

Item No.	Application No. and Parish	Proposal, Location and Applicant
(1)	13/03164/OUTD Hungerford Town Council.	Outline application for construction of two new dwellings and garages. Matters to be considered: Access. Meadow Rear Of Cottages 1 and 2 The Lamb Inn, Charnham Street, Hungerford. Mr Nigel Thornton, Charnham Meadow Limited

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/03164/OUTD>

<b>Recommendation Summary:</b>	To <b>DELEGATE</b> to the Head of Planning and Countryside to <b>REFUSE</b> planning permission.
<b>Ward Member(s):</b>	Cllr P Hewer and Cllr J Podger
<b>Reason for Committee Determination:</b>	At the request of Cllr Podger - the land is outside the current settlement boundary, however it is not land which can be seen or accessed by residents and there would in my view be no impact whatever by granting the permission.
<b>Committee Site Visit:</b>	3rd April 2014.

<b>Contact Officer Details</b>	
<b>Name:</b>	Mrs Isabel Johnson
<b>Job Title:</b>	Senior Planning Officer.
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## **1. Site History**

12/00491/FULD (adjacent site) Erect two new 2 bedroom cottages within redundant car park to The Lamb Inn together with integral garages and a driveway for one car and each with a private garden. Approved 5.03.12

## **2. Publicity of Application**

Site Notice Expired: 17.02.14

## **3. Consultations and Representations**

**Hungerford Town Council:** Object. Due to it being outside the settlement boundary.

**Highways:** Two issues that could lend these outline proposals unviable:

1. Suitability of Charnham Meadow for adoption and the issue of waste collections; and
2. Availability of a turning head.

1. The limited width of Charnham Meadow and the lack of potential for any widening will ensure the road remains private. Most new developments where the number of 'frontages' exceeds five would normally require the road serving the frontages to be built to an adoptable standard. However, occasionally this standard cannot be achieved due to existing physical constraints, which is the situation we have with Charnham Meadow. On these rare occasions where the number of proposed dwellings is minimal and is unlikely to have a significant impact on the highway access, a recommendation for refusal for highway adoption reasons is unlikely to be upheld at an appeal. Furthermore, I have discussed the refuse truck requirements with our Waste Team and am led to believe on this occasion the lack of adoption, scale of development and associated bin carry distances are not significant enough to justify a recommendation for refusal.

2. During my site visit earlier this year I observed two vehicles parked in the area identified as a 'turning head' (refer to 'Access Plan' / 'Site Plan'). Should the development proceed, this situation would compromise the turning head and could prevent large vehicles such as home delivery lorries and a fire tender from turning by the proposed cottages. Consequently, vehicles could be compelled to reverse out of Charnham Meadow and on to the A4 which could be a hazardous manoeuvre. As I noted previously, I would not have confidence a planning condition would ensure the area is kept available for turning. However, from reviewing the layout further, there appears sufficient area immediately to the south of the turning head where additional land could be dedicated for turning and for this reason I do not believe a recommendation for refusal on the grounds of highway safety can be fully justified. Condition recommended.

**Thames Water**

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

**Water Comments**

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

**Waste Management**

As Charnham Meadow continues to be extended into the fields at the rear of the Lamb, the distance from the proposed new properties to the public highway at Charnham Street becomes greater for residents to present their wheeled bins and recycling receptacles for collection and the number of bins to be accommodated at the collection point at Faulknor Square increases. In addition to the distance involved, the gravel unmade track causes problems for the safe manoeuvring of wheeled bins by residents. The distance and road surface can preclude the provision of an assisted collection of bins and receptacles should this be requested by elderly or disabled residents.

The distance to the collection point for these proposed new properties is in excess of 100 metres, which is far in excess of the 30 metres recommended maximum in the Manual for Streets. Refuse collection vehicles are unable to access the private road to collect from the properties directly.

There is no requirement for bin stores to be constructed for individual properties and indeed the provision of bin stores can falsely imply that collection will take place from the store rather than the public highway.

**S106 Contributions**

Highways: £6,600, Libraries: £614, Adult Social Care: £1,458, Waste Management: £112, Public Open Space: £2,354, Education: £10,325

**Ecology Officer**

This application is in a Local Wildlife Site (SU36P01 - Denford Farm) and no information has been supplied assessing the value of this meadow. However, this site was designated mainly as a large bird site with associated wetlands. This particular part of the site has not been assessed as having habitat value (although the habitat around this meadow to the SW and SE has been mapped as UKBAP Fen and Reedbed habitat) and its loss to the larger bird site is unlikely to be significant. Therefore no objections to this application.

**Natural England**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 7 October 2013.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

**Natural England Cont.** Previous response:

**Statutory nature conservation sites – no objection**

This application is in close proximity to the River Kennet and Kennet & Lambourn Floodplain Sites of Special Scientific Interest (SSSI). These SSSIs form part of the Kennet & Lambourn Special Area of Conservation (SAC). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Kennet & Lambourn SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an appropriate assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the River Kennet and Kennet & Lambourn SSSIs have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

**Protected Species**

The application form for this proposal indicates that there is no reasonable likelihood of: protected and priority species being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site.

**Public Protection.** No comments

**Conservation Officer** Concerns over the impact on the setting of the Conservation Area. The scheme is considered contrary to the NPPF and Policy CS14 and CS19 of the CS, which require new developments to respect the character of the surrounding area. Additionally, the application would be contrary to Policy CS18 of the CS which seeks to protect and enhance the district's green infrastructure.

**Archaeology Officer** The application to build two new houses is of some archaeological interest. As per the previous comments associated with Application 13/02332/OUTD, although the plot falls outside the historic core of the town of Hungerford, it lies at the confluence of the Rivers Kennet and Dun. The Kennet valley in particular is well known for its Mesolithic archaeology. The land appears to be former water meadows but it is possible that archaeological remains of earlier periods of use may exist. This could include environmental material, e.g. waterlogged deposits. No objections subject to condition re archaeological watching brief.

**Hungerford Town and  
Manor**

1. The area being considered for development is prone to flooding from the River Kennet. The Environment Agency website shows that the area concerned is an area where the Environment Agency issues flood warnings. It is not advisable to build on such land. By virtue of the fact that the land is known as a "meadow" and is adjacent to the river indicates the likelihood of it being a flood meadow not unlike Harvey's Meadow along the A4 which the Town & Manor also own, which floods quite regularly. We do not agree with the Principal Ecologist for West Berkshire Council that "the loss of the meadow to the larger bird site is unlikely to be significant". We believe that there is value in this local meadow and charge you to undertake an assessment of the Fen and Reedbed habitat that exists in this area before you grant planning permission. We would be prepared to provide further information and assistance in this regard, if you wish.
2. The site is part of a Special Area of Conservation. Under the NPPF the Local Planning Authority has the responsibility to ensure that development in a SAC makes a positive contribution towards the existing heritage assets of an area. The introduction of a new development in this natural riverside/meadow setting seriously harms the Conservation Area status and thus fails to preserve the current setting. This is contrary to the NPPF and West Berkshire Council's Core Strategy.
3. The application site is adjacent to a SSSI i.e. the River Kennet and the Kennet and Lambourn Floodplain Site, which is part of the SAC mentioned above. We are concerned that during the construction process the river will become polluted from storm water running off the building site. Furthermore, once the properties are constructed there is a risk of pollution to the River Kennet from storm/rain water run off mixing with pollutants e.g. oil/salt used by the householders. Soak ways constructed on site may well leak/leech pollutants into the ground and these will disperse into the river.

**Planning Policy**

Overall objection. Contrary to Policy.

**Correspondence:**

3 letters of representation received. Concerned with:

- Development outside settlement boundary would erode special character of area.
- Overlooking from new dwellings
- Inappropriate development outside settlement
- Drainage issues
- Environmental issues: balance of biodiversity and destruction of meadow.

#### **4. Policy Considerations**

4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- NPPF Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
- CS 5: Infrastructure Requirements and Delivery
- CS 11: Hierarchy of Centres
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

4.2 The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development
- OVS5: Environmental Nuisance and Pollution Control

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Document “Quality Design” (adopted June 2006).
- National Planning Practice Guidance (Draft)
- Hungerford Town 2010+ Plan and Hungerford Town Plan Refresh 2013

#### **5. Description of Development**

5.1 Outline consent is sought for the development of an open meadow area with two dwellings with garages. An indicative plan is included showing the layout of the dwellings, garden area and new gravel access to ‘No.4’. The principle of the development is sought, together with access to the site. All other matters remain as ‘Reserved Matters’.

5.2 The proposal site lies adjacent to the settlement boundary of Hungerford and Hungerford Conservation Area and within the North Wessex Downs AONB. The site has established hedging on three sides and part of the site lies adjacent to the rear boundaries of dwellings fronting Charnham Street. To the south and east of the site is open countryside land following the line of the Kennet and Avon Canal, the route of the River Dunn and a variety of drainage streams. This area is noted for its ecological importance and contribution to the biodiversity and environmental qualities of the locality.

5.3 Access to the site from the A4, Charnham Street is from an existing arrangement, leading to a gravelled track now serving two new cottages. Part of the scheme shows the introduction of a new access to serve the proposed dwelling on the south end of the site.

## **6. Consideration of the Proposal**

The main issues to consider are:-

- 6.1 The principle of the development
- 6.2 The impact on the character and appearance of the Conservation Area
- 6.3 Impact on the NWDAONB
- 6.4 Impact on neighbouring amenity
- 6.5 Highway Matters
- 6.6 Other Matters

### **6.1 Principle of Development**

- 6.1.1 This outline application seeks to establish the principle of housing development on a site outside the settlement boundary of Hungerford. Planning Policy has responded as below.
- 6.1.2 Two of the core planning principles of the National Planning Policy Framework (NPPF) at paragraph 17 are to proactively drive and support sustainable economic development to deliver homes and encourage the effective use of land that has been previously developed. The recent written Ministerial Statement on Local Planning also stresses the importance of bringing brownfield land back into use. Whilst the proposal would deliver some additional housing, the site is greenfield land.
- 6.1.3 To boost the supply of housing, the NPPF at paragraph 47 requires Local Planning Authorities to identify and update annually a specific supply of deliverable sites sufficient to provide five years worth of housing against their requirements with a 5% buffer. The Council's five year housing land supply at December 2013 demonstrates that there is a 5.64 years supply.
- 6.1.4 Local policy (Core Strategy policy ADPP1: Spatial Strategy, ADPP5: North Wessex Downs AONB and CS1: delivering new homes and retaining the housing stock) seeks to locate most development within or adjacent to settlements that are included in the defined settlement hierarchy. This is also echoed in Saved Local Plan policy HSG.1. New homes will primarily be developed on suitable previously developed land within settlement boundaries (these must be within rural service centres and service villages should a site fall within the AONB) other suitable land within settlement boundaries, strategic sites and broad locations identified in the Core Strategy, and land allocated for sites within subsequent DPDs.
- 6.1.5 Whilst adjacent to the settlement boundary of Hungerford, because the application site is outside the settlement boundary, and therefore in the countryside, it is contrary to policy in this regard.
- 6.1.6 Site allocations will take place through initial assessment in the council's Strategic Housing Land Availability Assessment (SHLAA), then allocation in the Site Allocation and Delivery (SAD) DPD (Development Proposal Document), which is currently being progressed. The review of settlement boundaries will be included in the forthcoming SAD DPD (estimated adoption Sept. 2016). Within the Council's 2013 update to the SHLAA, the proposal site was submitted (reference HUN021) and assessed as being potentially developable.
- 6.1.7 Therefore, the principle of new dwellings on this site is considered contrary to the NPPF as well as Policies ADPP1, ADPP5, CS14 and CS19 of the Core Strategy and Local Plan Policy HSG1.

## **6.2 The impact on the character and appearance of the Conservation Area**

- 6.2.1 The meadow area of the site which would accommodate the built form part of this proposal lies outside but adjacent to the Hungerford Conservation Area, the boundary of which 'wraps around' the site. The access route to the site is within the Conservation Area boundary.
- 6.2.2 The Conservation Officer has raised concerns as below:
- 6.2.3 The character of this natural riverside meadow makes an important contribution to the setting of the Conservation Area. The town's character owes much to the mix of buildings and open spaces, and the soft boundary between the town and its rural surroundings. Paragraph 137 of the NPPF states that 'Local Planning Authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance'. It goes on to state that 'proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'. This is echoed in Policy CS19 of the CS which states that particular regard will be had to the enhancement of heritage assets and their settings.
- 6.2.4 The introduction of urban form in this natural riverside meadow would seriously harm the setting of the Conservation Area, thus failing to preserve an important element of the setting of the conservation area contrary to the NPPF and Policy CS14 and CS19 of the CS, which require new developments to respect the character of the surrounding area. Additionally, the application would be contrary to Policy CS18 of the CS which seeks to protect and enhance the district's green infrastructure.

## **6.3 Impact on the North Wessex Downs AONB**

- 6.3.1 Matters of appearance, landscaping, layout and scale have been reserved for future consideration. However, the principle of the introduction of such a development into this site would significantly alter the character of the site to an urban extension of Hungerford, poorly related in scale and layout to the developments within the immediate locality. This part of the town currently provides a soft edge to the settlement and the site provides a rural environment closely identifiable with the nearby riverside and overall rural nature of the area rather than a new housing development.
- 6.3.2 For these reasons the proposed development would unacceptably harm the character and appearance of the immediate locality and wider area, having particular regard to the location of the site within the North Wessex Downs Area of Outstanding Natural Beauty. As a result there would be a conflict with ADPP 5, policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (CS), the SPG, the Quality Design – West Berkshire Supplementary Planning Document (SPD) and the National Planning Policy Framework (NPPF).

## **6.4 The impact on neighbouring amenity**

- 6.4.1 Concerns have been made by local residents over the impact on residential amenity. The illustrative layout shows a suggested positioning of the dwellings and access. The proposed built forms would be situated approximately 2 metres at the closest point to No. 2 Charnham Meadow and the garage and store in the rear garden of one of the dwellings fronting Charnham Street. The new gravel drive specifically would introduce an urban form into the current rural setting with associated vehicle movements and noise from the gravel surface. Overall, it is not considered that the dwellings would give rise to sufficient impact on the amenities currently enjoyed by local residents to justify a separate reason for refusal.

- 6.4.2 However, the principle of the proposal introduces new development into a Greenfield site which is secluded and rural in character. The cumulative impact of this, together with the recently developed site of the former Lamb Inn is not considered to conserve or enhance the local distinctiveness of the area and local amenities.
- 6.4.3 The application is therefore considered to result in a cumulative detrimental impact on the amenities of neighbouring properties and the locality in accordance with the National Planning Policy Framework as well as Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document – Quality Design.

## **6.5 Highways Matters**

- 6.5.1. Highways have provided a conclusion which cannot justify a reason for refusal on highway safety as some amendments could be achieved to improve the turning head and access surface if required. Amendments have not been sought at this stage as there are other considerations which warrant a recommendation for refusal.
- 6.5.2 However, concerns remain that the scheme, if permitted would introduce an unsatisfactory relationship with the surrounding area in terms of general access, vehicle movements and potential conflict between vehicles and pedestrians using the access route.
- 6.5.3 Overall, the fact that there is not a specific highway safety reason for refusal is no basis for allowing inappropriate development that would have a harmful impact on the character and appearance of the area as previously detailed.

## **6.6 Other Matters**

### **Developer Contributions**

- 6.6.1 Developer contributions are sought to mitigate the impact of the development on local infrastructure and services and are detailed above. The applicant has indicated that an appropriate legal agreement to secure these contributions would be acceptable. These have not been sought at this stage.

### **National Planning Policy Framework**

- 6.6.3 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location but would adversely impact upon the environmental and social sustainability of the area for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have not been found acceptable the development is not considered to constitute sustainable development in accordance with the NPPF.

### **Ecology**

- 6.6.4 The Ecology Officer and Natural England have raised no formal objection to the scheme as the site has not been formally assessed. However, local concerns have been raised with regard to the ecological and intrinsic wildlife value of the site and this has formed part of the overall consideration of the scheme.

## 7. Conclusion

7.1 One of the merits of the scheme put forward by the applicant is to support sustainable development and that the site is only just outside the settlement boundary. However, this has to be assessed against the potential impacts on the character and appearance of the area, in this case its proximity to the Hungerford Conservation Area and location within the North Wessex Downs AONB.

7.2 As detailed above there are clear, in principle Planning Policy objections to the proposal. In addition to this, additional concerns are the cumulative impact of the introduction of new built forms in this location, the further urbanising effect on the character of the area and the possible concerns over access and waste collection in the future.

7.3 Area Delivery Plan Policy 5 and policies CS14 and CS19 of the CS set out, amongst other things, the need for new development to be of a high quality design which conserves and enhances local distinctiveness and respects the character and appearance of an area, including the landscape character of an area. ADPP 5 emphasises this point in relation to sites located in the North Wessex Downs AONB. The SPG and SPD reiterate similar aims with particular regard to residential development. Paragraph 17 of the Framework states that planning should take account of the character of different areas.

7.4 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that there are insufficient merits of the scheme which could override the clear principle objections to the proposal for two new dwellings outside the settlement boundary of Hungerford. Therefore the development proposed is considered to be unacceptable and a recommendation for refusal is justifiable for the following reasons.

## 8. Full Recommendation

8.1 To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission for the following reasons:

### 8.2 Reasons for Refusal

#### 1. Impact on NWDAONB

The proposed dwellings and residential use of the application site is considered to harm the intrinsic rural character and appearance of the area and is not considered to conserve the landscape or scenic beauty of the AONB as required in paragraph 15 of the NPPF. The illustrative plans indicate standard two storey dwellings which have the potential to introduce dominant forms in an area of small scale development. Elements such as bin stores, garages and any garden paraphernalia would further urbanise the existing rural appearance of the site. Moreover the layout of the proposed dwellings with an additional gravel drive is considered to introduce a new development out of character with the area.

As such the proposal is considered to harm the character of the area contrary to the NPPF as well as Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.

#### 2. Impact on character of the Conservation Area

The introduction of urban form in this natural riverside meadow would seriously harm the setting of the Conservation Area, thus failing to preserve an important element of the setting of the conservation area contrary to the NPPF and Policy CS14 and CS19 of the West Berkshire Core

Strategy 2006-2026, which require new developments to respect the character of the surrounding area. Additionally, the application would be contrary to Policy CS18 of the Core Strategy which seeks to protect and enhance the district's green infrastructure.

### 3. Contrary to Policy

The application site lies outside of the settlement boundary, as defined within Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. As such the application site is considered to be located in an unsustainable location contrary to the Government's guidance within the National Planning Policy Framework. Furthermore, the principle of new development outside any settlement boundary is unacceptable.

As such the proposal conflicts with guidance contained within the National Planning Policy Framework 2012, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.

### 4. Developer Contributions

The application fails to secure an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Council's adopted Supplementary Planning Document: Delivering Investment from Sustainable Development.

DC