to the condition.
- 6.48 In respect of condition 8, whilst details of external lighting were previously submitted under application 19/03032/COND2, those proposed external lights have not formed part of the Lighting Impact Assessment submitted for this application. As such this condition is proposed to be varied to prevent any external lighting from being erected at the site, other than those previously permitted for the main dwelling only under the respective planning permission, until details of external lighting and any necessary assessments have been submitted to and approved by the Local Planning Authority.
- 6.49 In respect of condition 9, again details were previously submitted and approved under application 19/03032/COND2. However, the proposed scheme in this application significantly increases the amount of spoil that will be generated due to the increase in size of the basement proposed. Therefore, this condition is proposed to be varied to require no further development to take place until the details of spoil removal have been submitted to and approved by the Local Planning Authority.
- 6.50 In respect of condition 10, this is proposed to remain unchanged.

- 6.51 In respect of condition 11, as a result of the proposed changes to the basement, it is considered that further information regarding the detail of the sustainable drainage solutions to be employed are required, as advised by the LLFA. As such, it is proposed that this condition is varied to require further details to be submitted to and approved by the Local Planning Authority.
- 6.52 In respect of condition 12, this is proposed to remain unchanged.
- 6.53 In respect of condition 13, whilst details were previously submitted in respect of this condition, due to the changes in the proposed basement location and size it is considered necessary to vary this condition to require further details to be submitted to and approved by the Local Planning Authority.
- 6.54 There are not considered to be any justifiable reasons or need for any new additional conditions over and above those previously applied by the Western Area Planning Committee in their determination of the previous application, 18/01441/HOUSE.

7. Planning Balance and Conclusion

- 7.1 The NPPF states there is a presumption in favour of sustainable development, which paragraph 8 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 7.2 The proposal is considered to have limited economic considerations beyond the immediate construction period. The environmental considerations have been assessed in terms of design, amenity and impact on the area. Social considerations overlap those of the environmental in terms of amenity. Having assessed the application in terms of design, impact on the area and impact on neighbouring amenity the development is considered to be represent sustainable development.
- 7.3 It is acknowledged that objections have been received from the public and Parish Council as well as other Parish Councils nearby. However, it is considered that the objections have been satisfactorily addressed throughout this report when taking into account the comments provided by the Inspector in the decision for the previously refused application, 20/01694/HOUSE.
- 7.4 The proposed changes to the fenestration of the pavilions and size and position of the basement are not considered to detrimentally impact on the character and appearance of the area and AONB, and, as demonstrated through the technical information submitted, not considered to give rise to any additional light pollution on the dark skies of the AONB upon that which has previously been granted permission. The proposed amendments are also not considered to result in a detrimental impact on ground or surface water, ecology and biodiversity, highway safety or neighbouring amenity.
- 7.5 Therefore, the development is in accordance with the National Planning Policy Framework (2019) and policies ADPP1, ADPP5, CS13, CS14, CS16, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and C3 and C6 of the West Berkshire HSADPD. In addition to these the proposal is in line with Supplementary Planning Guidance Quality Design (June 2006) and House Extensions (July 2004).
- 7.6 The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is supported, subject to conditions.

- 7.7 Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions.

8. Full Recommendation

- 8.1 To delegate to the Service Director – Development and Regulation to make representations at appeal that planning permission should be granted subject to conditions set out below together with the authority to negotiate or amend those conditions during the course of the appeal.

Conditions

1.	<p>Variation of legal agreement</p> <p>The use of the ancillary outbuildings (pavilions) and basement hereby permitted shall not commence until the applicant has entered into a variation of the section 106 legal agreement of application 93/42531/ADD to vary the residential curtilage so that it accurately represents what has been approved under application 14/00590/FUL and 15/03435/HOUSE.</p> <p>Reason: It is recommended that the legal agreements be updated to reflect the red line as it is, to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line under applications 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved drawings:</p> <ul style="list-style-type: none">- Drawing title "Site Location Plan ". Drawing number 6038/PLO1 Rev. B received on 14th May 2019.- Drawing title "Block Plan as Proposed". Drawing number 6038/PL04 Rev A received on 12th July 2021.- Drawing title "East Pavilion Floor Plans & Elevations As Proposed". Drawing number 6038/PL07 Rev A received on 12th July 2021.- Drawing title "West Pavilion Floor Plans & Elevations As Proposed". Drawing number 6038/PL06 Rev A received on 12th July 2021.- Drawing title "West Pavilion & East Pavilion Basement Floor Plans As Proposed". Drawing number 6038/PL05 Rev A received on 12th July 2021.- Drawing title "Site Section A-A Comparison". Drawing number 6038/PL12 Rev A received on 12th July 2021.- Drawing title "Site Section B-B Comparison". Drawing number 6038/PL13 Rev A received on 12th July 2021.- Drawing title "Proposed Drainage Strategy Plan". Drawing number 668/501 Rev G received on 16th February 2022.- Document title "Hydrogeological Report and Surface Water Drainage Strategy" dated October 2021 [issue 9] received on 3rd November 2021.- Document title "Lighting Impact Assessment" (reference: DOC-16-17011-5A-20220214-SMK-LH-LIA- 04) dated February 2022 and received on 17th February 2022.- Drawing title "Landscape and Planting Plan". Drawing number uh-283-100 received on 14th May 2019.

	Reason: For the avoidance of doubt and in the interest of proper planning.
3.	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.</p> <p>Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).</p>
4.	<p>Use of Pavilions and Basement</p> <p>The outbuildings (pavilions) and basement hereby approved shall not be used at any time other than for purposes as domestic ancillary use to the residential use of the dwelling known as Lake House (formerly Hayward Green Farm). No part of the development shall be used as a separate dwelling unit and no separate curtilage shall be created.</p> <p>Reason: To limit the future use of the building to prevent uses which would not be ancillary or incidental to the main dwelling. This condition is applied in the interests of preventing a change of use which would result in an unsustainable pattern of development, and detract from neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD 2006-2026, WBC Quality Design SPD (2006), and WBC House Extensions SPG (2004).</p>
5.	<p>Removal of existing garden store and garage</p> <p>No development shall commence until the Garden Store and Garage building has been fully demolished and all waste removed from site.</p> <p>Reason: The demolition of the two buildings is used to justify the approved development. Without demolition of these buildings the development would proliferate built form on the AONB not in accordance with policy, This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).</p>
6.	<p>Landscaping</p> <p>Prior to occupation of the pavilion the landscaping scheme shall be implemented in full in accordance with Drawing titled "Landscape and Planting Plan", drawing number uh-283-100 received on 14th May 2019.</p> <p>Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.</p> <p>Reason This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and</p>

	House Extensions (July 2004).
7.	<p>External Lighting</p> <p>No external lighting shall be installed within the application site 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 lighting levels are not increased upon that which has been established within the Lighting Impact Assessment submitted and received on 17th February 2022.</p> <p>No additional external lighting shall be installed within the application site upon that which has already been granted permission except in accordance with the above strategy.</p> <p>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.</p>
8.	<p>Spoil Removal</p> <p>No further development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ul style="list-style-type: none"> (a) Show where any spoil to remain on the site will be deposited; (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels); (c) Include measures to remove all spoil from the site (that is not to be deposited); (d) Include timescales for the depositing/removal of spoil. <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area and AONB. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p>Ecology mitigation</p> <p>The mitigation measures described in the Preliminary Ecological Appraisal created by Ecologybydesign shall be implemented in full before the proposed development is commenced and the measures shall thereafter be retained. This measures are as follows:</p> <ul style="list-style-type: none"> - The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged. - The installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species. - Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

	Reason: To ensure the protection of species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS17 of the West Berkshire Core Strategy (2006-2026).
10.	<p>Drainage</p> <p>No further development shall take place until details of sustainable drainage measures to manage surface water and ground water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018; b) Include and be informed by the ground investigation survey submitted on 3 November 2021 titled 'Hydrogeological Report and Surface Water Drainage Strategy' dated October 2021 [issue 9]; c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change and a suitable outfall location; e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater including an estimate of required siltbuster capacity and temporary swale volume; f) Include details of how water will be retained and re-used within the site for activities such as watering gardens or swimming pool; g) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises; <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the before the basement hereby permitted is first occupied. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>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 WestBerkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
11.	<p>Hours of demolition and construction</p> <p>No further demolition or construction works shall take place outside the following hours: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; nor at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework</p>

	(2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies CS14 and CS19.
12.	<p>Pipeline</p> <p>No further development shall commence until an Independent Engineering Assessment to confirm the proposed development and method of construction will have no impact on the gas pipeline, has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Grid. Thereafter the approved Assessment shall be implemented and adhered to throughout the entire construction period.</p> <p>Reason: To ensure the safety of the National Grids utilities Pipeline which runs through the site is not compromised by works. The condition is placed in relation to materials considered in regards to the health and safety of the areas and its occupants. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026)</p>

Informatives

1.	This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2.	The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
3.	The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
4.	The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5.	The applicant is encourage to engage with the North Wessex Downs AONB board and other relevant stakeholders to produce a estate management plan for the extensive landownership associated with the development to ensure conservation of the AONB landscape into the future.
6.	With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior

	approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services
7.	On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 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.
8.	Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
9.	<p>National Grid Informative:</p> <p>PLEASE READ CAREFULLY</p> <ul style="list-style-type: none"> – No buildings should encroach within the Easement strip of the pipeline; – No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Grid. – National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National grid will take action to legally enforce the terms of the easement. – We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development. To view the PADHI Document, please use the link below: http://www.hse.gov.uk/landuseplanning/padhi.pdf – You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. – You should already have received a link to download a copy of T/SP/SSW/22, from our Plant protection Team, which is also available to download from our website. To view the SSW22 Document, please use the link below: http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968 – A National Grid representative will be monitoring the works to comply with SSW22. To download a copy of the HSE Guidance HS(G)47, please use the following link: http://www.hse.gov.uk/pubns/books/hsg47.htm

	<ul style="list-style-type: none"> – National Grid will also need to ensure that our pipelines access is maintained during and after construction. – Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased. – If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline. – Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance. <p>Pipeline Crossings</p> <ul style="list-style-type: none"> – Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Grid engineer. – All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres. – The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid. – Please be aware that written permission from National Grid is required before any works commence within the National Grid easement strip. – A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22. – A Deed of Indemnity is required for any crossing of the easement including cables. <p>Cables Crossing</p> <ul style="list-style-type: none"> – Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees. – A National Grid representative shall supervise any cable crossing of a pipeline. – An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline. – Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres. <p>All work should be carried out in accordance with British Standards policy</p> <ul style="list-style-type: none"> – BS EN 13509:2003 - Cathodic protection measurement techniques – BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures - General principles and application for pipelines – BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications – National Grid Management Procedures.
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Appeal Decision

Site visit made on 11 June 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: July 2021

Appeal Ref: APP/W0340/W/20/3265904

Hayward Green Farm, Watery Lane, West Woodhay, Newbury RG20 0BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Brown against the decision of West Berkshire Council.
 - The application Ref 20/01694/HOUSE, dated 23 July 2020, was refused by notice dated 22 October 2020.
 - The development proposed is alterations to the external elevations of eastern pavilion.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been appointed to determine two appeals on this site. The other appeal reference is APP/W0340/W/20/3265892. I have considered each proposal on its individual merits and prepared separate decisions.
3. The appellant submitted an additional block plan¹ to the Council part way through the planning application process. For the avoidance of doubt, I have had regard to this plan in the determination of this appeal.
4. On my site visit I observed that the existing garage doors at the front of the outbuilding had been removed and the openings had been partially blocked up with masonry to match the existing building. As such, I am determining this appeal on a part-retrospective basis.

Application for costs

5. An application for costs was made by Mr Charles Brown against West Berkshire Council. This application is the subject of a separate decision.

Main Issues

6. The main issues are: (i) the effect of the development upon the character and appearance of the area, including whether the proposal conserves or enhances the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty; and (ii) whether or not the development would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs Area of Outstanding Natural Beauty.

¹ Dwg No: LH001 10:005

Reasons

Character and appearance

7. The appeal site is occupied by a substantial detached dwelling, known as Lake House, which is set amongst spacious landscaped grounds and surrounded by fields and woodland. The site is located within the open countryside and the North Wessex Downs Area of Outstanding Natural Beauty (the 'AONB'). To the front of the dwelling there is a central courtyard and an existing outbuilding which is known as the 'East Pavilion'.
8. The Council explain that planning permission² was granted in May 2018 for the erection of a further outbuilding to the front of the dwelling, which will be known as the 'West Pavilion'. At the time of my site visit, I observed that construction works had commenced in respect of the West Pavilion.
9. Once completed the respective East Pavilion and West Pavilion outbuildings would flank the principal elevation of the Lake House and be sited either side of the central courtyard to form a grand entrance to the front of the main dwelling. The approved plans for the West Pavilion show that it would have a symmetrical layout and mirror the design and appearance of the East Pavilion with five pairs of full-height timber doors along the front elevation.
10. It is proposed to undertake alterations to the external elevations of the East Pavilion, which would see the existing timber doors and unadopted openings replaced with window openings and French-style patio doors.
11. The proposed alterations would materially change the external appearance of the East Pavilion. Consequently, the East Pavilion would no longer mirror the external appearance of the West Pavilion outbuilding, which is currently under construction. Despite this, the bulk, scale and massing of the buildings and the overall architectural style of the two buildings would remain comparable, and, thus the buildings would maintain a cohesive and balanced appearance.
12. Moreover, the traditional style and proportionality of the proposed fenestration would be of a high quality and the East Pavilion would appear well related to the main dwelling.
13. The Council have expressed concern that the proposed elevational changes would result in a building that no longer reads as an ancillary outbuilding, subservient to the main dwellinghouse.
14. I wholly disagree with the Council's position. The bulk, scale and massing of the outbuilding would remain unaltered and when viewed from the front of the house, it would be visually apparent that the East Pavilion was an ancillary outbuilding to Lake House, which is a substantial dwellinghouse which has a dominant relationship with the East Pavilion.
15. For these reasons, I conclude that the proposal would have an acceptable effect upon the character and appearance of the area. In addition, I find that the proposed changes to the design and appearance of the East Pavilion building would have a neutral impact upon and thus would conserve the natural beauty of the North Wessex Downs AONB.

² Council Ref: 18/01441/HOUSE

16. Therefore, the proposal would accord with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (the 'CS') and Policy C3 of the West Berkshire District Council Housing Site Allocations Development Plan Document (the 'DPD'), in so far as they collectively require new development, including the design of housing in the countryside, to be of a high quality design that respects the character and appearance of the area and landscape character of the District.
17. In respect of this main issue, the Council's statement of case refers to Policy C6 of the DPD. However, this policy relates to the extension of existing dwellings within the Countryside. Consequently, I consider that the policy is not applicable in respect of the appeal proposal, which relates to alterations to an existing outbuilding.

Remoteness, tranquillity and dark night skies of the North Wessex Downs AONB

18. Area Delivery Plan Policy 5 of the CS sets out the Council's Spatial Strategy in respect of the North Wessex Downs AONB. In respect of the environmental strategy, it states, amongst other things, "Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty".
19. The appellant argues that the proposed changes are of a 'minor nature' and when viewed in the context of the whole site, which includes the Lake House, they contend that the proposal would not give rise to any adverse impacts in respect of the strong sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. I disagree with this position.
20. Whilst the proposal would not increase the extent of built form at the appeal site, it would nevertheless result in a significant increase in the extent of glazing on the existing building. In particular, the proposal would see a large number of timber doors and several unadopted window openings, all of which would prevent most light spillage from the building due to their opaque properties, replaced with glazed windows and doors, which would result in light spillage to occur from the use of internal lighting during night hours.
21. To this regard, I note that no technical information has been put forward by the appellant to demonstrate that the impact of light spill from the existing building would be comparable to that if the proposed changes were to occur. Moreover, no substantive evidence has been provided to demonstrate how any light spillage could be mitigated against.
22. Given the above, I am unable to conclude that the development would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. As such, I cannot conclude that the proposal would accord with Area Delivery Plan Policy 5 of the CS.
23. Accordingly, the proposal would be inconsistent with paragraph 180 of the National Planning Policy Framework which states "planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as

the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

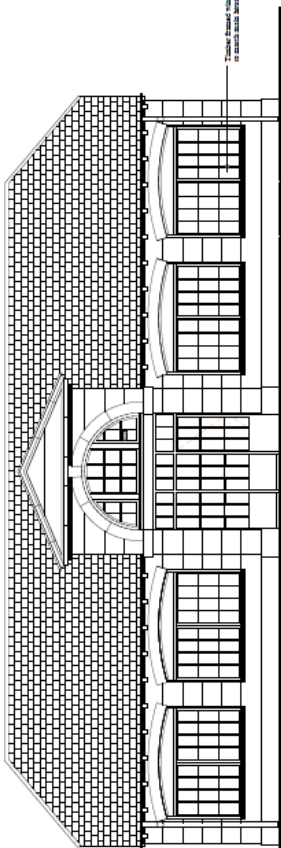
Planning Balance and Conclusion

24. I have found that the design and appearance of the proposed changes to the East Pavilion building would have an acceptable impact upon the character and appearance of the area and would conserve the natural beauty of the North Wessex Downs AONB. Nevertheless, a lack of harm is a matter of neutral consequence and does not carry weight in favour of the proposal.
25. However, I have been unable to conclude that the proposal would preserve the sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. This is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

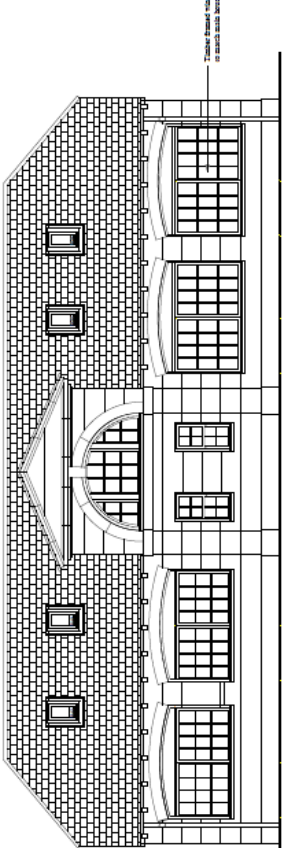
Christopher Miell

INSPECTOR

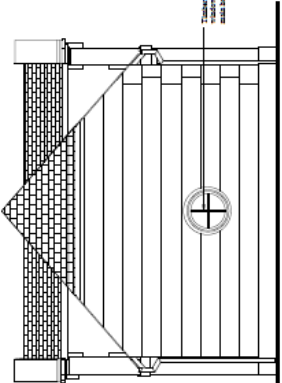
<p>ADAM FAHEY DESIGN SHALL HAVE NO RESPONSIBILITY FOR ANY USE MADE OF THIS DRAWING OR FOR ANY CONSEQUENCES THAT MAY BE INCURRED FROM ANY SUCH USE. ALL DIMENSIONS SHOULD BE CHECKED ON SITE.</p> <p>ANY DISCREPANCIES OR DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF ADAM FAHEY DESIGN AT THE ADDRESS SHOWN BELOW.</p>		<p>NOTES</p> <p>PLANNING ISSUE</p>	
<p>A.</p>		<p>DATE: 20th May 2020</p> <p>SCALE: 1:100</p> <p>PROJECT: L-001</p>	
<p>0345 453 1993</p> <p>info@adamfaheydesign.co.uk</p> <p>www.adamfaheydesign.com</p>		<p>Adam Fahey Design</p>	
<p>Hayward Green Farm</p> <p>West Woodhay</p> <p>RG52 0BJ</p>		<p>East Pavilion - Proposed Elevations</p>	
<p>NAME: L-001</p> <p>DATE: 20th May 2020</p> <p>SCALE: 1:100</p>		<p>DATE: 20th May 2020</p> <p>SCALE: 1:100</p>	
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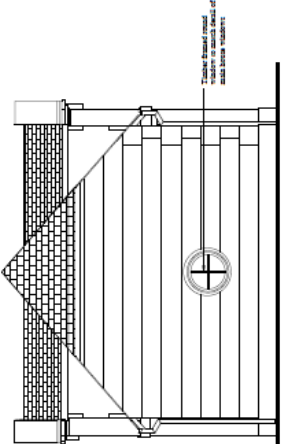
FRONT ELEVATION
20th May 2020



REAR ELEVATION
20th May 2020



NORTH ELEVATION
20th May 2020



SOUTH ELEVATION
20th May 2020