

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	22/01953/FULD Bradfield	10 <sup>th</sup> October 2022 <sup>1</sup>	Revised application for demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage  Reservoir (covered), Bishops Road, Tutts Clump, Reading  Mr Tony Swales

<sup>1</sup> Extension of time agreed with applicant until 13<sup>th</sup> October 2023

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01953/FULD>

**Recommendation Summary:** Refuse planning permission

**Ward Member(s):** Councillor Ross Mackinnon

**Reason for Committee Determination:** Called into committee by Councillor Ross Mackinnon if Officer's recommendation is for refusal. To provide committee an opportunity to discuss whether the proposal complies with the criteria for the exception of residential infill outside of a settlement boundary.

**Committee Site Visit:** 27<sup>th</sup> September 2023

#### Contact Officer Details

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## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the removal of the existing infrastructure at the pumping station and covered reservoir and to replace with a 5-bed detached dwelling with integral garage. This application is a revision of 22/00697/FULD.
- 1.3 The application site is located in Tutts Clump, a settlement without a defined settlement boundary, within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB). The site is positioned on the corner of Bishops Road and Cock Lane. To the north there are dwellings extending along Bishops Road. Positioned on the corner of Cock Lane and Bishops Road is a single Oak tree protected by a Tree Preservation Order (TPO)- 201/21/1011 - T1 – OAK.
- 1.4 The site comprises if a mixture of hard and soft landscaping that forms the covered reservoir and water pumping station. The reservoir appears as a large grass covered mound centrally within the site with two associated buildings to the east (the canopy is removed from one of the buildings). It is acknowledged that these buildings are in a dilapidated condition. To the rear (west) of the site is a Group TPO (201/21/1011 - G1 – OAK). Notwithstanding, the chain link fence and vegetation on the boundaries the site is both visible from both Cock Lane and Bishops Road.
- 1.5 The proposal will remove the existing infrastructure on the site to accommodate the proposed dwelling. The proposed 5-bed dwelling is comprised of three main forms the two storey dwelling (with bedroom in loft space), the attached 1.5 storey garage (with pitched dormer windows) that extends south towards Cock Lane and a rear two storey projection set down from the main ridge line and includes a first floor terrace. It is intended to replicate the dwellings to the north of the site. The existing access will be retained, and drawings indicate the soft and hard landscaping for the proposed dwelling.
- 1.6 This application revises the refused 22/00697/FULD. This application seeks to reduce the scale of the development by:
  - Reducing the footprint by approximately 16sqm due to decreasing the number of bays at the integral garage from 3 to 2,
  - The roof form is amended on the rear projection from gable-end to hipped over the covered terrace.
- 1.7 Changes to the fenestration including reducing the area covered by glazing and is intended to address the concerns of light spill and those raised by the Parish Council on 22/00697FULD.

## 2. Planning History

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

Application	Proposal	Decision / Date
22/00697/FULD	Demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage.	Refused 10.06.2022 Appeal dismissed.

- 2.2 Application 22/00697/FULD was refused due to the proposal's conflict with the local development plan, the impact on the character of the area and NWD AONB and insufficient information to categorically rule out harm to any trees at the site (including those protected by a tree preservation order).
- 2.3 APP/W0340/W/22/3312565 dismissed the applicant's appeal of 22/00697/FULD and refused an award of costs against the Local Planning Authority. The Planning Inspector upheld that the proposal would conflict with the development plan and would result in harm to the rural character of the area. However, the Planning Inspector felt that development would not harm the special qualities of the NWD AONB itself. During the course of the appeal the matter regarding insufficient information to assess the impacts to trees was resolved. A copy of both the appeal and costs decision is annexed to this report.

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** 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. 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.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 22<sup>nd</sup> August 2022 at the entrance gates to the site, with a deadline for representations of 13<sup>th</sup> September 2022.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4 & 3.5
New Homes Bonus	Yes	No	3.6
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £72,369.38 (Gross floor space). Existing floorspace can be offset against liability subject to evidence provided this would be invited after issue of initial notice. 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](http://www.westberks.gov.uk/cil). The CIL PAIR form indicates the applicant intends to claim a self-build exemption for the new home.
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. In considering the merits of this planning application, due regard has been given to the objectives of the Act.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

- 3.9 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 It is acknowledged that there are certain properties where they may be some impact. However, it is identified in the report that the proposal would not result in harm (or harm can be mitigated by conditions) to those properties closest to the development.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The nearest listed building is over 500 metres from the application site and therefore the proposal will not impact on the setting of listed buildings.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No conservation areas would be impacted by the proposed development.

## 4. Consultation

### ***Statutory and non-statutory consultation***

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

<b>Bradfield Parish Council:</b>	No objections
<b>WBC Highways:</b>	Content with drawings submitted and have no objection. Conditions are requested for: electric charging point (as per plans), set back of gates, surfacing of access, visibility splays to be provided prior to occupation and parking/turning in accord with plans. Informatives recommended.
<b>Lead Local Flood Authority:</b>	There is a relatively low surface water flood risk so an FRA would not be required, however the applicant may want to include flood

	resilience measures as part of their design. A standard SuDS condition seems appropriate.
<b>WBC Tree Officer:</b>	<p>During the course of the application additional information was requested to ensure that there would not be a harmful impact on the TPOs where re-profiling works are taking place.</p> <p>No objections to the additional information and it is recommended conditions are applied for Arboricultural Method Statement and Arboricultural Supervision.</p>
<b>WBC Archaeological Officer:</b>	Part of this piece of infrastructure is of some historic interest (being of probable early 20th century origins). However, some photos of the reservoir do exist, and any building recording cannot be justified.
<b>WBC Public Protection Officer:</b>	Land contamination concerns raised due to a diesel generator at site for the former pumping station. No assessment accompanies the application. It is recommended a pre-commencement condition is applied to ensure contamination risk is investigated and if appropriate remediated for the use of the site for residential purposes.
<b>WBC Ecology Officer:</b>	Previously it was identified that protected species were found on the site and therefore further information was required with this application to identify whether there would be a likely impact as a result of the development. The Ecologist raised concerns with the first set of additional information because it was not sufficient to establish if protected species were present on site. Further surveys were undertaken, and no further comments have been received from the Ecologist.
<b>Thames Water:</b>	No objection in terms of wastewater network, sewage treatment works and water network infrastructure capacity. It is recommended that informatives are applied to advise the applicants of the water network during construction and occupation of the dwelling.
<b>Environment Agency:</b>	Do not wish to be consulted on the application.
<b>WBC Waste Management:</b>	No comments received at time of writing the report.
<b>North Wessex Downs Management:</b>	No comments received at time of writing the report.

### ***Public representations***

- 4.2 Representations have been received from 2 contributors which support the application.
- 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:

- Good opportunity for residential development.
- By approving the application, a precedence would not be set.
- Proposal is not out of character with the area, it would fit well within area.
- Current site is an eyesore that requires improvement which the proposal would achieve.

4.4 The applicant has also requested that the planning committee's attention is drawn to the 13 third party representations letters received during the appeal of 22/0067/FULD. These were broadly consistent with the points listed above. However, there was some concern raised with scale of the scheme.

## 5. Planning Policy

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

- Policies ADPP1, ADPP5, CS1, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6, TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- WBC Landscape Character Assessment (2019)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highway matters
- Ecology
- Trees
- Other matters

### ***Principle of development***

6.2 In determining the principle of development, the most important policies are considered to be Policies ADPP1, ADPP5, CS1 of the WBCS and Policy C1 of the HSA DPD.

- 6.3 Policy ADPP1 outlines the broader spatial strategy for the district advising most development will be within or adjacent to the settlements within the hierarchy. Tutts Clump is without a settlement boundary and therefore is deemed to be open countryside in terms of Policy ADPP1. According to the policy only appropriate limited development in the countryside will be allowed focusing on addressing an identified need and maintaining a strong rural economy. It is recognised that this policy seeks that the majority of development will take place on land that is previously developed land.
- 6.4 Policy ADPP5 provides the spatial strategy for the NWD AONB in which the site is located. The policy does recognise opportunities for infill development on previously developed land. However, advises that development is required to recognise the national designation by conserving and enhancing the special qualities and local distinctiveness.
- 6.5 Policy CS1 advises that new homes will be located in accordance with the settlement hierarchy and Area Delivery Plan Policies. New homes will primarily developed on suitable land within settlement boundaries, strategic sites and broad locations identified in the Core Strategy and land allocated for residential development in subsequent development plan documents.
- 6.6 In this context, Policy C1 of the HSA DPD gives presumption against new residential development outside of the settlement boundaries. Policy C1 gives specific exceptions to the general presumption against residential development outside of settlement boundaries, thus ensuring rural needs are addressed. Exceptions to this are limited to some forms of development listed in the policy including conversion of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and the limited infill in settlements in the open countryside.
- 6.7 The information accompanying the application sought to demonstrate that the policy met the exception in Policy C1 for limited infill development for a settlement in the countryside with no defined settlement boundary. However, it must meet the following criteria:
- i) *It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and*
  - ii) *The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and*
  - iii) *It does not extend the existing frontage; and*
  - iv) *The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.*
- 6.8 The Design and Access Statement raises similar issues to those raised in the appellant's statement of case produced for the appeal of 22/00697/FULD.
- 6.9 Appeal decision APP/W0340/W/22/3312565 confirmed that the application site was not located within a cluster of 10 dwellings and would extend the existing frontage. The Inspector concluded this was because of:
- The surrounding land uses and characteristics: the highway was directly to the south of the site with non-residential uses on the opposite side of the highway. Furthermore, there was undeveloped land and non-residential uses to the east and west.



- Pattern of development: It was also considered that the existing infrastructure on site was not visually comparable to the proposal in terms of the established pattern of development.
- 6.10 The context in which the site is located in has not changed since the Inspector's decision made on 22<sup>nd</sup> August 2023 and therefore the proposal still conflicts with criteria (i) and (iii) of Policy C1 of the HSA DPD.
- 6.11 It is noted that the Design and Access Statement refers to the weight that should be attributed to the previously developed status of the land. This was also addressed within the Planning Inspector's decision at paragraph 15. The previously developed status of the land did not outweigh the presumption against residential development outside of a settlement boundary. The decision noted the development did not meet the exception for the conversion of existing buildings which seeks residential development on previously developed land outside of a defined settlement boundary.
- 6.12 The proposed development conflicts with Policy C1 of the HSA DPD because it would not meet any of the exceptions listed in the policy and therefore there is a presumption against residential development outside of a defined settlement boundary. In addition, the proposed development fails to accord with Policies ADPP1 and CS1 of WBCS which sets out the spatial strategy for accommodating new housing.

### ***Character and appearance***

- 6.13 Policy CS14 of the WBCS 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. Considerations of design and layout must be informed by the wider context.
- 6.14 Policy CS19 of the WBCS seeks development that will have a particular regard to the sensitivity of an area to change, ensuring new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.15 These are reflected in Policy C1 and Policy C3 of the HSA DPD. Development must not undermine the existing relationship of the settlement with the open countryside and is required to contribute to the character and distinctiveness of a rural area. The development must have regard to the impact individually and collectively to the landscape character, the local settlement and building character.
- 6.16 The Planning Inspector for the recently dismissed appeal identified that the application site was positioned in a prominent location (due to the corner plot) and that the site has an 'open quality' contributing to the spacious rural character when viewed from Cock Lane. It was considered the dwelling would have a dominant visual impact and urbanise previously open and rural surroundings. The proposal was therefore harmful to the rural character particularly when viewed from Cock Lane.
- 6.17 The proposed 5-bed dwelling has been reduced in scale and would still be consistent with the scale of development in the area and in character with existing built form (reflects Oak House to the north). However, it is considered that the amendments made would not address the identified harmful impact to the rural character of the area. Whilst it is acknowledged the development steps down towards Cock Lane the proposed dwelling would still represent a dominant built form. This would result in the loss of the open quality and spaciousness of the existing site. As a result, there would be harm to the rural character when viewed from Cock Lane.

- 6.18 It is noted that the Inspector found that residential development at the site would not result in harm to the NWD AONB and it is therefore considered this proposal would not conflict with policies for the conservation and enhancement of the special qualities of the NWD AONB.
- 6.19 It is recognised that removing the existing infrastructure from the site would be beneficial and there has been local community support for redevelopment of the site. However, the harm to the rural character is considered to outweigh the benefit of removing the existing dilapidated buildings on site.
- 6.20 The proposal therefore conflicts with Policies CS14 and CS19 of the WBCS and Policies C1 and C3 of the HSA DPD.

### ***Neighbouring amenity***

- 6.21 Policy CS14 of the WBCS seeks development that positively contributes to the quality of life in West Berkshire. The Quality Design SPD provides guidance on securing an acceptable impact on neighbouring amenity and living conditions for the future occupants of the dwelling.
- 6.22 Drawing 22/39/08 B (Proposed Site Plan) demonstrates that a minimum separation of approximately 10.6 metres between the proposed dwelling and Oak House to the north. It is considered that this is sufficient to mitigate harmful impact in terms of overbearing impact and daylight/sunlight received. Furthermore, due the physical massing of the dwelling this reduces the amount of development to the north of the site. It is considered that there are no other dwellings in proximity that would be impacted by the proposal.
- 6.23 In terms of privacy two first floor windows are proposed in the north elevation facing towards Oak House. However, the rooms in which they serve are non-habitable and proposed to be fitted with obscure glass. A condition to secure the obscure glass would mitigate the impact on privacy for the neighbouring dwelling and therefore would not be significantly harmful. The roof lights facing Oak House serve a staircase to the loft and a double-height bedroom therefore it is considered that this would not result in harmful overlooking.
- 6.24 The proposed dwelling would provide an acceptable level of amenity for the future occupiers of the dwelling in terms of floor space, storage and natural light within rooms. As a result of the large plot a substantial garden would be provided for the dwelling.
- 6.25 During construction the impact to neighbouring amenity for nearby dwellings could be mitigated using a condition restricting the hours of construction and demolition.

### ***Highway Matters***

- 6.26 Policy CS13 of the WBCS advises that road safety is a key consideration for all development. Saved Policy TRANS1 of the WBDLP seeks the transportation needs of development to be met through different transport methods. Policy P1 of the HSA DPD provides the parking standards for new residential development.
- 6.27 The Highways Officer was satisfied with the use of the existing access, the proposed parking layout and the provision of electric vehicle charging points.
- 6.28 Conditions were recommended to ensure parking and the access were provided in accordance with the details submitted. It is considered the development is in accordance with the relevant highway policies.

## ***Ecology***

- 6.29 Policy CS17 of the WBCS seeks the conservation and enhancement of biodiversity in the district.
- 6.30 It was identified during the course of the application that protected reptile species will likely be impacted by the proposed development and further phase 2 surveys were required to establish if there was an impact.
- 6.31 During the application a phase 2 survey was undertaken. However, the Council's Ecologist considered that there were limitations to the survey and that further information was required to establish the impact.
- 6.32 A further report was submitted on 17<sup>th</sup> August which demonstrates further surveys identifying no reptiles were found on the site.
- 6.33 No comments have been received regarding the surveys. However, the Planning Inspector was satisfied as part of the appeal for 22/00697/FULD that sufficient assessment had now been carried out and that a precautionary method statement was acceptable. This is accepted and a condition would be applied so that the development was carried out in accordance with the method statement.
- 6.34 The recommendations for mitigation and ecological enhancement are recommended to be applied as conditions. It is also recommended a condition for prior approval of external lighting is applied. The proposal is in accordance with Policy CS17 of the WBCS.

## ***Trees***

- 6.35 Landscaping and trees inform good design sought by Policy CS14 of the WBCS. Trees to the west of the site are also covered by a Group TPO which is considered to form part of the Council's green infrastructure which development is required to conserve and enhance in accordance with Policy CS18 of the WBCS.
- 6.36 It was identified by the Council's Tree Officer that investigation works were required to be carried out to be able to determine if the proposal would result in harm to the Group TPO.
- 6.37 During the application, Arboricultural Memo was produced which carried out this investigative work. It was demonstrated that the proposed development would be highly unlikely to impact on the TPOs.
- 6.38 The Tree Officer was satisfied with the additional information and recommended that conditions were applied for an Arboricultural Method Statement and Arboricultural Supervision details were submitted prior to development commencing.
- 6.39 No objections were received to the landscaping scheme.
- 6.40 The application is in accordance with Policy CS14 and CS18 of the WBCS in terms of impact on landscaping and trees.

## ***Other matters***

- 6.41 **Land contamination:** The Public Protection Officer identified there were concerns that the existing site may have contaminated land. It was recommended that this was required to be addressed by way of pre-commencement condition to establish if any of the land was contaminated and remediations works (if required). The condition would

be required in accordance with Saved Policy OVS5 of the WBDLP and Policy CS14 of the WBCS.

- 6.42 **Historic Environment Record:** The existing site does have a historic environment record for the existing 20<sup>th</sup> Century pump house. However, there is no objection to their loss and the Council's Archaeologist advises that no building recording is required for the demolition of the existing buildings.
- 6.43 **Flooding and Drainage:** The application site is located in Flood Zone 1 and in the area with the lowest risk flooding, this is in accordance with Policy CS16 of the WBCS. The policy also requires development to incorporate sustainable drainage systems. The Lead Local Flood Authority advised this could be dealt with by way of a condition.
- 6.44 **Pre-application Advice:** Reference in the Design and Access Statement is made to pre-application advice given by the Council. This was dealt with in both the Inspector's decision and the appeal costs decision. It was advised that it was *"..noteworthy that the advice concluded that 'the development could be looked upon, on balance, unfavourably'"*. It is therefore considered that this does not impact upon the planning balance.
- 6.45 **Permissions 81/15202/ADD, 84/21615/ADD & 87/29076/ADD:** The Design and Access Statement refers to these permissions and the precedent they set for a new dwelling on Bishops Road. These are permissions that were not implemented at a different site to the north of the application site. It is considered that these can only be given very limited weight as they refer to a different site and policy context has changed since these decisions.

## 7. Planning Balance and Conclusion

- 7.1 It is recognised that the proposed development would offer the benefits of providing one new dwelling to assist in boosting the supply of new homes and the economic benefits associated with the construction of a new dwelling. It is considered that limited weight is given to these in the planning balance.
- 7.2 The removal of the existing dilapidated infrastructures would also provide a benefit and it is noted that there is a support for this in the local community.
- 7.3 However, great weight is given to the inappropriate location of the proposed residential development which would conflict the Council's development plan and result in harm to the rural character of the area.
- 7.4 Significant weight is also given to the recent appeal decision APP/W0340/W/22/3312565 (refused 22/00697/FULD) which is considered to be a relevant material consideration because these are similar schemes.
- 7.5 It is considered in the planning balance the conflict with the development plan and harm to the rural character significantly and demonstrably outweigh the benefits of a new residential dwelling on previously developed land. This is informed by the recent appeal decision at the site. It is recommended that the application is refused.

## 8. Full Recommendation

- 8.1 To delegate to the Development Control Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

## **Refusal Reasons**

### **1. Conflict with development plan**

The application site is in Tutts Clump a settlement without a defined settlement boundary. Policies ADPP1 and CS1 of the West Berkshire Core Strategy and C1 of the Housing Site Allocations (HSA) DPD gives a presumption against new residential development outside of settlement boundaries unless it meets an exception. Policy C1 of the HSA DPD provides a list of exceptions for residential development outside of a settlement boundary, the information accompanying the application seeks to demonstrate the proposal would be limited infill development within a settlement without a defined settlement boundary. The proposal is not considered to meet the criteria (i) and (iii) for this exception. The proposed development does not meet any of the other exceptions listed in this policy. It is also identified the development would undermine the existing relationship of the settlement with the open countryside.

The proposed development is not in accordance with the spatial strategy and policies for new housing in the development plan. The proposal does not comply with the NPPF, Policies ADPP1 and CS1 of the West Berkshire Core Strategy (2006-2026) and Policy C1 of the Housing Site Allocations DPD (2006-2026). It is considered that the redevelopment of the site does not outweigh this conflict.

### **2. Impact to rural character of the area**

The application site is positioned in a prominent location and the site has an open quality contributing to the spacious rural character when viewed from Cock Lane. The erection of a large 5 bed dwelling would have a substantial urbanising impact that would change the character of the plot. The dominant built form would be harmful to the rural character of the site and area when viewed from Cock Lane.

The harm to the character of the area identified conflicts with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policies C1 and C3 of the Housing Site Allocations DPD (2006-2026).

## **Informatives**

### **1. Statement under Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

The Council seeks to work with applicants in positive and proactive manner, where possible seeking solutions to problems arising in relation to dealing with a planning application. In accordance with the National Planning Policy Framework, the Council offers a pre-application advice service so that potential issues can be identified and addressed prior to submission. The Council will also negotiate improvements to submitted applications in line with its published strategy (<https://www.westberks.gov.uk/planning-application-process#Negotiations%20and%20amendments>). In this instance, it was not considered that the issues with the proposal could be resolved during the application in accordance with the published strategy. The principle of development is unacceptable, as confirmed by a recent appeal decision, and as such it was not possible to negotiate an acceptable solution.

### **2. CIL for refused application**

This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

### 3. Plans considered

The following plans/documents have been considered in the determination of this application:

- (i) Application Form
- (ii) Drawing 22/39/07 A (Site Location Plan)
- (iii) Drawing 22/39/08 B (Proposed Site Plan)
- (iv) Drawing 22/39/09 A (Existing Buildings & Proposed Site Sections)
- (v) Drawing 22/39/01 A (Proposed Ground Floor Plan)
- (vi) Drawing 22/39/02 A (Proposed First Floor Plan)
- (vii) Drawing 22/39/03 A (Proposed Second Floor Plan)
- (viii) Drawing 22/39/04 A (Proposed Roof Plan)
- (ix) Drawing 22/38/05 A (Proposed Front and Side Elevations)
- (x) Drawing 22/38/06 A (Proposed Rear and Side Elevations)
- (xi) Drawing 22/39/10 A (Proposed Visibility Splays)
- (xii) Design and Access Statement (Tony Thorpe Associates)
- (xiii) Arboricultural Assessment & Method Statement (Mark Welby, MW.21.1128.AIA, 31 August 2022)
- (xiv) Drawing MW.21.1128.TS (Mark Welby: Tree Survey)
- (xv) Arboricultural Memo (Mark Welby, MW.21.1128.Memo, 2 March 2023)
- (xvi) Landscape Design and Management Statement (Draffin Associates, August 2022)
- (xvii) Drawing 848/01 (Draffin Associates, Landscape Proposals)
- (xviii) Ecological Assessment (GS Ecology, ECO2981, 21 January 2022)
- (xix) Reptile Survey Report (GS Ecology, ECO2981, 04 May 2023)
- (xx) Appeal Statement (Ecology) by GS Ecology 15 August 2023 (including appendices)