

TOWN AND COUNTRY PLANNING ACT 1990

Porta Planning
Emma Andrews
67-69 George Street
LONDON
W1U 8LT

Applicant:
Berfeld Ltd

PART I - DETAILS OF APPLICATION

Date of Application

6th May 2016

Application No.

16/01240/OUTMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Outline planning application for a residential development of up to 225 homes with associated infrastructure including flood alleviation works, drainage works, new buildings to house sailing facilities with associated access and parking, works to the bridge over the Kennet and Avon Canal, means of access, footways, amenity green space, landscaping and other related works. All matters reserved except access.

Burghfield Sailing Club, Hangar Road, Sulhamstead, Reading

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council REFUSES OUTLINE planning permission for the development referred to in Part I in accordance with the submitted application form and plans, for the following reason(s):-

1. The statutory development plan for West Berkshire includes the West Berkshire Core Strategy 2006-2026 (CS) and the Housing Site Allocations Development Plan Document 2017 (HSA DPD). Together these DPDs provide an up-to-date framework for housing development in West Berkshire in the context of paragraphs 14, 49 and 215 of the NPPF.

According to CS Policy ADPP1, most development will be within or adjacent to the settlements included in the settlement hierarchy, and the majority of development will take place on previously developed land. Policy ADPP1 states that only appropriate limited development in the countryside will be allowed to address an identified need. According to CS Policy ADPP6, the two identified rural service centres of Burghfield Common and Mortimer will be the focus for development in this area, and development in the open countryside will be strictly controlled. According to Policy CS1, new homes will be primarily developed within settlement boundaries or housing site allocations. Policy C1 of the HSA DPD provides a presumption against new residential development outside of the settlement boundaries.

Burghfield Sailing Club lies approximately 0.95km to the south of the settlement of Theale and is located within the open countryside. This is not a genuinely plan-led allocated site, nor is it previously developed land, as sought by the statutory development plan and the NPPF. The development of this site for 225 dwellings acutely conflicts with the aforementioned policies, and would not contribute to a sustainable pattern of development in West Berkshire. Moreover, the development would harm the landscape character of the area, have adverse visual impacts and have significant negative impacts for biodiversity and on the highways network alongside significant harmful impacts on the catchment primary school Burghfield St Marys.

Accordingly, the application conflicts with the aforementioned development plan policies, and the National Planning Policy Framework. The benefits of the development would not outweigh the conflict with the statutory development plan and the significant and demonstrable adverse impacts of the development. For the reasons explained the proposal does not constitute a sustainable form of development.

2. The southern edge of Theale is clearly defined by a robust line of trees and shrubs located on the southern edge of Arrowhead Road which largely screens views of the built up area from the open countryside to the south. The application site is located within a rural setting where existing development sits discreetly within the landscape. The undeveloped, verdant character of the area creates an attractive and tranquil setting to the canal and associated towpath and National Cycle Network National Route 4.

The development fails to have due regard to the sensitivity of the area to change. The development is inappropriate in terms of its location and scale and would have a harmful adverse impact on the landscape quality of the area and the character of the Kennet River Valley and on the continuity of character in adjacent landscape character areas and the setting of the conservation area. The development would also result in clear and demonstrable harm in terms of its visual impacts particularly from the towpath, National Cycle Network National Route 4, the canal, footpath BURG/28/1, the picnic area and Hanger Road. The introduction of new housing in this location and at the scale proposed will appear alien within the landscape and undermine the rural qualities of the area.

The application is therefore contrary to the guidance contained within the National Planning Policy Framework with respect to the conservation and enhancement of the natural environment and good design, Core Strategy Policies ADPP6, CS14, CS18 and CS19, and the Newbury District-Wide LCA 1993 and Berkshire Landscape Character Assessment 2003.

3. In the absence of any emergence surveys and on the recommendation from the applicant's ecologists that further surveys are undertaken prior to tree felling, it is the Local Planning Authorities opinion that insufficient information has been provided to determine whether roosting bats will be impacted by the proposals. The National Planning Policy Framework, Circular 06/2005, Natural England Standing Advice on Protected Species and industry best practice guidance, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected species. The submitted bat survey information is incomplete as the survey work undertaken does not provide clarity on the presence of roosting bats within trees scheduled for removal and therefore the potential impacts to bats are not known. As such the proposal is contrary to the above referenced guidance/legislation and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

4. There is an acknowledgement by the applicant that there will be a net loss of nightingale breeding habitat (in the form of scrub and, potentially, wet woodland) affecting up to four territories. The site however cannot be viewed alone when the nightingale population here is demonstrably part of a wider population of at least high local significance. Insufficient information has been provided at this stage to demonstrate that the net loss of up to four nightingale territories can be adequately compensated for by the provision of retained and managed habitat. Optimum nightingale habitat takes many years to establish and therefore cannot be readily created. Mitigation measures need to be provided now so that impacts on this declining species can be assessed adequately and mitigated. As such the proposal is contrary to the guidance within the National Planning Policy Framework, Circular 06/05 and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

5. The proposed development includes the provision of a new canal bridge which is sub-standard in respect of design that will require repairs and maintenance at an unacceptable level of frequency, which would adversely affect road safety and the flow of traffic. Furthermore, the use of a private management company to carry out all said repairs, maintenance and servicing will exacerbate this adverse impact to road safety and the flow of traffic, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and the guidance within the National Planning Policy Framework.

6. The development would result in clear and demonstrable harm to primary education provision in the East Kennet Valley. The application fails to demonstrate that the impact of the development on primary school provision can be mitigated. Burghfield St Mary's is the catchment school affected and its site is undersized and cannot support further expansion. The application is therefore contrary to the National Planning Policy Framework, the Planning Practice Guidance, Policies ADPP1 and CS5 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.

7. The development fails to provide a planning obligation to deliver necessary infrastructure, mitigation and enabling works (on and off site), including: affordable housing, travel plans, highway works to include the new bridge, public open space, community bus service, a satisfactory solution to the impact on primary school provision. The application is therefore contrary to the National Planning Policy Framework, the Planning Practice Guidance, Policies CS5, CS6 and CS13 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.

If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

- 1 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate

development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

Decision Date :- 29th June 2017

A handwritten signature in black ink, appearing to read 'G Lugg', written in a cursive style.

Gary Lugg
Head of Development and Planning

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.