

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4.1)	23/01916/HOUSE Cold Ash	16.10.2023	Erection of a single timber shed to the western side of the property Birkdale, The Ridge, Cold Ash RG18 9HT Mr Martin Sutherland
¹ Extension of time agreed with applicant until 28.03.2024			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01916/HOUSE>

Recommendation Summary: That the Development Manager of Development and Regulation be authorised to APPROVE conditional permission.

Ward Member(s): Councillor Codling
Councillor Dick

Reason for Committee Determination: The number of objections exceeds 10.

Committee Site Visit: 19 February 2024

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the erection of a single timber shed to the western side of the property.
- 1.2 The site is a new build dwelling, one of five substantial detached dwellings. Each of the dwellings has a slightly different design approach.
- 1.3 The application site occupies a prominent position on the southern side of The Ridge and is elevated to the countryside to the south where expansive views are available from the property.
- 1.4 Surrounding residential development comprises a ribbon of development, that extends along both sides of The Ridge. Dwellings vary in terms of their design and height, there is also a range of materials which includes brick, render and weather boarding.
- 1.5 The application site is identified as lying within the settlement boundary and was part of a larger site allocated for development under Policy HSA7 of the Housing Site Allocation Development Plan Document (HSADPD). Amongst other things, Policy HSA7 sought to ensure that development reflects the existing settlement pattern, with gaps to be provided in the built form to allow views of the open landscape to the south.
- 1.6 The planning approval removed permitted development rights for additions or buildings or enclosures incidental to the enjoyment of the dwellinghouses to protect the character of the area. This does not preclude such development from taking place but enables the LPA to assess and consider the impact of development proposals.
- 1.7 A public right of way (COLD/23/1) runs across the fields to the south of the site.
- 1.8 The proposed shed measures 2.43 metres by 3.04 metres and is 2.21 (max) metres in height and will be constructed from tongue and groove pressure treated timber with a felt roof covering.
- 1.9 It would be located in a tucked away position to the western side of the property which is currently used for storage.
- 1.10 The application originally proposed two sheds, one to each side of the property. During the course of the application amended plans were submitted at Officers request to remove the shed to the eastern side of the property which would have spread the built footprint to each side of the property

2. Planning History

- 2.1 There is an extensive planning history relating to the development of the wider site however this is the first application in relation to the dwelling in question.

3. Procedural Matters

- 3.1 Given the scale and nature of this householder development, it is not considered to within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 31.08.2023; the deadline for representations expired on 21.09.2023.

- 3.3 CIL: 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 Pre-Commencement Condition: Agreed on 11.01.2024

4. Consultation

Statutory and non-statutory consultation

- 4.2 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.

Parish Council:	<p>Objection – Unanimous</p> <ul style="list-style-type: none"> - Not in keeping with neighbouring properties - Overdevelopment of site - Contradicts original development planning consent stating that any views between properties should not be obstructed with additional development. - The importance of gaps between the houses extends back to the West Berkshire Housing Site Allocations Development Plan Document (HAS DPD) published in September 2014, and the Landscape Capacity Assessment (LCA) of 2015. The site referred to as COL006 highlighted the importance of gaps in the built form to allow views through the development to the open landscape to the south. This is included below. This was reiterated throughout the planning process by ProVision on behalf of TA Fisher, the intonation being that the proposed plans and resultant houses recognised the importance of this and would conform to it. -The planning application for the successful Reserved Matters submission (19/00832/REM, approved by the planning inspector) is attached and includes reference to the HAS DPD and LCA (Section 5.9) and specifically states that the housing conforms to and incorporates substantial gaps in built form (Section 6.9 below).
WBC Highways:	No objections
Berkshire Newt Officer:	No comments received

	AMENDED PLANS:
Parish Council	OBJECT - Councils view was that any structures between the houses on the new development that block the views from The Ridge will be in conflict with the planning approval. It was therefore agreed to object to the application. Clerk to action in line with the wording on the previous objection. (as detailed above)
WBC Highways:	No objections
Berkshire Newt Officer:	No comments received

Public representations

4.3 Representations have been received from 11 contributors, none of which support, and 11 of which object to the proposal.

4.4 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:

- There is an unacceptable degree of urbanisation from the five houses already built, any further development should be resisted
- Overdevelopment and setting the precedent for further development of an already overdeveloped site
- Questioning the need for additional outbuildings. There is adequate storage space on the site in the existing garage
- Importance and principle of gaps between the houses (Reference to HASDPD and the Landscape Character Assessment)
- Importance of retaining the remaining views through the site
- Impact on AONB
- Design not in keeping
- In breach of the condition that removed permitted development rights
- Support for the Parish Council objection
- Impact on views from the footpath and Lawrences Lane
- Previous objections reiterated following the submission of amended plans
- Objections remain the same regardless of the number of sheds proposed

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 ADPP5, CS13, CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- HSA7 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies CAP1, CAP2, CAP3, CAP6, CAP10 of the Cold Ash Neighbourhood Development Plan (NDP) (Because the NDP has been successful at examination it now carries weight in the decision-making process)

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Cold Ash and Ashmore Green Village Design Statement (2002)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The impact on the character of the area
- The impact on neighbouring amenity
- The impact on protected species

Principle of development

6.2 The principle of development within the curtilage of an existing dwelling within the settlement boundary is in general accordance with the development plan. The acceptability of the proposal is subject to its design and specific impacts.

6.3 The site is within a risk zone for great crested newts.

Character and appearance

6.4 In assessing the impact on the character and appearance of the area particular attention has been given to the sensitivities of the site in relation to the visual gaps provided between the properties which allow views of the open landscape to the south.

6.5 The design of the proposed shed is considered in keeping with a residential setting and will be constructed of appropriate materials.

6.6 An initial investigation into the fencing alongside the dwelling indicates that this may not have been constructed in accordance with the approved means of enclosure for the site. This matter will be referred to planning enforcement for further investigation should this be confirmed. However, in this respect the impact of the shed has been considered in isolation. The approved means of enclosure show a 1.8 metre fence in the same location as the proposed shed that would be approx. 40cm shorter than the tallest point of the proposed shed. It would, in your officers' view, be hard to justify that the additional 40 centimetres of shed above the approved fencing height, or indeed the proposed shed irrespective of the fencing, posed any significant obstruction or detrimental impact on the available views from the front of the site, being by its nature a small and modest building that is closely related to the host dwelling.

- 6.7 From Lawrences Lane and the footpath to the south limited direct views would be available of the proposal given that it would be tucked away to the western side of the property and given that the wall and fence above to the boundary of the neighbouring property are of a significant height. Given its scale it would also appear as a modest structure in relation to the scale of the property and the existing outbuilding on the site from these wider public viewpoints.
- 6.8 Furthermore an outline landscaping plan has been submitted to indicate that further screening will be undertaken in the rear garden adjacent to the proposal including some short hazel hurdles and additional planting. A condition is recommended that more detailed information of the landscaping be provided prior to commencement of the development.
- 6.9 Regarding the impact of the proposal upon the AONB (now known as the North Wessex Downs National Landscape). Whilst the site lies outside of the National Landscape, the statutory duty to conserve and enhance the area's natural beauty applies to proposals close to the designated area. Having considered the scale and impact of the proposal it is not considered to cause harm to the National Landscape.
- 6.10 Given the nature of the development it is not considered that dark skies will be affected.

Neighbouring Amenity

- 6.11 Given the scale, location and nature of the proposal and the significant boundary screening to the side boundary in the location of the proposal there is not considered to be any impacts on the amenities of current or future occupants of the adjacent property.

The Impact on Protected Species

- 6.12 The Berkshire Newt Officer has been consulted but has not commented on the proposal.
- 6.13 The site contains a recently landscaped residential rear garden. The area to the western side of the property consists of slate chippings.
- 6.14 An assessment of the scale, nature and location of this proposed shed has led us to conclude that a biodiversity appraisal is not required.
- 6.15 An Informative will be applied to remind the Applicant of the legal responsibility towards protected species.

7. Planning Balance and Conclusion

- 7.1 The proposal has been carefully assessed to ensure that the proposal is appropriate in scale and design whilst taking into consideration the impact on the character and appearance of the area including whether the proposal affects the important visual gap between the properties.
- 7.2 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore recommended for APPROVAL

8. Full Recommendation

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

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans listed below:</p> <p>Block Plan for Proposed Shed, Front and Rear Elevations for Proposed Shed, Side Elevations for Proposed Shed, Floor Plan for Proposed Shed, Additional Landscaping; received on 20.11.2023.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials as specified</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), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Landscaping</p> <p>No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none">- schedules of plants noting species, plant sizes and proposed numbers/densities- an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and plant establishment. <p>The scheme shall ensure;</p> <ol style="list-style-type: none">a) Completion of the approved landscape scheme within the first planting season following completion of development.b) Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species. <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application.</p>

	Reason: Required to safeguard and enhance the character and amenity of the area. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.
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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.	<p>Protected Species</p> <p>Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter www.gov.uk/guidance/wildlife-licences</p>
3.	<p>The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.</p>