

| Item No. | Application and Parish | No. | Statutory Date | Target | Proposal, Location, Applicant |
|---|-----------------------------|-----|---------------------------------------|----------|--|
| (1) | 22/01901/FULMAJ Kintbury | | 30 th 2022 ¹ | November | Retention and alteration of a swimming pool building to include internal and external alterations as well as the enlargement of the plant room, laundry room, entrance hall and sunken courtyard. Retention of two external stair structures to the sunken courtyard. Retention of tennis court enclosure. Retention of repaired wall around the wall garden as well as the BBQ and pergola within it and lean-to on its north-eastern side. Removal of temporary boiler building and erection of a permanent replacement single storey boiler building within the garden wall. Retention of underground gas tanks and pipes. Reinstatement of construction compound/hardstanding area back into a field and provision of a reinforced grass track from the existing driveway to the underground gas tanks. Reinstatement of previously removed western boundary hedgerow. Deerbourn, Inkpen, RG17 9DE Mr and Mrs Krishnan |
| ¹ Extension of time agreed with applicant until 15 th March 2023. | | | | | |

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01901/FULMAJ>

Recommendation Summary: To **DELEGATE** to the Service Director, Development and Regulation to **GRANT APPROVAL**

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

Reason for Committee Determination: More than 10 letters of objection

Committee Site Visit: 23rd February 2023

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1. Introduction

- 1.1 This application seeks planning permission for retention and alteration of a swimming pool building to include internal and external alterations as well as the enlargement of the plant room, laundry room, entrance hall and sunken courtyard. Retention of two external stair structures to the sunken courtyard. Retention of tennis court enclosure. Retention of repaired wall around the wall garden as well as the BBQ and pergola within it and lean-to on its north-eastern side. Removal of temporary boiler building and erection of a permanent replacement single storey boiler building within the garden wall. Retention of underground gas tanks and pipes. Reinstatement of construction compound/hardstanding area back into a field and provision of a reinforced grass track from the existing driveway to the underground gas tanks. Reinstatement of previously removed western boundary hedgerow.
- 1.2 The application site is located outside of any defined settlement boundary and therefore considered to be within open countryside. The application site is located within the North Wessex Downs Area of Outstanding Natural Beauty as well as within the Hampstead Marshall to Inkpen Biodiversity Opportunity Area. The application site has a detached house, accessed from two directions, along the main "front" long access track through a wooded valley to the north east of the property, and the shorter access track accessed off Bridle Path (bridleway INKP/44/2) to the south west of the property. The accesses are both existing, and no changes to the access are proposed as part of the proposal. The existing row of trees along the south-western boundary with the Bridle Path Cottage paddock are the subject of a group Tree Preservation Order (TPO).

2. Planning History

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

| Application | Proposal | Decision Date | / |
|----------------|---|---------------------|---|
| 75/02411/ADD | Erection of garage and construction of driveway | Approved 02.02.1975 | / |
| 07/00625/HOUSE | Two storey extension and internal alterations to main house. Conversion of pool room to gym and extension to form car port. | Approved 24.05.2007 | / |
| 07/02417/HOUSE | Two storey extension and alterations to existing house. Demolition of existing garage and pool building. | Approved 28.12.2007 | / |
| 18/01056/FUL | Erection of Greenhouse and temporary access track. | Approved 24.08.2018 | / |
| 18/01194/HOUSE | Two-storey extension to the main house, a pool house, a lake house and a boat house. | Approved 24.08.2018 | / |
| 18/02407/COND1 | Approval of details reserved by condition 4: Spoil, 5: Tree protection and 8: Ecology of approved application 18/01194/HOUSE - Two-storey extension to the main house, a pool house, a lake house and a boat house. | Split 21.02.2019 | / |

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| 18/02408/COND1 | Approval of details reserved by conditions 4: Spoil, 5: Trees and 8: Ecology of approved application 18/01056/FUL - Erection of Greenhouse and temporary access track. | Split 21.02.2019 | / |
| 18/02581/HOUSE | Erection of Hobbit House in Garden | Approved 09.01.2019 | / |
| 18/02582/HOUSE | Erection of Tree House within garden | Approved 16.01.2019 | / |
| 19/00746/HOUSE | Retrospective in part application for erection of new front entrance porch | Approved 24.05.2019 | / |
| 19/01080/HOUSE | Creation of natural outdoor swimming pond. | Approved 24.10.2019 | / |
| 19/02861/HOUSE | Erection of new boiler room folly building. | Refused 17.01.2020 | / |
| 20/00953/HOUSE | New garage on site of existing storage building | Approved 11.09.2020 | / |
| 21/00164/FUL | Proposed boiler folly building and operational development including siting of six underground gas tanks and pipework (part retrospective) and new internal access track; and repositioning of tennis court at new mill and bridlepath cottage. | Refused 04.08.2021 | / |
| 21/00333/FUL | Retention of temporary access track for a further period until 31st December 2021 | Approved 11.06.2021 | / |

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. 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.
- 3.2 However, taking into account the selection criteria in Schedule 3, 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. An Environmental Statement is not required
- 3.3 Site notices were displayed on 12 September 2022 and the deadline for representations expired on 6 October 2022. Press notices were advertised in the Newbury Weekly on 15th September 2022.
- 3.4 Following the submission of a package of amendments and additional information during the consideration of the application, an amended plans site notice was displayed on 4th November 2022 and the deadline for representations expired on 25th November 2022. Members of the public who had previously submitted representations to the application were also notified by letter on 28th October of the submission of a package of

amendments and additional information. A construction management plan was submitted on the 31st January 2023 in which members of the public who had previously submitted representations to the application were also notified by letter on this date.

- 3.5 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. The development is CIL liable and chargeable as residential development.
- 3.6 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.

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| Kintbury Parish Council: | Objection – Continued use of retrospective planning applications and lack of consideration for residents. Like to see this resolved with the applicants being obliged to comply with the planning laws and WBC decisions. |
| Inkpen Parish Council: | <p>Objection – due to harm on the natural environment of the NWD AONB and the proposed used of the rural bridleway for heavy traffic.</p> <ul style="list-style-type: none"> • Part retrospective and part new features – retrospective is in clear and repeated breach of planning consent • Significant impact on the environment, disturbance of wildlife, loss of prime agricultural land. Full environmental assessment is required • Bridleway should not be used as the main route for heavy delivery traffic as impact on users. Access point is a sharp right hand bend from highway. • Application fails to address the macro impact on the development on the character of the area and wider AONB, unacceptable due to the scale of development in this sensitive area. Fails to 'conserve and enhance' the natural environment and detracts from the beauty of the AONB. |
| WBC Highways: | No Objections |
| Archaeology: | No Comments |
| SUDS: | Comments made |
| Spokes: | No Response |
| Ecology: | No Response |

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| Conservation: | No Comments |
| Public Protection: | No Objections |
| Newt Officer: | No Objections |
| NWD AONB: | No Response |
| Public Rights of Way: | Comments made |
| Ramblers Association: | No Response |
| Emergency Planning: | No Objections |
| Health and Safety: | Application does not fall within any HSE consultation zones |
| Trees: | Conditional Approval – Arboricultural Method Statement |

Public representations

- 4.2 Representations have been received from 20 contributors, 20 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:
- Length of time works have gone on
 - Impact on wildlife
 - Impact on NWD AONB/Landscape
 - Impact on neighbouring amenity – noise, dust, vibrations
 - Retrospective nature of works
 - Number of planning applications submitted
 - Works on agricultural land
 - Construction works and traffic
 - Use of public right of way for construction/delivery vehicles
 - Concern with access ramp
 - Impact of sheet piling works
 - Impact of gas tanks

5. Planning Policy

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

- Policies ADPP1, ADPP5, CS13, CS14, CS15, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C6, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan (2019-24)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance of area and NWD AONB
- Neighbouring amenity
- Underground gas tanks
- Public right of way

Principle of development

6.2 The application site is located outside any defined settlement within the context of planning, the site is classified as being located within the countryside; the application site is also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and a biodiversity opportunity area.

6.3 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates the site as being within the open countryside for planning purposes. Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern, and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 Planning Policy ADPP5 of the Core Strategy further advocates for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context.

6.5 The principle of the pool building was deemed acceptable under planning application 18/01194/HOUSE; this application seeks to regularise changes made as well as seek permission for proposed works.

6.6 The works for consideration include;

- Retaining wall and fencing to tennis court to be retained

- Underground gas tanks proposed to be retained near the south east corner of site.
- Proposed reinforced grass track through re-instated field to provide tanker vehicle access to service/refill the gas tanks
- Tanker vehicle access to site proposed via existing Bridle Path access route
- Existing gravel drive to the south west proposed to be widened for tankers
- Native hedgerow re-planted in gap to Bridlepath Cottage
- Field accommodating construction compound/hardstanding returned to meadow
- Tree planting immediately to the west of the walled garden to re-instate previously removed trees.
- Outdoor kitchen pergola, BBQ area with chimney proposed to be retained
- Proposed single-storey brick boiler building with extraction chimney within walled garden, to replace existing temporary boiler building and removal of the latter.
- Retention of reconstructed walled garden section to match existing
- Timber lean-to proposed to be retained
- Sunken courtyard to be retained
- Alterations proposed to approved pool building to be retained;
 - Amended roof lights
 - Revised flat roof finished
 - Amended internal layout
 - Amended underground extent of plan including sunken courtyard and staircase changes
 - Removal of previously approved staircase and glass link into walled garden
 - Retention of terraced area to front of pool building

Character and appearance

- 6.7 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. The NPPF also adds that the visual appearance is a very important factor, securing high quality and inclusive design goes beyond aesthetic considerations.
- 6.8 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context,

having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.

- 6.9 The retaining wall and 2.75m high fencing to tennis court to be retained. These works are associated with the re-constructed tennis court, which relocated the previous tennis court at the site. Overall the proposed retaining wall and fencing to the tennis court is not considered to have a significant impact on the character and appearance of the area.
- 6.10 The six 4600L underground gas tanks are retrospective and are situated to the south of the site; these must be situated 3m away from any boundaries, buildings and fixed sources. From the gas tanks to the main dwelling is a 63mm diameter underground gas supply pipe buried at a depth of 1m. The overall depth of the gas tanks underground is 1.95m with only their six caps visible above the ground at around 0.2m height, with gravel surrounding the green caps. The area around the tanks will be returned back to meadow further screening the tanks from views. The existing mature boundary to the south-east is not proposed to be impacted therefore the overall visual appearance of the tanks on the character of the area and sensitive NWD AONB are considered to be minimal given their minimal above ground presence and level of screening.
- 6.11 The boundary between Deerbourn and Bridlepath Cottage had been previously cleared to create a gap and link in the boundary; both sites of which are under the same ownership. However the previously installed access track through the Bridlepath Cottage paddock has been removed and the plans show that this gap between the two dwellings is to be reinstated with native hedgerow to restore the separate relationship of the two dwellings as well provide some limited ecological improvement.
- 6.12 To the south-west of the site from the existing driveway which leads from the public right of way there is proposed to be a grassings access route to the installed gas tanks to the south. The access track is proposed to be a reinforced grass track which specifically allows for reduced soil compaction, and grass to grow over the route concealing it visually within the meadow but allowing a stable surface for the tanker to deliver safely to the underground gas tanks. The track is located away from the boundary TPO trees and root protection area in order to have no impact on these trees. Its proposed construction method/materials means that it will have no discernible visual impact on the character of the area and the sensitive NWD AONB.
- 6.13 The existing gravel driveway situated to the west of the site is proposed to be widened to allow for the turning for the tankers that are required to attend the gas tanks at a small number of intervals throughout the year. The widening of the existing access is not considered to have a significant impact on the character and appearance of the area as will be contained to the west of the site and serve an existing access point onto the public right of way; the existing boundary screening will reduce the visual impact on the wider character and appearance of the area.
- 6.14 The existing field has been used as a compound for contractors and supplies and is proposed to be returned to agricultural use; most of which has been done with just a small amount remaining as a compound to aid the finishing of the works to the application site. The reinstating of the meadow will have a positive impact on the character and appearance of the area and the sensitive NWD AONB as well as ecological benefits.
- 6.15 Trees are proposed to be planted along the western boundary of the walled garden. This assist in reducing any minimal visual impact of the proposed boiler house and the existing chimney from the outdoor kitchen; these trees will also actually provide some screening of the walled garden from potential view from the public right of way to the

west of the application site and they would reinstate historic trees which used to be in that location and were removed in the past.

- 6.16 The already installed outdoor kitchen pergola, BBQ area with chimney are located within the walled garden; these fall outside of the requirements of the General Permitted Development Order and therefore require planning permission. The chimney is visible above the walled garden at approximately 500mm however given the choice of materials and the positioning within the walled garden there is not considered to be a significant impact on the character and appearance of the area.
- 6.17 The proposed boiler building is to replace the existing temporary boiler building; the proposed building is to be more in character with the rural setting of the application site. The building is required to house two boilers above ground which heat and run the plant rooms which supply both the pool building and the main dwelling. For safety reasons the boilers have to be housed above ground level. The proposed boiler house is also located within the walled garden in order to reduce its visual impact on the surrounding area; the clay tiled roof will be visible around 1.34m above the wall with the red brick chimney visible another 1m above the roof. The design and the choice of materials are considered to be in keeping with the rural character of the area and not considered to have a significant impact on the area and the sensitive NWD AONB.
- 6.18 The proposal includes the retention of the reconstruction of the walled garden to match existing; these walls were taken down and re-built during the construction of the swimming pool building due to instability in the garden wall. The north section of the garden wall was re-built as the existing garden wall and therefore has a similar appearance as the rest of the walled garden. Therefore any impact on the character of the area has been minimal and is not considered to be significant.
- 6.19 The proposal seeks to retain a small timber, lean-to building located to the north-east elevation of the existing walled garden to house electrical plant required to run the development. The lean-to faces is modest in size and is smaller in height than the walled garden itself, so cannot be seen from most surrounding viewpoints. It has been designed to be in keeping with the existing painted timber gardeners shed lean-to's already in use for the walled garden. The design consists of a small brick plinth to match the brick of the walled garden, horizontal, painted timber boarding, and a plain clay tile roof, with a small apron of concrete hard standing to the front. The lean-to is not considered to have a significant impact on the character and appearance of the rural area and the NWD AONB.
- 6.20 The original proposal as part of application 18/01194/HOUSE included a straight, ramped access to the new pool building. However, retaining walls were required to facilitate the level change. This application originally sought to clarify the proposed retaining walls, the material proposed, as well as amend the route of the ramped access to join the driveway at the point it enters the site, to facilitate the retention of existing additional trees/ planting which would otherwise have been lost by the construction of the previously approved straight ramped access route. However after concern from neighbours regarding any further need for sheet piling works the originally proposed access ramp has been removed and deleted from the application as shown on the amended plans submitted 24th October 2022. The proposal now seeks the retention 'as built' of the sunken courtyard area which also allows access to the underground plant rooms. The retaining walls to the sunken courtyard are rubble stone topped with stone coping, steel railings have been added for safety reasons and planting pockets in the walls have been added to soften the retaining walls. The plant rooms are accesses from the sunken courtyard via painted timber doors, the steel railings/balustrade are 1.1m in height and screened via planting. External staircases provide access to the sunken courtyard from the north and the south. As most of the works are below ground the main visual impact is from the stone coping and the black railings/balustrade in which

additional soft landscaping is planned in order to reduce the overall visual impact from the carried out works. The removal of the ramp section of works also reduces the visual impact on the rural character and appearance of the area and the sensitive NWD AONB.

- 6.21 The underground pool building was approved under application 18/01194/ HOUSE however changes were made during construction which this application seeks to regularise. The pool building is constructed within the hillside, and underneath the existing walled garden. As such there is one principal visible elevation at 'ground level' to the north, and a secondary elevation to the building from the sunken courtyard to the west. The principal elevation is largely unchanged from the previous permission however the overall floor space underground has increased by approximately 10% due to increased plant provision. The sunken courtyard to the west was widened, external staircase constructed along with retaining walls, which were constructed along with associated other works including the cladding of the pool building in timber mirroring the principal elevation. Some of the windows from the approved design were not constructed and therefore this application seeks approval for as constructed. However the majority of plan changes proposed to be retained are internal and are not visible from anywhere on the site or surroundings. The rooms that are visible from the principal elevation, are unchanged in size from the original permission. One of the main changes was removal of the stepped access and glass link into the walled garden, instead two external staircases were constructed into the widened sunken courtyard to the west of the building. This is an improvement with less impact on the walled garden area itself. The roof lights in the grass roof of the building are reduced in size and number, and the material finish of the rounded roofs, are proposed to be amended from gravel to a single ply membrane. Also a slight level change is proposed within the walled garden to allow for increased depth of soil for the planting of pleached fruit trees etc. over the proposed underground rooms, to maintain similar planting within the walled garden as has been historically undertaken. Overall the proposed main changes to the pool building are underground and are not visible from surrounding view points; therefore whilst the size of the building has increased by a small proportion the impact on the character and appearance of the rural area including the sensitive NWD AONB is not considered to be significant.
- 6.22 Overall it is therefore considered that there will be no additional significant impact and harm to the character and appearance of the area or the North Wessex Downs AONB. Therefore the proposal is considered to be in accordance with the advice contained within the NPPF, and Planning Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

Neighbouring amenity

- 6.23 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 National Planning Policy Framework.
- 6.24 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.25 Due to the location of the proposal, the existing nature of the site and the distance from neighbouring dwellings there is not considered to be a significant impact on neighbouring amenity from the works when completed.
- 6.26 Concern has been raised by neighbours regarding the on-going works at the application site and the length of time of construction. The main concern being the sheet piling works for the construction of the access ramp; this part of the proposal has now been

removed and deleted and the sunken courtyard will remain as constructed which will also remove the need for any further sheet piling works.

- 6.27 A construction management plan has been submitted detailing that the remaining demolition/enabling works will take 2 weeks with remaining construction works taking 12 weeks. Construction hours have also been detailed with works being carried out Monday to Friday 8am-4:30pm with no works at weekends or bank holidays. The application is the final stretch in order to complete the works on site and return the application site back to a domestic dwelling associated noise levels which will improve the neighbouring amenity.
- 6.28 A condition has been recommended for the compliance with the submitted construction management plan at all times this will ensure that the remaining construction works are carried out to aid the impact on neighbouring amenity for a prolonged time period.

Underground gas tanks

- 6.29 The retrospective gas tanks have been installed to the south of the site and concern has been raised in regards to the safety aspect of these and their location. The Council have consulted emergency planning, public protection, building control and also the Health and Safety Executive all of which have no objections to the installation of these underground gas tanks. A safety certificate has also been submitted by the agent to show that the gas tanks have been installed correctly in line with the relevant legislation, which is outside of planning control.
- 6.30 The gas tanks are proposed to be filled a small number of times throughout the year depending on usage and smaller service vehicles are proposed. -However on occasion a larger tanker lorry maybe used which is reliant on the supplier. The delivery vehicles are proposed to use the bridleway access as this is the closest available to the gas tanks, with the lorry reversing down the access track, over the proposed reinforced grassrings track, in order to deliver the gas to the tanks.

Public Rights of Way

- 6.31 To the west of the site is, Bridle Path, a public right of way (INKP/44/2) which is a bridleway with an existing access to the application site. The applicant has provided details that they have a right of access along this bridleway similar to many of the residential dwellings situated along the bridleway. Concern has been raised by objectors regarding the use of the bridleway for access for deliveries and construction traffic; the legal use of the bridleway for vehicles is outside the control of planning and is covered by separate legislation to the planning system.
- 6.32 The submitted construction method statement states that construction vehicles will use the main entrance to the site, with smaller construction vehicles being used due to the restricted width and nature of that access to avoid impact on existing trees. This is intended to be conditioned as part of the proposed provisions of the submitted CMS. However in the event of the exceptional, but not intended, circumstance where there may be a need to use a larger construction vehicle which would need to access the site via the bridleway, the CMS states that if the bridleway is to be used then they will ensure that the local residents are consulted well ahead of time and a way forward agreed with them prior to any access being made via this route.
- 6.33 Informatives have been added to ensure that the public right of way users are kept safe at all times.

7. Planning Balance and Conclusion

- 7.1 The previous refusal of planning permission which included the gas tanks and associated pipework, was as part of the wider proposals to retain the previous unacceptable access tracks on site including through the Bridle Path Cottage paddock and also to Rooksnest Lane to the east (which have since been removed and land re-instated) and was considered overall as unacceptable.
- 7.2 In the case of this application, having taken into account all the elements now include in the proposal as amended, which also aim to take into account and have positively responded to third party comments and concerns and seek to finalise this long-standing construction contract on this site and also final re-instatement of the land, taken in their totality the proposed elements are not considered to result in harm to interests of acknowledged importance as part of the planning balance. Thus taking into account all the relevant policy considerations and other material considerations referred to above, it is considered that this application accords with policy and in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 (along with S70(2) of the 1990 T&C Planning Act as amended and the provisions of paragraphs 11 and 12 of the NPPF) it is hereby considered that the application should be determined in accordance with the development plan and therefore in this case be approved. Indeed there are no material considerations in this case which would justify a decision to the contrary on balance.
- 7.3 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP5, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 the West Berkshire Core Strategy (2006-2026), Policy C1, C3, C6, P1 of the West Berkshire HSA DPD (2006-2006), Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan (1991-2006) Saved Policies (2007), and the Quality Design Supplementary Planning Document (2006), and is therefore recommended for APPROVAL.

8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

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| 1. | <p>Approved plans</p> <p>The development hereby permitted shall be carried out and completed in accordance with the approved plans and documents listed below:</p> <p>Proposed Boiler Building Plan 2291-3115 Rev A received 31st August 2022; Lean-to Services Shed Plan 2291-3118 Rev A received 31st August 2022; BBQ and Pergola Plan 2291-3120 Rev A received 31st August 2022; Drainage Plan 2291-3108 Rev A received 31st August 2022; Pool Section plan 2291-3111 Rev A received 31st August 2022; Tennis Court Fencing and Retaining Walls Plan 2291-3121 Rev A received 31st August 2022; Site Location Plan 2291-003 Rev B received 24th October 2022; Site Plan 2291-3102 Rev B received 24th October 2022; Pool Plans 2291-3105 Rev B received 24th October 2022; Pool Roof Plan 2291-3106 Rev B received 24th October 2022; Garden Wall Reconstruction Plan 2291-3107 Rev B received 24th October 2022; Pool Elevations 2291-3110 Rev B received 24th October 2022;</p> |
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| | <p>Courtyard Retaining Walls Plan 2291-3114 Rev A received 24th October 2022; Underground Tanks Plan 2291-3116 Rev B received 24th October 2022; Underground Services Plan 2291-3117 Rev B received 24th October 2022; Construction Management Plan received 31st January 2023; Email from agent with further construction management details received 17th February 2023.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 2. | <p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p> |
| 3. | <p>Construction Management Plan</p> <p>The remaining non-retrospective works hereby approved development shall be undertaken in accordance with the details and provisions of the hereby approved Construction Management Plan (CMS) received 31st January 2023. For the avoidance of doubt any further works shall be carried out solely within the construction hours and all associated construction traffic shall access the site solely from the Kintbury Road entrance at the north east corner of the site as set out in the approved CMS. Any deviation from this approved arrangement, regarding the construction vehicle access route, which may necessitate the use of the Bridle Path access to the site, shall be the subject of prior discussion with the adjacent Bridle Path residents and will require the written agreement of the Local Planning Authority.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |
| 4. | <p>Arboricultural Method Statement</p> <p>No works hereby approved (including site clearance, any other preparatory and/or land reinstatement works and additional hedge planting) shall take place in the vicinity (i.e. within 5m of the outer limit of either the root protection area or the extent of the canopy of any of the existing trees, the subject of a group Tree Preservation Order (TPO), situated along the western (shared) boundary of the site with the adjoining Bridle Path Cottage paddock, whichever the greater, until an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. The reinstatement of the previously removed hedgerow along the western boundary and any other planting hereby approved shall take place within the first planting season following approval of this AMS.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |

Informatives

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| 1. | Proactive |
| 2. | CIL |
| 3. | I10 The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development. |
| 4. | I12 The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site, and should give way to pedestrians, cyclists and equestrians at all times. |
| 5. | I13 Nothing connected with either the development or the construction must adversely affect or encroach upon the Public Right of Way, which must remain available for public use at all time. Information on the width of the PROW can be obtained from the PROW Officer. |