

WEST BERKSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal No APP/W0340/A/13/2208764

Application No: 13/00575/OUT Dated: 11 March 2013

Thames Heritage Boat Museum - Matters seeking
approval: Access and Layout

APPEAL BY THE CHILD BEALE TRUST

Child Beale Wildlife Trust
Beale Park,
Lower Basildon

STATEMENT OF CASE

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STATEMENT OF CASE

Hearing: 15 April 2014

Venue: Council Offices
Market Street
NEWBURY
Berkshire

GARY LUGG

Head of Planning and Countryside
West Berkshire District Council

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1 Production of Plans and Documents

- 1.1. Plan which is a map to scale 1:1250 showing the Appeal Site edged red.
- 1.2. Plan which is a map to scale 1:50,000 showing the area in which the Appeal Site is located.

2 Application by the Appellant

2.1 The Appeal relates to Application No, 13/00575/OUT dated 11 March 2013, submitted by Mursell and Co on behalf of The Child Beale Trust for the construction of a Thames Heritage Boat Museum (matters seeking approval access and layout) at Child Beale Wildlife Trust, Beale Park, Lower Basildon, Reading, Berks.

2.2 The application was refused by the District Planning Authority on 21 May 2013 for the following reasons:

"1 The existing buildings within the Beale Park complex are low key and sit discretely within the park. The lake and surrounding parkland is a feature of the site set within a sensitive rural landscape. In the absence of any details to demonstrate otherwise, a large building in this prominent position is considered to harm the open, largely undeveloped appearance of the site and detract from the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty.

As such the proposal is contrary to the guidance within the National Planning Policy Framework 2012 with regard to design and the conservation and protection of the open countryside and areas of national landscape importance. Furthermore the proposal fails to comply with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, July 2012 and Policy RL.5A of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 and the guidance within the Area of Outstanding Natural Beauty Management Plan 2009-2014 and the Basildon Village Design Statement.

2 Insufficient information has been provided to assess the full impact of the development on the designated Local Wildlife Site and on existing flora and fauna with limited information provided on which trees need to be removed as part of the development. Furthermore the application makes clear that it is the intention for boats to leave the

museum by water, yet no details are given of works outside the application site necessary for this to happen. The site is potentially of significant nature conservation value and in the absence of this information the full impact of the scheme cannot be determined.

As such the proposal fails to comply with the guidance within the National Planning Policy Framework with regards to Local Wildlife Sites and nature conservation. Paragraph 118 requires Local Planning Authorities to aim to conserve and enhance biodiversity when determining planning applications. The proposal further fails to comply with Policy CS17 of the West Berkshire Core Strategy 2006-2026, July 2012 and the guidance contained within the ODPM Circular 06/2005 - Biodiversity and Geological Conservation and the Basildon Village Design Statement.

- 3 The proposed siting of the building will result in an unacceptable threat to the sustainability of trees that contribute to the landscape character of the area. Damage that would lead to their decline is unacceptable because the loss of the trees would impact on the local amenity and no evidence has been submitted to indicate this impact can be satisfactorily mitigated. This is contrary to the guidance within the National Planning Policy Framework with regards to the protection of the natural environment and Policies CS14 and CS19 of the West Berkshire Core Strategy July 2012 and the guidance within the Basildon Village Design Statement.
- 4 The flood risk assessment submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted flood risk assessment does not therefore provide a suitable basis for assessment to be made of flood risks arising from the proposed development. In particular, the submitted flood risk assessment fails to show how losses in floodplain storage will be mitigated for.

For these reasons the proposal fails to comply with the guidance contained within the National Planning Policy Framework and Policy CS16 of the West Berkshire Core Strategy 2006-2026, July 2012."

3 Relevant Planning History

- 3.1 **00/01195/FUL** – Construction of a new cut between Beale Park Lake and the river Thames with footbridge. The purpose of the development is to allow occasional boat access to and from the lake.

Approved 6th November 2001

The use of the cut approved under this permission was restricted to a maximum of 20 days per calendar year with prior notice given to the Local Planning Authority (condition 5). Condition 7 prohibits the mooring of boats on the lake.

A copy of this decision notice and plans are attached at **Appendix 1**.

- 3.2 **07/01717/FUL** - Section 73 - Variation of condition 5 of permission 00/01195/FUL (The proposed cut shall only be used for a maximum of 20 days per calendar year, with a maximum of 2 days duration per occasion. Details of each occasion, together with its duration, shall be submitted to the Local Planning Authority 14 days prior to the event commencing) to permit access to and from the river via the cut by Consuta without advance notification to the Local Planning Authority.
- Variation of condition 7 of application 00/01195/FUL (No mooring of boats shall take place on Beale Lake other than during those days when events are taking place) to allow permanent mooring of a floating boathouse to berth 'Consuta'.

Refused 27th September 2007

Appeal upheld 13th August 2008

Under this application the applicants sought permission to moor a floating boathouse, capable of navigation on the lake. The Inspector, as explained in paragraph 4 of the decision notice viewed the intended mooring as tantamount to being permanent. The structure was 21.3m long, 4.9m wide and 3m high.

A copy of this appeal decision, the decision notice and plans are attached at **Appendix 2**.

4 The Case for the Council

4.1 The case for the Local Planning Authority is divided into 4 parts:

Refusal reason 1: The Council's case is set out below.

Refusal reason 2: Following receipt of a Phase 1 Habitat Survey Report and supplementary information on the 10th December the Council confirmed on the 13th December that refusal reason 2 of the decision notice could be withdrawn subject to conditions. These conditions are set out within the appendices.

Refusal reason 3: Please see the Statement of Case from the Tree Officer in respect to refusal reason 3.

Refusal reason 4: Following confirmation from the appellant on the 20th January that the information submitted to the Environment Agency was to be considered as part of the appeal the Environment Agency have confirmed in their letter of the 29th January that refusal reason 4 can be withdrawn subject to conditions. These conditions are set out within the appendices.

4.2 **Refusal reason 1: Impact on the character of the area and the North Wessex Downs Area of Outstanding Natural Beauty:**

4.3 Beale Park comprises a long established tourist attraction within West Berkshire. The site sits within the open countryside in the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Set adjacent to the Thames the site is relatively flat with the land rising on

the eastern side of the river creating a natural backdrop to views looking out of the park.

4.4 Despite attracting a large number of visitors the site sits discretely within the open countryside. Neither its rural setting or appearance is undermined by the low key cluster of buildings to the south of the car park which itself is well landscaped. The buildings as currently arranged impinge only slightly on views of one corner of the lake.

4.5 Within the vicinity of the park are a network of footpaths one of which includes the popular Thames Path within South Oxfordshire. Footpath Basildon 18 runs along the western bank of the river Thames past Beale Park. From a short section of this route glimpsed views of the site can be seen through the trees of the Pavilion and other smaller structures. There is an informal walked route from Beale Park directly to the public right of way at this point. A permissive footpath lies to the north of the lake. From here and the one way system the footbridge and trees to the north of the new building can be seen. The Basildon Village Design Statement recognises the importance and sensitivity of views across the Child Beale Trust as a whole.

4.6 Within the Basildon Village Design Statement under 'Recommendations for the Future,' it states that the described viewpoints are part of the reason why Basildon lies within an Area of Outstanding Natural Beauty. It is here that views across the Child Beale Trust are recognised to be outstanding with the requirement that every effort is made to conserve them.

4.7 The proposed building is to be sited approximately 50m from the nearest building, the Pavilion, introducing new built form into an undeveloped part of the site. The vegetated, overgrown and un-manicured appearance of the appeal site creates a natural setting around the park. This is particularly apparent in views from the car park where at present the low key entrance buildings are the only visible buildings. The introduction of a new building as presented under this appeal will result in the loss of a valuable part of this naturally vegetated setting.

4.8 The proposed built form by reason of its siting and the size of its footprint will erode the undeveloped open appearance of the landscape. The proposed building has a footprint of approximately 46.8m x 9.5m. This is substantial and dwarfs the size of the existing buildings within the park. This is particularly apparent from photograph 6 'Thames Heritage Boat Museum – Beale Park' submitted as part of the appellant's case. The visual harm arising from the development is not only a result of the new built form but also the associated footpath and the inevitable need to open up this part of the site to facilitate public access. Any associated signage and lighting which maybe required to accompany this use will further erode the natural and open appearance of this part of the site on the edge of the water harming views from the car park and the undeveloped, open nature of the site as a whole.

4.9 It is considered that partially screened views of the new building will also be visible from longer views across the lake. A permissive footpath lies to the north of the lake. From here and the access road the existing footbridge and trees to the north of the new building can be seen. The extent of any views from these longer vantage points will depend on the number of trees to be retained and the time of year however the presence of a new building in this position will impact on the natural appearance of the site. Concern has been raised within the grounds of appeal for statements within the officer report which refer to the position of the building on the edge of the lake. This statement was made on the basis of the Location Plan and Block Plan which show the lake and an area titled 'water'. The building is shown to sit on the edge of this. This complete body of water is referred to in the officer report as the lake. It is noted however on the information submitted in support of the appeal that this is referred to as a pond. There is currently no built form around the edges of this large body of water and for this reason the building would disrupt the open, largely undeveloped character of the lake.

4.10 Longer glimpsed views of the building would also be visible during the winter months from a small section of footpath Basildon 18 which runs along the bank of the river Thames. An existing opening to Beale Park allows for views into the site where limited development can currently be seen. By reason of its siting and large footprint the proposed building will be slightly closer to the footpath than the existing Pavilion. While it is appreciated that views maybe reduced by additional planting

it is a concern that the cumulative impacts of additional buildings will gradually erode the undeveloped nature of the site and the natural setting of the river and views from the footpath. In addition to the countryside and design policies which seek to protect the undeveloped nature of rural areas Policy RL5.A of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 seeks to resist development which would harm the character and landscape setting of the river.

- 4.11 It is recognised that during the summer months the site will benefit from some degree of natural screening from the surrounding trees however during the winter months views of the building from within and outside of the site will be more visible. While additional planting could be used to screen the new building it is important to protect the AONB for its own value. To rely on planting to render a building acceptable in such a sensitive location would not be in line with the guidance within The National Planning Policy Framework (NPPF). The NPPF states, paragraph 109, that the planning system should contribute to and enhance the natural environment. The landscape and scenic importance of the AONB is emphasised in Paragraph 115 where it states that great weight should be given to the protection of designated landscapes which have the highest status of protection. The AONB should be protected for its own value and not simply from public views. These objectives are supported by Policies ADPP5 and CS19 of the West Berkshire Core Strategy 2006-2026, July 2012 which requires new development to conserve and enhance the local distinctiveness, sense of place and setting of the AONB. The AONB Management Plan

recognises that the natural landscape is sensitive to change and seeks to ensure that new development is of an appropriate and sympathetic design reflecting the local landscape character.

- 4.12 Notwithstanding the limited weight that can be placed on the ability to screen the building through landscaping, either existing or proposed, the application has been accompanied by insufficient information to demonstrate the impact of the building and associated walkway on the trees both within and adjoining the site. For this reason the Council are unclear at this time which trees will be affected by the proposals which will have a direct impact on the level of screening and the prominence of the building from the views that have been identified.
- 4.13 The appeal makes reference to application 08/02391/FUL under which temporary permission was granted for a period of 19 months for the siting of 2 storage containers for the keeping of canoes and equipment at Beale Park. A copy of the report, decision notice and design and access statement are attached in **Appendix 3**. The nature and merits of the scheme subject to this appeal are materially different to this previous application and the officer report clearly sets out how the temporary nature of the scheme and the community benefit outweighed the visual impact of the small storage containers. This previous decision does not set a precedent for further development within this area as each application must be determined on its own merits.

- 4.14 The decision notices and officer reports for other applications have been submitted as part of the appellant's case however no further comments have been made on these within the grounds of appeal. The Council consider these to be materially different to the proposals which are the subject of this appeal and for this reason no comments have been made on these at this stage.
- 4.15 The Council recognise the intentions of the applicants to conserve local and national marine heritage assets such as the Consuta, Donola and Cygnet and the weight given to this is set out within the officer report. These benefits however are not considered to outweigh the visual harm to the site and the AONB as identified above.
- 4.16 To conclude, the siting of a building in the position and of the footprint proposed is considered to have a harmful impact on the open, undeveloped character of this site which is sensitively positioned within the AONB. The impacts of the development extend to views outside of the site however the most significant harm will be caused to views from the car park and internal roads and paths. Glimpsed views of the building will also be obtained from limited vantage points along footpath Basildon 18. In accordance with the guidance within the NPPF and Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy, July 2012 new development should conserve and enhance the appearance of an area and the local distinctiveness of the landscape character. For the reasons set out above the proposal fails to meet with

these policy objectives and for this reason it is respectfully requested that this appeal is dismissed.

5 Conclusion:

- 5.1 Subsequent to the submission of additional information under this appeal refusal reasons 2 (ecology) and 4 (flood risk) have been withdrawn. The Council's case is based on two fundamental concerns, the impact of the proposals on the character and appearance of the area and the AONB and the impact of the development on the trees within the site.
- 5.2 The proposed building by reason of its siting and large footprint along with associated access is considered to have a harmful impact on the open undeveloped character of this site which is sensitively positioned within the AONB. The impacts of the development extend to views outside of the site however the most significant harm will be caused to views from the car park and internal roads and paths. Glimpsed views of the building will also be obtained from vantage points along a section of footpath Basildon 18. In accordance with the guidance within the NPPF and Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy, July 2012 new development should conserve and enhance the appearance of an area and the local distinctiveness of the landscape character. For the reasons set out above the proposal fails to meet with these policy objectives.
- 5.3 The proposals will involve the loss of a number of trees. The application as submitted to the Council did not adequately consider the potential impact to the trees, which are considered important, highly visible from outside of the site and very much part of the landscape

character of the area and should be retained as part of the proposed development. The trees at the site are a major constraint to the development and should be considered at the design stage when working out the constraints for the site, with adequate provision provided for the retention of trees and suitable mitigation measures. These objections cannot be overcome by the attachment of conditions as the impact is not clear and no condition can overcome the deficiency.

- 5.4 For these reasons it is respectfully requested that this appeal is dismissed.