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CF23 8RS

**Applicant:**  
Bloor Homes And Sandford  
Farm Partnership

### **PART I - DETAILS OF APPLICATION**

**Date of Application**

4th September 2015

**Application No.**

**15/02300/OUTMAJ**

#### **THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

Hybrid planning application comprising: (1) Outline planning permission for up to 2000 new homes (C3); 80 bed extra care housing (C2); a local centre to comprise flexible commercial floorspace (Retail A1-A5 up to 2,150 sq m, business B1a up to 200 sq m) and community uses (D1), 2 No two form entry primary schools (D1), the formation of new means of access onto Monks Lane, Warren Road (to include part demolition of Park Cottage) and Newtown Road, Green Infrastructure comprising of the laying out of open space including a country park, drainage infrastructure, walking and cycling infrastructure and other associated infrastructure - with access only to be considered at this stage; And (2) Detailed proposal for 321 of those dwellings on parcel of land immediately South of Monks Lane.

Sandleford Park, Newtown Road, Newtown, Newbury Berkshire

### **PART II - DECISION**

**In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council REFUSES 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. Key plans detailing landscaping and green infrastructure for the whole site are insufficient in respect of the proposed access routes along Warren Road and the A339. Additionally the plans submitted detailing landscaping and green infrastructure are inconsistent and contradictory.

Therefore the inconsistent, contradictory and insufficient information submitted prevents a full and complete understanding and assessment of the development proposals in respect of landscape, trees and green infrastructure. As such the application is considered to be contrary to Policies ADPP2, CS3, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026 as well as the NPPF, PPG and the Sandleford Park SPD.

2. The loss of protected trees and hedgerow along Warren Road to accommodate the proposed access onto the A343 would result in a detrimental impact on the character and appearance of the area. The existing trees provide a significant skyline feature and the hedgerow provides visual green buffer at street level. The trees also frame the historic route across from Andover Road to Newtown Road (evident with trees along it in the historic maps by Rocque 1761 and Willis 1768) linking into the tree line east of Warren Road. Inadequate mitigation planting has been proposed and no evidence has been provided to demonstrate that there is a prospect of the mitigation being possible. Therefore the application does not accord with Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and Policy GS1 of the HSA DPD 2006 - 2026 as well as the NPPF, PPG and the Sandleford Park SPD.

3. The lack of any green links proposed within the south-western corner of the residential development in Development Parcel West is considered to be contrary to Policies ADPP2, CS14 and CS18 of the West Berkshire Core Strategy 2006 - 2026 and Policy GS1 of the HSA DPD 2006 - 2026 as well as the NPPF, PPG and the Sandleford Park SPD.

4. The loss of playing field at Newbury Rugby Club and lack of a suitable replacement is considered to detrimentally impact on access to high quality open spaces and opportunities for sport and recreation which make an important contribution to the health and well-being of communities. Therefore, this application conflicts with Policies ADPP2 and CS18 of the West Berkshire Core Strategy 2006 - 2026 and the NPPF.

5. Insufficient and contradictory information has been submitted to demonstrate that suitable SuDS can be incorporated within the detailed scheme for the residential development of Development Parcel North 1. The provision of three (possible) SuDS features within Development Parcel North 1 does not demonstrate that the proposed development will be managed with a variety of SuDS, as required by the Sandleford Park SPD and IDP. Furthermore, the lack of SuDS designed into the development within Development Parcel North 1 would affect the local hydrology of the site resulting in a potential harmful impact on biodiversity. This has not been sufficiently assessed in the application submissions to take into account the amendments to Development Parcel North 1. As such the application conflicts with Policies ADPP2, CS3, CS16 and CS17 of the West Berkshire Core Strategy 2006 - 2026, the NPPF and PPG and the Sandleford Park SPD and Quality Design SPD - Part 4.

6. A number of the submitted ecology surveys are out of date. In the absence of up-to-date surveys the presence of protected species at the site cannot be established with sufficient certainty. Therefore, this application fails to provide adequate information to ensure protection and enhancement of ecology and biodiversity within the application site. The lack of sufficient information is contrary to Policies CS3, CS14, CS17 and CS18 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026, the NPPF PPG and Sandleford Park SPD as well as the statutory obligations of the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981) (as amended).

7. No updated Lighting Assessment has been submitted to detail the impacts arising from the amended positioning of the proposed main access route alongside a significant section of the ancient woodland (Crook's Copse) within the detailed application for Development Parcel North 1. This woodland has been shown to support various bat species and the amended proposals introduce a potential significant impact on the ancient woodland and its ecology from artificial lighting. As such a fully informed decision in respect of the impact of lighting on ecology as a result of the detailed application cannot be made. Therefore, it is considered that insufficient information has been submitted in respect of the detailed application for Development Parcel North 1 to demonstrate the likely significant impacts of lighting on ecology. The lack of sufficient information is contrary to Policies CS14 and CS17 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026, the NPPF and PPG and Sandleford Park SPD.

8. The application fails to provide an appropriate access strategy that would provide additional pedestrian and cycle links and distribute traffic from the development appropriately, thus reducing the traffic impact on locations such as, but not exclusive to, the A343 Andover Road / Monks Lane /

Essex Street and the A339 within Newbury Town Centre. The submitted traffic modelling results reveal a severe impact in a number of locations, including on the local transport network within neighbouring Hampshire. The submitted traffic modelling is also outdated due to the recent additional committed developments. The proposed development is therefore contrary to Policies ADPP2, CS3, CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 - 2026 as well as Policies K2 and K13 of the Local Transport Plan for West Berkshire 2011-2026, Policy GS1 of the HSA DPD 2006 - 2026, and the NPPF and Sandford Park SPD.

9. According to the traffic modelling submitted, the development would result in a severe traffic impact in a number of locations, including on the local transport network within West Berkshire and neighbouring parts of Hampshire. The traffic modelling is also outdated due to recent additional committed developments. No updated traffic modelling has been submitted to include the impacts from housing sites allocated within Housing Site Allocations DPD (HSA DPD) and other developments that have been granted planning permission since the summer of 2016. Therefore, it is also considered that insufficient information has been submitted in respect of this planning application. The proposed development is therefore contrary to Policies ADPP2, CS3, CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 - 2026 as well as Policies K2 and K13 of the Local Transport Plan for West Berkshire 2011-2026, Policy GS1 of the HSA DPD 2006 - 2026, and the NPPF and Sandford Park SPD.

10. The application fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on the following junctions:  
A339 / B3421 Kings Road / Bear Lane  
A339 / A343 St Johns Road / Greenham Road  
A339 / Pinchington Lane / Monks Lane  
A339 / B4640  
A343 Andover Road / Monks Lane / Essex Street  
A343 Andover Road / St John's Road/ Newtown Road

The lack of appropriate works would result in a severe impact in a number of locations. The proposed development is therefore contrary to Policies ADPP2, CS3, CS5 and CS13 of the West Berkshire District Core Strategy 2006 - 2026 as well as, Policy GS1 of the HSA DPD 2006 - 2026, Policies K2 and K13 of the Local Transport Plan for West Berkshire 2011-2026 and the NPPF and Sandford Park SPD.

11. The proposed development does not make provision for an acceptable access road link onto the A343 Andover Road. This would result in a severe traffic impact at this junction. The proposed development is therefore contrary to Policies ADPP2, CS3, CS5 and CS13 of the West Berkshire District Core Strategy 2006 - 2026 as well as Policy GS1 of the HSA DPD 2006 - 2026, Policies K2 and K13 of the Local Transport Plan for West Berkshire 2011-2026, the NPPF and Sandford Park SPD

12. The application fails to provide sufficient information to demonstrate that the development proposed would not result in a severe impact requiring mitigation on the A34 Strategic Road Network.

The proposal is therefore contrary to Policies ADPP2, CS3, CS5 and CS13 of the West Berkshire District Core Strategy 2006 - 2026 as well as the Policies K2 and K13 of the Local Transport Plan for West Berkshire 2011-2026, the NPPF and the Sandford Park SPD.

13. The application fails to provide an appropriate scheme of works or off site mitigation measures to accommodate pedestrians, cyclists and public transport. Moreover, in some instances the highway mitigation proposed by the applicants reduces the existing pedestrian and cyclists facilities. The proposal is therefore contrary to Policies ADPP2, CS3, CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Policies K1, K2 and K3 of the Local Transport Plan for West Berkshire 2011-2026, the NPPF and the Sandford Park SPD.

14. The application fails to adequately integrate the proposed A339 access into the site by providing appropriate east to west linkages within the site, the majority of which would be located within the detailed application for Development Parcel North 1. The proposal is therefore contrary to Policies ADPP2, CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026, Policy K13 of the Local Transport Plan for West Berkshire 2011-2026, the NPPF, Sandford Park SPD and Quality Design SPD.

15. The proposed layout of the residential development within Development Parcel North 1 does not comply with the Local Planning Authority's standards in respect of motor vehicle parking. This would likely result in on street parking within the development, including on the proposed cycleways, adversely affecting road safety and the flow of traffic, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 - 2026, Policy P1 of the HSA DPD, the NPPF and the Sandford Park SPD.

16. The submitted Air Quality Assessment (AQA) confirms that the development would fail to comply with the relevant policies in the absence of proposals for the recommended mitigation measures, such as minimising the reliance upon motor vehicles through the use of a Framework Travel Plan, and, the inclusion of pedestrian and cycle paths into surrounding environments. No pedestrian or cycle mitigation has been proposed. Furthermore, the submitted AQA is based upon traffic data which has since been superseded. Therefore, the submitted AQA is considered to be out of date and cannot be relied upon to sufficiently assess the impact on air quality. As such, insufficient information has been submitted to demonstrate the likely significant impacts of the development in respect of air quality.

The submitted AQA confirms that the lack of proposed improvements to pedestrian and cycle facilities would not achieve the requirements of Policy OVS.5 of the West Berkshire District Local Plan Saved Policies (2007) as well as Policy CS13 of the West Berkshire Core Strategy 2006 - 2026, the NPPF and PPG and Sandford Park SPD. Furthermore, the lack of sufficient information to adequately demonstrate the impact of the development proposed on air quality is also considered to run contrary to those policies.

17. The submitted Land Use Parameter Plan proposes an area of approximately 1.25ha as land for the expansion of Park House School serving as part of the mitigation required for secondary education provision. The lack of sufficiently sized additional land for the expansion of Park House School identified on this proposed controlling plan, together with the submitted comments from the applicants' Education Consultant, raises significant ambiguity in respect of the land that is proposed to be provided for the expansion of Park House School. The land proposed to be dedicated for the expansion of Park House School is not clearly and unambiguously specified. It is not considered appropriate to secure this controlling plan that clearly shows insufficient provision of land necessary to mitigate the impact on secondary education provision. As such, the submitted Land Use Parameter Plan is considered to run contrary to Policies ADPP2, CS3 and CS5 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD 2006 - 2026 as well as the NPPF and Sandford Park SPD.

18. The submitted Noise Assessment confirms that the assessment is based upon traffic data provided within the submitted Transport Assessment (TA). However, since the submission of the application amended traffic data has been provided and the original traffic data has been superseded and is substantially different from that originally submitted in the TA. No updated Noise Assessment has been provided. Therefore, the submitted Noise Assessment is considered to be out of date and cannot be relied upon to sufficiently assess the noise impact as a result of the development. As such, insufficient information has been submitted to demonstrate the likely significant noise impacts from the development proposed.

The lack of sufficient information is contrary to Policy OVS.6 of the West Berkshire District Local Plan Saved Policies (2007) as well as Policy CS13 of the West Berkshire Core Strategy 2006 - 2026, the NPPF and PPG and Sandford Park SPD.

19. The Street Design and Character, specified in the submitted Design and Access Statement (September 2015) for the main access route through the site and residential streets, does not accord with the Sandleford Park SPD in respect of CA1 or CA2, or, the applicants' own amended detailed layout for Development Parcel North 1. It is not appropriate for the submitted Design and Access Statement (September 2015) to form a controlling document for future development of the site where the design principles contained within it do not accord with those set out in the Sandleford Park SPD or the Development Plan. In the absence of an appropriate Design and Access Statement that adequately sets out the key design principles for the future development of the remainder of the site - as required in Section G of the Sandleford Park SPD - important key design principles for the remainder of the site would not be established to ensure that the vision for high quality design, as set out in the Sandleford Park SPD would be achieved.

Furthermore, it is not appropriate that the issues identified with the submitted Design and Access Statement (September 2015) are addressed through the use of a condition to require the submission of an amended Design and Access Statement prior to development commencing. The Design and Access Statement is a key document in the application submissions and plays an important role in setting out to all parties, including the public, how the whole of the allocated site will be developed. Therefore, an adequate Design and Access Statement should not be left to be agreed by condition at a later date, following the granting of permission.

As a result, the application is contrary to Policy CS14 of the West Berkshire Core Strategy 2006 - 2026 as well as the NPPF, PPG and the Sandleford Park SPD.

20. Three of the proposed communal bin store areas within Development Parcel North 1 are to be located at a significant distance from the public highway. This would result in a development that does not function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, as required by paragraph 58 of the NPPF. Furthermore, it would hinder a high quality, comprehensive and frequent collection service to a number of properties, contrary to the NPPW. Therefore, the application conflicts with Policy CS14 of the Core Strategy 2006 - 2026, the NPPF and NPPW as well as Manual for Streets (2007), including BS 5906: 2005, the Sandleford Park SPD and Supplementary Planning Document Quality Design Part 1.

21. The application fails to secure the necessary infrastructure (Education, Public Open Space including play areas and Country Parkland, SuDS, Healthcare, Highways and Transport and Monitoring Obligation) to mitigate the impact of the development proposed.

The application is therefore contrary to Policies ADPP1, ADPP2, CS3, CS5, CS13, CS14, CS16, CS17 and CS18 of the West Berkshire Core Strategy 2006 - 2026, Policy GS1 of the HSA DPD, Policy RL.1 of the West Berkshire District Local Plan Saved Policies 2007, Sandleford Park SPD (March 2015), Policy GS1 of the HSA DPD 2006 - 2026, Planning Obligations SPD (December 2014), the NPPF and PPG as well as the statutory obligations of the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981) (as amended).

**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 there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development,

however; an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.

Decision Date :- 8th November 2017

A handwritten signature in black ink, appearing to read 'Gary 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 using the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk).
- 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.