

Part B – Your Representation***Please use a separate sheet for each representation***

Your name or organisation (<i>and client if you are an agent</i>):	C Hoyte, Plainview Planning Ltd on behalf of Mr and Mrs Liebreich
--	---

Please indicate which part of the consultation documents that this representation relates to:

Policy:	CAPS 4 - 10 - Overall support
Section/paragraph:	
Appendix:	

Comments

Overall our clients wish to indicate their support for the draft NDP, in particular the provisions of CAPs 4 – 10 relating to developments that result in improvements to sustainability and other matters.

They also welcome the aspiration to explore BOA opportunities for the local green space sites as described in paragraph 6.11. As owners and promoters of part of their land for inclusion as a Local Green Space, they look forward to being included in discussions.

Our clients would like to suggest a few modifications to the draft NDP. In some cases these would allow it to better reflect national policy or the most recent knowledge on the environment, climate and flood management; in others they would ensure the plan does not inadvertently deprecate developments which intended to deliver considerable environmental and other amenity benefits.

PART C – Notification of progress of the Cold Ash NDP**Do you wish to be notified of any of the following?*****Please tick all that apply***

Publication of the Examiners report / Decision to progress to referendum	<input checked="" type="checkbox"/>
Decision to adopt the Cold Ash NDP	<input checked="" type="checkbox"/>

Signature	C Hoyte	Date	27th August 2023
------------------	---------	-------------	------------------

Your completed representations must be received by the Council by 4:30pm on Friday 1 September 2023.

Part B – Your Representation***Please use a separate sheet for each representation***

Your name or organisation (<i>and client if you are an agent</i>):	C Hoyte, Plainview Planning Ltd on behalf of Mr and Mrs Liebreich
--	---

Please indicate which part of the consultation documents that this representation relates to:

Policy:	
Section/paragraph:	Paragraph 1.18
Appendix:	

Comments

Para 1.18 discusses the LPR overarching strategy in relation to settlement boundaries which it seeks to align with. We made comments in relation to that policy through the Reg 19 consultation on the LPR. Those comments are equally applicable to the Cold Ash NDP and I attach a copy hereto.

PART C – Notification of progress of the Cold Ash NDP**Do you wish to be notified of any of the following?*****Please tick all that apply***

Publication of the Examiners report / Decision to progress to referendum	<input checked="" type="checkbox"/>
Decision to adopt the Cold Ash NDP	<input checked="" type="checkbox"/>

Signature	C Hoyte	Date	27th August 2023
------------------	---------	-------------	------------------

Your completed representations must be received by the Council by 4:30pm on Friday 1 September 2023.

West Berks Local Plan Regulation 19 Representation

OUR REF: 3239

Executive Summary

There appears to be conflict within the Spatial Strategy and Policy DM1. We suggest that Policy SP3 is updated with reduced emphasis on arbitrary development boundaries and more emphasis on sustainable development that improves landscape character, optimises opportunities to develop previously developed land and make the best use of suitable land.

There are several missed opportunities to encourage development to deliver landscape, biodiversity and green infrastructure enhancements. There are also missed opportunities for encouraging sustainability and high quality design.

The Spatial Strategy: Policy SP1, SP3 and DM1

The spatial strategy is based on three overarching objectives:

- Direct development to areas of lower environmental value
- Optimise the use of previously developed land
- Optimise the density of development to make the best use of land.

Policy SP1 sets out that in each spatial area, opportunities should be taken to make the best use of previously developed land. It also confirms that settlement boundaries should ensure that villages surrounding Newbury and Thatcham maintain physical separation.

Policy SP3 lists the identified service villages, noting that smaller rural settlements may offer some limited and small scale development potential, appropriate to the character and function of the village, in order to meet local needs.

Development is limited to infill or changes of use within settlement boundaries, non-strategic sites allocated for housing and economic development and rural exception affordable housing schemes.

Policy SP3 does not provide any reference to the development of previously developed land. The settlement boundary review does not consider previously developed land, which does not reflect the overarching objectives of SP1. The settlement boundary review notes that a landscape led approach has been taken to the drawing of settlement boundaries; which would meet the key objectives (directing development to areas of lower environmental value), however no regard has been given to previously developed land.

The settlement boundary review does not reflect the overarching objective of optimising previously developed land. Loose knit arrangements of buildings on the edge of settlements are excluded from settlement boundaries; however these sites could offer opportunities to develop previously developed land which is sustainably located and could deliver landscape enhancements.

Furthermore, there is a missed opportunity to enhance the character of settlements through development. Whilst there are specific policies within the plan which seek to protect the landscape, given the settlement boundary review was entirely landscape led, and according to the Council, integral to defining areas suitable to development, Policy SP3 should seek to deliver landscape enhancements through new development within settlements.

Policy DM1: Residential Development in the Countryside, sets out a number of criteria for development outside adopted settlement boundaries.

Exceptions include the conversion of redundant or disused buildings, extension or replacement of existing dwellings, subdivision of existing dwellings and limited residential infill in settlements in the countryside with no defined settlement boundaries (criteria h).

In order to meet criteria h, new dwellings must be within a closely knit cluster of 10 or more existing dwellings, adjacent to, or fronting an existing highway. Whilst this policy

affords limited development in areas outside defined settlement boundaries, it is somewhat in conflict with Policy SP3.

Criteria i) of Policy DM1 is a permissive policy which encourages appropriate growth. However, this is contrary to the restrictive settlement boundary approach at Policy SP3. The provision of limited infill should extend to sites that are beyond the defined development boundaries at the identified settlements where the development of a site would comprise sustainable development. The policies are more permissive of speculative development in unsustainable locations than development adjoining an arbitrary settlement boundary.

The Council's evidence sets out that the villages and towns identified in policy SP3 are clearly sustainable and appropriate growth is supported; however the restrictive nature of the settlement boundaries and accompanying policies preclude appropriate growth in sustainable locations where there is no identified harm.

Important to this point is an appeal decision (3262431) for new dwellings in South Cerney, Gloucestershire. These two dwellings were outside the settlement boundary, but sustainably located. The strategic policy in this case sought to prevent new market housing outside settlement boundaries to prevent new build market houses in the countryside. The Inspector considered that the site was in an accessible location within the village, albeit outside the defined development boundary. The development was considered to be appropriate housing growth in an accessible location without causing harm.

At present, the policy as worded would prevent development that is in an accessible location due to the arbitrary boundary.

It is suggested that Policy SP3 is updated to reflect the provisions afforded for development at villages without settlement boundaries (by Policy DM1) for sites that are at villages/towns/settlements that have a settlement boundary but lie outside the defined boundary.

It is also suggested that the redevelopment of previously developed land at sites that are well related to identified settlement boundaries are supported.

In addition, it is also suggested that opportunities for development in sustainable locations which provide landscape enhancements are supported. This would reflect the three overarching objectives by encouraging improvements to landscape character,

optimising the opportunities to develop previously developed land and make the best use of land.

In short, settlement boundaries are a blunt instrument and a level of flexibility, as afforded by policy DM1, would ensure the plan is positively prepared and would support appropriate sustainable development.

PROPOSED POLICY AMENDMENT:

Policy DM1 should be amended to include:

'i) Outside defined development boundaries but within and/or well related to settlements with defined development boundaries, limited residential infill and the redevelopment of previously developed land will be supported provided that the development:

- Is sustainably located and accessible; and,*
- Comprises small scale development that reflects the character of the existing settlement and surrounding area: and,*
- Is of an appropriate density that reflects the character of the area; and,*
- Is in accordance with all other relevant policies of the development plan. '*

Policy SP5: Responding to Climate Change

Policy SP5 sets out a number of criteria for new developments requiring climate change mitigation and adaptation to be embedded into new development. These criteria are to be applied *'depending on the nature and scale of the proposals'* and the level of information provided should be *'proportionate to the scale and nature of the development proposed'*.

This policy is vague and unclear for applicants as to what exactly the Council are expecting developments to deliver and what supporting information needs to be provided with applications. This could very easily result in an entirely ineffective policy.

The policy is entirely open to interpretation, there is no clarity as to what 'baseline' sustainability is expected or indeed what weight and support will be afforded to development that goes beyond the level of sustainability that the Council are expecting to be delivered.

Policy SP5 misses the opportunity to encourage sustainable development by its vague nature.

It is suggested that the policy is amended to provide clarity on what is expected to be provided as part of a planning application. The policy should also note that weight and support will be afforded to development which exceeds sustainability standards.

PROPOSED POLICY AMENDMENT:

Policy SP5 should be amended to include:

'Positive weight will be afforded to development that demonstrates to the Authority that exceeds the required sustainability standards'

Policy SP6: Flood Risk

This policy sets out a clear intention to reduce the impact of flood risk: this links to Policy SP5 which seeks climate change mitigation and adaptation to be embedded into new development. However, as with Policy SP5, Policy SP6 does not set out that weight should be afforded to development that improves flood risk on site or improves flood risk on neighbouring sites. Developments are required to mitigate flood risk but there is a missed opportunity to encourage new developments to reduce flood risk overall. Weight should be afforded to developments that can reduce flood risk.

PROPOSED POLICY AMENDMENT:

Policy SP6 should be amended to include:

'Positive weight will be afforded to development that reduces flood risk on site and/or to land outside the development boundary'

Policy SP7: Design Quality

New development is expected to be high quality, however there is no reference to the weight that should be afforded to good design in decision marketing. The Framework identifies that great weight should be afforded to good design; adding significant emphasis to the importance of high quality 'beautiful' design. Policy SP7 does not go far enough to encourage developments to deliver excellent design and improve the visual quality of sites/developments.

PROPOSED POLICY AMENDMENT:

Policy SP7 should be amended to include:

'Positive weight will be afforded to development that delivers excellent design and improves the overall visual quality of the site.'

Policy SP8: Landscape Character

This policy supports landscape led development, however there is no reference to the weight that should be afforded to developments that provide enhancements to the landscape. This is a missed opportunity to encourage landscape enhancements.

The supporting text highlights that one of the key issues facing West Berkshire is the conservation and enhancement of the distinctive local character of both the natural and built historic environment. However, this policy does not support proposals that go beyond 'no landscape harm' again, it is a missed opportunity to deliver landscape enhancements through new development.

PROPOSED POLICY AMENDMENT:

Policy SP8 should be amended to include:

'Positive weight will be afforded to development proposals that can demonstrate enhancements to the landscape character of the site over the existing'

Policy SP10: Green Infrastructure

The supporting text to the policy notes that green infrastructure is '*integral to successful place making*'. However policy itself is vague and open to interpretation. The policy does not encourage development proposals to provide enhancements to green infrastructure that is over and above the baseline. For something which is, in the Council's own words; integral to successful place making, there is a distinct missed opportunity to encourage developments to deliver enhancements to green infrastructure.

PROPOSED POLICY AMENDMENT:

Policy SP10 should be amended to include:

'Positive weight will be afforded to development that can demonstrate enhancements to Green Infrastructure'

Policy DM15: Trees, Woodland and Hedgerows

The supporting text highlights that the protection of existing trees, woodland and hedgerows and the addition of new planting contributes greatly to conserving and enhancing the local character of an area.

This policy notes that development which conserves and enhances trees, woodland and hedgerows will be supported; however this policy could go further and give weight to developments that provide enhancements to trees, woodland and hedgerows. This would better reflect the supporting text which highlights the importance of existing and additional planting.

PROPOSED POLICY AMENDMENT:

Policy DM15 should be amended to include:

'Positive weight will be afforded to development that can demonstrate enhancements to and/or propose new trees, woodlands and hedgerows of appropriate species'

Policy DM18: Self and Custom-build housing

Policy DM18 requires applications for self and custom-build housing to be high quality design and be sensitive to the characteristics of the local area. This policy misses an opportunity to deliver enhancements to local character, landscape and biodiversity as well as sustainable design and construction.

PROPOSED POLICY AMENDMENT:

Policy DM18 should be amended to include:

'Positive weight will be afforded to self-build developments that exceed sustainability standards, that provide enhancements to the landscape, enhance local character and provide biodiversity enhancements beyond the requirements of BNG.'

Policy DM25: Replacement of Existing Dwellings in the Countryside

The supporting text sets out that there is evidence that small rural properties in the AONB have previously been demolished and replaced with substantial new properties that do not reflect the local context.

The supporting text then goes on to note that there are no rules that can be applied as to the acceptable size of a replacement dwelling; noting that size increase has to be considered on the basis of the impact of a particular property in a particular location.

It is clear that Policy DM25 is underpinned by the objective to protect and enhance the landscape. However, the policy fails to encourage landscape enhancements from the

outset. There is no mechanism to afford weight to environmental enhancements, sustainable design or innovative design. Instead the policy text focuses on 'proportionate in size' and preventing adverse impacts. The only element where landscape and environmental enhancements can be considered is through the resiting of replacement dwellings.

This policy does not reflect the clear intention of the policy, as set out in the supporting text; which is to improve the landscape character and visual appearance of the site.

The policy text relating to curtilage appears unsubstantiated and short sighted and overly prescriptive. Each site needs to be considered on its own merits and the policy doesn't allow for that. *'There is no extension of the existing curtilage, unless it is necessary to provide additional parking or amenity space to be consistent with dwellings in the immediate vicinity;* This policy is incredibly restrictive and does not allow for any flexibility or recognise that there may indeed be cases where an existing building and/or curtilage may be inappropriately located and that there could be improvements through amending/altering/moving the building and/or its curtilage. Opportunities for improving the landscape character or overall appearance of the site would be missed. This policy does not link with criteria b of this policy, which does allow for replacement dwellings to be located on a different area of the site if positive benefits can be demonstrated. This approach should be taken into account within criteria g.

This policy provides a mechanism to encourage landscape, biodiversity, environmental and sustainability benefits through replacement dwellings. We support this policy, however we are of the opinion that the support and consideration of enhancements shouldn't be limited to the placement/siting of a replacement dwelling.

We therefore suggest that the policy is amended to clearly set out that weight will be afforded to developments that provide enhancements to the landscape, biodiversity, sustainability and/or innovative and/or high quality design.

PROPOSED POLICY AMENDMENT:

Policy DM25 should be amended to:

The replacement of an existing dwelling of permanent construction in the countryside with another dwelling will

be supported providing that the following criteria are satisfied:

a. The existing dwelling is not subject to a condition limiting the period of use as a dwelling;

- b. The replacement dwelling is located on the footprint of the existing building unless alternative siting has a positive benefit on the impact on the countryside or other environmental benefits can be demonstrated;*
- c. The replacement dwelling is proportionate in size and scale to the existing dwelling, uses appropriate materials and sustainable technologies in accordance with Policy SP7, and does not have an adverse impact on:*
- i) The character and local distinctiveness of the rural area;*
 - ii). Individual heritage assets and their settings;*
 - iii) Its setting within the wider landscape;*
- g. Any amendments to curtilage will be assessed on a case by case basis; amendments to curtilage must not cause landscape harm and must respect the character of the area.*
- h. Where the existing dwelling forms part of an agricultural or other land based rural business and is an essential part of that business, the replacement dwelling must continue to perform the same function. An occupancy condition may be applied; and*
- i. The impact on any protected species is assessed and appropriate avoidance and mitigation measures are implemented to ensure any protected species are not adversely affected.*
- J. Positive weight will be afforded to developments that exceed sustainability standards, that provide enhancements to the landscape, enhance local character and provide biodiversity enhancements beyond the requirements of BNG.*

Part B – Your Representation***Please use a separate sheet for each representation***

Your name or organisation (<i>and client if you are an agent</i>):	C Hoyte, Plainview Planning Ltd on behalf of Mr and Mrs Liebreich
--	---

Please indicate which part of the consultation documents that this representation relates to:

Policy:	
Section/paragraph:	Paragraph 3.4
Appendix:	

Comments**A vision for Cold Ash Parish**

At 3.4 a table of objectives are set out. Objective 1 references that new development will be directed to within settlement boundaries only. This indicates that any development outside an existing tightly drawn boundary (which in some cases cuts through domestic curtilages for example) will not be considered sustainable. However, this does not recognise that there could be more sustainable locations for development adjacent to settlement boundaries, depending on very particular circumstances – such as existing non-residential buildings, brownfield or contaminated land, hydrology or the like.

We therefore suggest the following amendment to Objective 1 of table 3.4 on page 23:

Development should meet an identified need and be directed to the most sustainable locations *generally* within the defined settlement boundaries.

PART C – Notification of progress of the Cold Ash NDP**Do you wish to be notified of any of the following?*****Please tick all that apply***

Publication of the Examiners report / Decision to progress to referendum	x
Decision to adopt the Cold Ash NDP	x

Signature	C Hoyte	Date	27th August 2023
------------------	---------	-------------	------------------

Part B – Your Representation***Please use a separate sheet for each representation***

Your name or organisation (<i>and client if you are an agent</i>):	C Hoyte, Plainview Planning Ltd on behalf of Mr and Mrs Liebreich
--	---

Please indicate which part of the consultation documents that this representation relates to:

Policy:	CAP1
Section/paragraph:	
Appendix:	

Comments**CAP 1**

The objective above (Objective 1 of the NDP) is reflected through policy CAP1 on page 27 which sets out a number of circumstances within which development outside settlement boundary will be acceptable.

This list does not include previously developed/brownfield land, or land immediately adjacent to settlement boundaries which could potentially be more sustainable than that within. We suggest that the redevelopment of previously developed land on sites that are well related to identified settlement boundaries, and/or where there are clear local benefits be supported.

We therefore suggest the addition of two further exceptions to CAP1 paragraph 2 on page 27:

f) it is within and/or well related to settlements with defined development boundaries, and represents limited infill or the redevelopment of previously developed or degraded land;

g) it results in meaningful landscape, biodiversity, flood risk or other benefits in accordance with other policies within the NDP.

Paragraph 3 of policy CAP1 on page 27 also fails to recognise that brownfield land outside the settlement boundary can be sustainably developed and indeed its reuse is encouraged at national level. We suggest the policy should be amended as follows:

3. In determining development proposals substantial weight will be given to the value of using suitable brownfield land within *and adjacent or well related to* the settlement boundaries for either homes and/or other identified needs, or to support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Making specific reference to supporting opportunities for development in sustainable locations which provide landscape, biodiversity and other enhancements is suggested. This would reflect the overarching vision and objectives of the NDP by ensuring such development is sustainable, makes the best use of previously developed land, is of the highest quality, enhances the landscape and produces carbon efficient homes.

We suggest the following addition to the CAP 1 box on page 27:

4. Positive weight will be afforded to developments that exceed sustainability standards, provide enhancements to the landscape, enhance local character or amenities, or provide environmental or climate enhancements beyond the requirements of BNG.

PART C – Notification of progress of the Cold Ash NDP

Do you wish to be notified of any of the following?

Please tick all that apply

Publication of the Examiners report / Decision to progress to referendum	x
Decision to adopt the Cold Ash NDP	x

Signature	C Hoyte	Date	27th August 2023
------------------	---------	-------------	------------------

Your completed representations must be received by the Council by 4:30pm on Friday 1 September 2023.

Part B – Your Representation***Please use a separate sheet for each representation***

Your name or organisation (<i>and client if you are an agent</i>):	C Hoyte, Plainview Planning Ltd on behalf of Mr and Mrs Liebreich
--	---

Please indicate which part of the consultation documents that this representation relates to:

Policy:	CAP2
Section/paragraph:	
Appendix:	

Comments

<p>CAP2</p> <p>We support the reference to the support of innovation in design.</p> <p>There is also an opportunity to positively support wider visual enhancements to the village.</p> <p>We suggest the following modification to paragraph B.ii of CAP2 on page 35:</p> <p style="padding-left: 40px;">Improvements and enhancements should include, where appropriate, additional tree planting, the enhancement of roadside green space, the reduction/consolidation of road signs and other street furniture, <i>the opening up views</i>, and wider green infrastructure improvements that are identified as being <i>of value</i>.</p>

PART C – Notification of progress of the Cold Ash NDP**Do you wish to be notified of any of the following?*****Please tick all that apply***

Publication of the Examiners report / Decision to progress to referendum	x
Decision to adopt the Cold Ash NDP	x

Signature	C Hoyte	Date	27th August 2023
------------------	---------	-------------	------------------

Your completed representations must be received by the Council by 4:30pm on Friday 1 September 2023.

Part B – Your Representation***Please use a separate sheet for each representation***

Your name or organisation <i>(and client if you are an agent)</i> :	C Hoyte, Plainview Planning Ltd on behalf of Mr and Mrs Liebreich
---	---

Please indicate which part of the consultation documents that this representation relates to:

Policy:	CAP3
Section/paragraph:	5.41
Appendix:	

Comments**Supporting text to CAP3 at Section 5**

There is no reference made to replacement dwellings as a potential form of new development that will be supported. This is particularly relevant when existing housing is life-expired/no longer fit for purpose and where a replacement dwelling can offer benefits in terms of energy efficiency.

We suggest the insertion of a new paragraph at 5.41 on page 41 to confirm that the principles set out at CAP3 also apply to proposals for replacement dwellings:

Replacement dwellings will be supported where the dwelling they replace is no longer fit for purpose and life expired. The siting and scale of replacement dwellings should reflect the specifics of the individual site and consider whether alternative siting would allow wider improvements to the landscape, biodiversity and to maximise the inclusion of sustainable design principles.

PART C – Notification of progress of the Cold Ash NDP**Do you wish to be notified of any of the following?*****Please tick all that apply***

Publication of the Examiners report / Decision to progress to referendum	<input checked="" type="checkbox"/>
Decision to adopt the Cold Ash NDP	<input checked="" type="checkbox"/>

Signature	C Hoyte	Date	27th August 2023
------------------	---------	-------------	------------------