

Notice of Meeting



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Western Area Planning Committee

Wednesday 25 September
2019 at 6.30pm

in the Council Chamber Council Offices
Market Street Newbury

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Further information for members of the public

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. **Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.**

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148
Email: planapps@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Rachel Craggs on (01635) 519441 Email: rachel.craggs@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 17 September 2019



Agenda - Western Area Planning Committee to be held on Wednesday, 25 September 2019 (continued)

To: Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston

Substitutes: Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 10
To approve as a correct record the Minutes of the meeting of this Committee held on 14 August 2019.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. and Parish: 19/01881/HOUSE - 89 Enborne Road, Newbury** 11 - 18
- Proposal:** Two storey side and single storey rear extension.
Proposed loft to be connected into existing converted loft space.
- Location:** 89 Enborne Road, Newbury
- Applicant:** Mr and Mrs Genko
- Recommendation:** **The Head of Development and Planning be authorised to GRANT planning permission.**



Agenda - Western Area Planning Committee to be held on Wednesday, 25 September 2019 (continued)

- (2) **Application No. and Parish: 19/01850/FULD - Land North of 4 and South of 8 Edgecombe Lane, Newbury** 19 - 40
- Proposal:** Demolition of outbuilding and construction of two semi-detached dwellings with highway improvements
- Location:** Land North of 4 and South of 8 Edgecombe Lane, Newbury
- Applicant:** Mr and Mrs Marshall and Derek Howe
- Recommendation:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 14 AUGUST 2019

Councillors Present: Phil Barnett, Jeff Cant, Carolyn Culver, Clive Hooker (Chairman), Andy Moore (Substitute) (In place of Tony Vickers), Claire Rowles and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control) and Rachel Craggs (Principal Policy Officer (Information Management))

Apologies for inability to attend the meeting: Councillor Adrian Abbs, Councillor Hilary Cole, Councillor Garth Simpson and Councillor Tony Vickers

PART I

21. Minutes

The Minutes of the meeting held on 10 July 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Page 5, paragraphs 1 and 3: amend Carolyn Culver to Carolyn Culver.

The Minutes of the meeting held on 24 July 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Page 30, paragraph 22: amend 'was' to 'should be'.

Page 32, paragraph 4: the condition states that 'the bat box will be used to receive any bats captured during the works' and this will be checked as bats are not allowed to be captured.

22. Declarations of Interest

There were no declarations of interest received.

23. Schedule of Planning Applications

(1) **Application No. and Parish: 19/01540/HOUSE - Hampstead Norreys**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/01540/HOUSE in respect of an extension to the garage and a first floor extension.
2. In accordance with the Council's Constitution, Mr David Barlow, Parish Council representative, Ms Theresa Fleetwood, objector, Mr Lee Clark, applicant and Councillor Carolyn Culver, Ward Member addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable.

WESTERN AREA PLANNING COMMITTEE - 14 AUGUST 2019 - MINUTES

(CouncillorCarolyn Culver left the meeting room at 6.35 pm and returned at 6.37 pm)

4. Mr Barlow in addressing the Committee raised the following points:
 - There were a significant number of objections/support from within the Parish and the Parish Council looked at applications objectively taking consideration of the impact on neighbouring properties.
 - The Parish Council deemed the application to be inappropriate despite the revisions made to the plans due to the close proximity and overbearing nature of the proposal on 1 Church Street, which could not be appreciated from the plans.
 - He noted that if the back or front of an existing building overlooked the side of a new build by less than 7 metres, this would contradict West Berkshire Core Strategy (CS) Policies 14 and 19.
 - The revised plans did not alleviate the impact of a high wall casting a shadow over 1 Church Street, which was of concern to the Planning Inspector at the earlier appeal.
 - The Parish Council did not believe that CS 14 was addressed with the revised plans and nor were the Council's adopted Quality Design SPD and House Extensions SPG outline key factors.
 - They acknowledged that the applicant had submitted a light survey but it did not include consideration of direct sunlight and as it could only be used to assess the impact on gardens, it was not appropriate for a courtyard.
 - Consequently the Parish Council could not support the application.
5. Ms Fleetwood in addressing the Committee raised the following points:
 - She lived at 1 Church Street and had done so for the past 12 years.
 - This was the third planning application submitted by the applicant for a two storey extension but there was little difference between this one and the previous two applications.
 - The application submitted in March 2018 was refused by this Committee and dismissed at appeal as the Planning Inspector believed it would be overbearing on 1 Church Street and due to the impact on the sunlight at the rear of the house and the courtyard.
 - The second application was refused in October 2018 by this Committee as the Inspector's concerns had not been overcome.
 - The differences between this application and the second one were insignificant as the ridge height had only been reduced by one foot and the rear wall had also only been reduced by a similar amount.
 - The light assessment did not address the issue regarding sunlight in the courtyard and the information included in the survey had been provided by the applicant's agent. Furthermore, section 6, paragraph 3 of the assessment stated that the assessment did not have statutory implications.
 - She invited the Committee to visit 1 Church Street to see the impact the proposal would have on the sun in the courtyard during the early evening.

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- She did not understand how these insignificant changes could mean that the application now complied with CS 14, as the courtyard would be in shadow from late afternoon and she hoped the Committee would refuse the application.
6. Mr Clark in addressing the Committee raised the following points:
- He and his family had moved into Cherry Hinton about 18 months ago, when it was in a very sorry state and in need of modernisation.
 - Consequently he had not considered that there would be any problems with the planning application, particularly due to the fact that a number of other neighbouring properties had been extended.
 - He had arranged to meet with the Parish Council in order to obtain their opinion on the amended plans before submitting them to the planning authority, but Mr Barlow did not turn up for the meeting.
 - The garden at 1 Church Street had been reduced to a courtyard because the land had been sold off for development and it therefore did not seem right that this should now impact on the extension at Cherry Hinton.
 - He had shared the proposed plans with his neighbours and Ms Fleetwood had said that if he reduced the size of the extension by four feet, it would be acceptable.
 - As a result, he had addressed this concern and all the other concerns raised by Ms Fleetwood with the amended plans.
 - The light assessment had shown there would be no impact on 1 Church Street and as the extension was acceptable in planning terms, he asked the Committee to grant planning permission.
7. Councillor Clive Hooker referred to the plans that Mr Clark had submitted to the Parish Council and asked if he had been given the opportunity to present them at the meeting. Mr Clark explained that he had telephoned Mr Barlow to ask if he could attend the Parish Council meeting to show them the amended plans prior to submitting them to West Berkshire Council. Mr Barlow had said he could attend but had not turned up for the meeting and after showing them the plans, he was told they were unable to provide him with any feedback.
8. Councillor Carolyne Culver in addressing the Committee raised the following points:
- She thanked the residents for engaging in the process and for raising their concerns about overshadowing.
 - There had been 15 letters of support for the application and 15 objections, so she recognised there was support for the proposal as the applicant had considerably improved the look of the property, but this did not make the proposed extension acceptable.
 - Points 9 and 13 in the Inspector's report had referred to the impact of the proposal on the courtyard at 1 Church Street as it was their only private amenity.
 - There was also a height difference between the two properties which meant the proposed extension would be very overbearing. If the properties had been on the same level it might not have been such an issue.

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- She suggested that perhaps the daylight survey should have been commissioned by the Council so that it was more independent and it should have looked at the impact on sunlight in the courtyard and not just the rear windows.
9. Councillor Howard Woollaston asked for clarification regarding the height of the building and the impact of overshadowing as the amended plans appeared to solve the problem. Derek Carnegie stated that the amended plans with the earlier application had been acceptable in planning terms but the Planning Inspector had not agreed. However the applicant had taken account of the Inspector's comments and made serious efforts to solve the problems.
 10. Councillor Woollaston further enquired whether there would be any overlooking of the courtyard from the development and Derek Carnegie assured him that there were not be.
 11. Councillor Claire Rowles asked Derek Carnegie for his view of the comments relating to overshadowing and the light assessment. He replied that the light assessment was an independent report and he was satisfied with it. In addition, as the proposed extension was on the south western side of 1 Church Street, the courtyard would receive sunlight for the majority of the day. He noted there would be an impact from the development but it was not serious enough in planning terms for the application to be refused.
 12. Councillor Jeff Cant asked Derek Carnegie to clarify the position in planning terms in relation to daylight. Derek Carnegie confirmed householders did not have a right to light or a view but planners did not want any property bereft of either, although there was no hard and fast rule on this.
 13. Councillor Culver asked if the planning authority had been aware that the light assessment was being undertaken and Derek Carnegie replied in the negative.
 14. Councillor Culver further asked if it would have been a good idea for the Council to have commissioned the assessment. Derek Carnegie advised that if the Case Officer had been concerned about this, an assessment would have been commissioned but it was felt that as the previous planning application had been acceptable, there was no need for it.
 15. Councillor Hooker asked if there was any difference with the light on the windows compared to the courtyard. Derek Carnegie confirmed that if they had considered the light in the courtyard would be severely damaged, this would have taken into account, but their view was that the impact would be minimal.
 16. In considering the above application Councillor Phil Barnett noted that it was an interesting application and proved how imperative it was for Members to attend the official site visit as if they had, they would have appreciated the impact on 1 Church Street. He went onto enquire whether it was felt there was sufficient information available to enable them to make a decision, as he was having some difficulty in doing so. He felt the applicant had gone a long way to alleviate the objections and still meet the needs of his family and the street scene, but he would not make his decision until he had heard the views of the rest of the Committee.
 17. Councillor Cant said he was aware that if this application was refused and went to appeal it would cause considerable expense to the Council and so he wanted to hear anything that would convince him it should be rejected.

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18. Councillor Rowles said it was hard to appreciate some of the comments that had been made as she had not been able to attend the site visit as she had been unable to find it, which made it harder to make a decision.
19. The Chairman advised that it is not compulsory to attend site visits and it was possible to make decisions based on the plans and site drawings, although it was preferable if Members did attend.
20. Councillor Woollaston asked for clarification of the difference with the ground heights and was advised by Derek Carnegie that it was about a metre.
21. The Chairman pointed out that there was an assumption the planning application would be determined that evening as it had now been to Committee three times. Looking at the design from the front and rear of the property, it would be acceptable in any other situation which was what the Committee needed to focus on. He appreciated there was an issue with the impact on 1 Church Street, but the positioning of the extension meant the courtyard would be in sunlight for the majority of the day.
22. Councillor Rowles added that the nub of the matter was that the Planning Inspector had noted the limitations of the site. Derek Carnegie added that the Inspector had felt on balance the last application should be refused but the impact on 1 Church Street had been alleviated by the amendments to the plans and it was his view that the proposal was now acceptable.
23. The Chairman noted that as three Councillors had expressed concern about not having sufficient information to enable them to make a decision, it would be possible to defer the item. However, Members would need to indicate what they would require to enable them to make a decision.
24. Councillor Culver suggested that the Council should commission its own light assessment. Councillor Barnett added his support to this and further added that he felt another site meeting would be appropriate. Consequently, he proposed a deferment on these two grounds.
25. The Chairman noted that if another site meeting was to be arranged, the whole Committee would have to attend and he was against this because Members had already had the opportunity to attend the earlier one.
26. Councillor Cant asked for it to be noted that he had not been requesting more information prior to making a decision on the application, as all he had just been requesting clarification with regard to the right to light in planning terms.
27. Councillor Rowles added her support to the proposals put forward by Councillors Culver and Barnett. She was aware that site visits were costly but she felt that a site visit attended by all the Committee Members was required.
28. The Chairman said he did not want this to set a precedent enabling applications to be deferred for a second site visit to take place, if Members were unable to attend the earlier one.
29. Councillor Rowles added that sometimes during the debate it became apparent that this was what was required.
30. Councillor Barnett's proposal for another site visit to be undertaken and an independent light assessment to be commissioned by the Council was seconded by Councillor Rowles.

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- 31. Councillor Andy Moore suggested that the site visit should take place after 4 pm to enable the Committee to appreciate the full impact of the development on 1 Church Street.
- 32. Sharon Armour stated she was concerned by the comments from Members about not having sufficient information to enable them to make a decision and therefore she felt a decision should not be made on the application.
- 33. Councillor Woollaston asked if Ms Fleetwood would allow Members conducting independent site visits to visit the courtyard. However the Chairman clarified that the site visit should only be made as a group, so they could share the discussion and avoid Members speaking individually to the applicant and objector.
- 34. The Chairman invited members of the Committee to vote on the proposal by Councillor Barnett, seconded by Councillor Rowles and at the vote the motion was carried

RESOLVED that the Head of Development and Planning be authorised to defer the application for the following reasons:

Members who attended the site visit were few in number and it was decided that there should be another site visit for more members to evaluate the issues. Members also decided that there should be another Daylight / Sunlight study carried out independently by the Council.

24. Appeal Decisions relating to Western Area Planning Committee

Members noted the outcome of appeal decisions relating to the Western Area.

(The meeting commenced at 6.32 pm and closed at 7.33 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	19/01881/HOUSE Newbury Town Council	9 September 2019	Two storey side and single storey rear extension. Proposed loft to be connected into existing converted loft space. 89 Enborne Road, Newbury Mr and Mrs Genko

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01881/HOUSE>

Recommendation Summary: **The Head of Development and Planning be authorised to GRANT planning permission.**

Ward Member(s): Councillor Andy Moore
Councillor Martha Vickers

Reason for Committee determination: Called in by Cllr Moore given previous enforcement action and impact on privacy to neighbour.

Committee Site Visit: 19 September 2019

Contact Officer Details

Name: Liz Moffat
Job Title: Assistant Planning Officer
Tel No: (01635) 519111
E-mail Address: elizabeth.moffat@westberks.gov.uk

1. INTRODUCTION

- 1.1 This householder application seeks planning permission to make elevational changes to the two storey side extension currently being built following planning consent Ref: 17/01601/HOUSE. The applicants seek to move an external ground floor door serving the utility/dog room from the north elevation to the west elevation. A second window is proposed at first floor level in the west elevation to serve the en-suite at the northern side of the property.
- 1.2 The application site is a large semi-detached house which lies within the defined settlement boundary of Newbury in an established residential area to the western edge of the settlement. The outbuilding approved in 2018 is complete and the 2017 approval for the extension work is underway.

2. PLANNING HISTORY

- 2.1 The relevant planning history for the application site is summarised below:
- 18/00256/HOUSE – Garden storage building/workshop with au-pair accommodation above APPROVED 12.04.18
 - 17/01601/HOUSE – Two storey side and single storey rear extension. Proposed loft to be connected into existing converted loft space APPROVED 27.07.17
 - 155316 – single storey front bay window extension, amendment to previous approval for rear conservatory APPROVED 16.08.99
 - 153876 – Conservatory APPROVED 14.12.98
 - 136990 – Extension to family sitting room, second bathroom and removal of chimney APPROVED 02.05.90

3. PROCEDURAL MATTERS

- 3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 with the display of a site notice for 21 days. The site notice expired on 14.08.2019.
- 3.3 This application is not CIL liable.

4. CONSULTATION

Consultee	Summary of response
Town Council:	Objection / comment: new position of door could cause overlooking.
Enforcement:	<p>On 20.5.2019 Planning Enforcement were asked to assess whether on-going development works associated with planning permission no. 17/01601/HOUSE – “Two storey side and single storey rear extension. Proposed loft connected into existing converted loft space”, were being built in accordance with the approved drawings.</p> <p>It was established that additional openings had been made within the side elevation of the new development and the owner/applicant decided that to attempt regularisation of the confirmed breach of planning control a new [retrospective] planning application would be submitted. Planning Enforcement at that stage warned those responsible for the development that any further works would be conducted at their own risk.</p> <p>Planning application no. 19/01763/HOUSE was submitted on 4.7.2019 July but was never validated. Planning application no. 19/01881/HOUSE - Removal of glazed door and window moved to north elevation. Insertion of obscure glazed window and timber door to west elevation, was submitted on 15.7.2019 and is currently pending determination.</p> <p>It has been determined that the dimensions of the building associated with planning application no. 18/00256 - “Proposed garden storage building and workshop with Au Pair accommodation above”, are in accordance with the approved drawings.</p> <p>Planning Enforcement also confirmed that the extension is within the acceptable limits of the approved development.</p>
Public Representations:	4 letters of objection regarding the retrospective nature of the application as well as loss of privacy, overlooking and disturbance due to revised location of door.

5. PLANNING POLICY

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.
- 5.2 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, CS14, CS19

- 5.3 The following documents are relevant material considerations:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - House Extensions SPG (2004)
 - Quality Design SPD (2006)

6. APPRAISAL

- 6.1 The main issues raised by this development are:
- The principle of development
 - The design and impact on the character of the area
 - The impact on the living conditions of the neighbouring properties

Principle of development

- 6.2 The application site lies within the settlement boundary of Newbury. Within settlement boundaries the principle of extending an existing dwelling accords with the development plan subject to its specific impacts. The 2017 approval for the extension did not include any restrictive conditions relating to the addition of openings in the future. Permitted development rights therefore apply on completion of the extensions and therefore doors and windows may be added at ground floor level without planning permission. This would be on the proviso that upper floor windows located in wall or roof slope forming a side elevation must be obscure-glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Given the above the principle of development is acceptable.

The design and impact on the character of the area

- 6.3 Through the provisions of the NPPF the government outlines the importance of the design of the built environment. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The addition of windows or doors within the side elevation are not considered to result in harm to the street scene or the character of the area.

The impact on the amenities of the neighbouring properties

- 6.4 According to Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. The Council's adopted Quality Design SPD and House Extensions SPG outline key factors to consider in terms of the potential impact on neighbouring living conditions.
- 6.5 The neighbouring property most affected by the proposals is No. 91 which lies immediately adjacent to (west of) the application site. This property has a utility room at ground floor level with a window on the east elevation facing the extension. There are two obscure glazed windows at first floor level in the same elevation. Although a 1.8m high wall extends along this shared boundary, the two storey side extension has reduced the gap between the two properties from a minimum of (approximately) 5 metres to 2 metres. Whilst both properties had openings in their respective side elevations, given that these are now closer to each other, there is an increased degree of intrusion due to perceived overlooking, notwithstanding obscure glazing. The top section of the ground floor openings can be seen from the higher ground floor level at No. 91. In order to limit any increased potential intrusion due to the reduced side access available to No. 89, the applicant was asked to retain the door within the north elevation of the utility/dog room as per the original scheme. This suggestion has not been taken up and given that restrictive conditions were not

included at the time of the approval for the extension, the case officer is unable to pursue this proposal.

- 6.6 The proposed en-suite window considered here will be obscure glazed and the applicant's agent has confirmed that it will be top-opening only. In order to protect the private amenity of No. 91 it is recommended that a condition be added to ensure no further openings can be installed without the requirement for planning permission.

7. CONCLUSION

- 7.1 Having taken account of the aforementioned planning policies and the relevant material considerations including the Town & Country General Permitted Development Order 2015, it is considered that the development proposed is acceptable and the grant of conditional planning permission is justified. As such, the application is recommended for approval.

8. FULL RECOMMENDATION

- 8.1 To be delegated to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with drawing number 16107/PLR002 received on 15 July 2019 and 16107/PLR001 Rev A received on 3 September 2019.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows or doors which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed on the western side elevation of the dwelling, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (2006) and House Extensions SPG (July 2004).

DC

19/01881/HOUSE

89 Enborne Road, Newbury, RG14 6AR



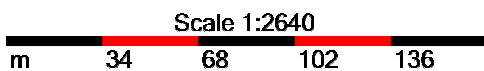
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	12 September 2019
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(2)	19/01850/FULD Newbury Town Council	6 th September 2019 ¹	Demolition of outbuilding and construction of two semi-detached dwellings with highway improvements Land North of 4 and South of 8 Edgecombe Lane, Newbury Mr and Mrs Marshall and Derek Howe

¹ Extension of time agreed with applicant until 27th September 2019

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01850/FULD>

Recommendation Summary: To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

Ward Members: Councillor Jeff Beck
Councillor Jeff Cant

Reason for Committee Determination: The application is being recommended for conditional approval and 10+ objections have been received. Councillor Beck called the application to committee if recommended for approval due to the concerns expressed by residents at Edgecombe Lane.

Committee Site Visit: 19th September 2019

Contact Officer Details

Name: Gemma Kirk
Job Title: Planning Officer
Tel No: 01635 519111
Email: Gemma.Kirk@westberks.gov.uk

1. INTRODUCTION

- 1.1 This application is for the construction of one pair of semi-detached properties following the demolition of an existing garage. The pair will be positioned over land that is used as private amenity space owned by the applicant. An outbuilding is presently positioned at the front of this plot.
- 1.2 The application also seeks to improve the access from Kiln Road to Edgecombe Lane by extending the dropped kerb on Kiln Road, laying a 6 metre bonded surface at the entrance of Edgecombe Lane and re-locating a signpost at the entrance subject to the agreement of the Highways Authority.
- 1.3 The proposed dwellings will be two storey, 3 bed dwellings. Each dwelling will have 2 gable ends on the front elevation to reflect the design of the neighbouring short terrace.
- 1.4 The application site is located on a private street, Edgecombe Lane, which is accessed via Kiln Road. The site is within the established settlement boundary of Newbury and whilst the lane is a low density residential area the surrounding area is predominately a high density residential area.

2. RELEVANT PLANNING HISTORY

- 2.1 19/00108/FULD: Demolition of outbuilding and construction of two semi-detached dwellings with highway improvements. Invalid. 12.06.2019.
- 2.2 16/00439/FULD: Demolition of outbuilding and construction of two semi-detached dwellings. Cannot be determined. 27.05.2016.
- 2.3 135275: Erection of one detached bungalow with retention of existing garage. Refused. 10.08.1989. (Appeal Dismissed)
- 2.4 132573: Erection of two link detached dwellings. Refused. 14.09.1988.

3. PROCEDURAL MATTERS

- 3.1 Environmental Impact Assessment (EIA): The development falls within the description of development in column 1 of Schedule 2 (10a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, however the development is not located within an environmentally sensitive area, and is below the given thresholds as defined by the regulations. As such, EIA screening is not required.
- 3.2 Publicity: Site notice displayed on 25th July 2019 on a street sign at the access to Edgecombe Lane, expired on 15th August 2019.
- 3.3 CIL: Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1-A5) development of more than 100 square metres of net floorspace (including

extensions) or when a new dwelling is created (even if it less than 100 square metres). The proposal will create two new dwellings and therefore the development appears to be CIL liable. CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission.

- 3.4 Ownership: During the course of the application a number of letters challenging the ownership of the land within the red line have been received. It is consider there is no definitive evidence to demonstrate the ownership certificates submitted with this application are incorrect and that the application is invalid. Irrespective of any such conclusions on the validity of the application, it should be noted that the granting of any planning permission would not affect proprietary rights and a developer cannot do any work on someone else's land without their consent. This would remain a civil matter between the affected parties and the Council would not be party. An informative is recommended to be applied to this effect if this application is granted planning permission.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Town Council: Objection: Members felt this is an overdevelopment of the site, unsatisfactory access arrangements.

Highways: Full comments provided under heading 6.4 of this report.

Recommendation: Following the amendments the highway recommendation is for conditional approval.

Waste Management: No comments received at time of writing the report.

Environmental Health: Identified Environmental Health issues relevant to Planning are the noise and dust from demolition and construction.

The proposed development site is located within close proximity to residential area, thus noise and dust during demolition and construction activities is likely to affect the neighbouring residents.

Should the planning application be granted, the following conditions should be included: hours of work and minimise the effect of dust. An informative for construction and demolition noise is recommended.

Royal Berkshire Fire and Rescue Service: No comments received at time of writing the report.

Land Drainage Engineer:

I agree that the site is not at risk of flood, although there is a surface water flood flow path quite close to the boundary. Ground water levels are indicated as being quite high however, at between 0.25m and 0.5m below ground level at the western part of the site.

Drainage information is limited to the indication of 2 soakaways on the attached plan. These must be sized to cater for a 1 in 100 year storm +40% for climate change and this information should be provided. Soakage tests should also be carried out to help inform the design and this should take into account the possibility of high groundwater since this will limit the effectiveness of any soakaways. It may be that shallow infiltration SuDS measures should be used instead.

There seems to be a mature hedge around what will be the new property gardens. If this remains, then excavations for the soakaways at the indicated positions will seriously damage the roots. If the hedge is to be completely replaced (a drawing notes states "Proposed boundary planting") then it would be advisable to use a root containment system for any new planting, including the new trees, to avoid root infiltration into the SuDS measures. Otherwise performance of the soakaways will be significantly degraded by roots as this vegetation matures.

Pre-treatment in the form of small silt traps should be provided before the discharge point into the soakaways (or alternative SuDS). A condition is requested for details of surface water drainage to be submitted.

Ecological Officer:

No comments received at time of writing the report.

Thames Water:

No comments received at time of writing the report.

Natural England:

Natural England has previously commented on this proposal under ref 19/00108/FULD and made comments to the authority in our letter dated 01 March 2019. The advice provided in our previous response applies equally to this resubmission although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Comments made on 19/00108/FULD:

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Lambourn Special Area of Conservation and has no objection. To meet the requirements of the Habitat Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Based on the plans submitted, Natural England considers the proposed development will not damage or destroy the interest features in the River Lambourn SSSI for which the site has been notified and has no objections.

Archaeological Officer: There are no archaeological implications to this proposal.

4.2 Public representations

Original consultation: Total: 10 Support: 0 Object: 10

The following material planning considerations have been raised:

- The impact on highway safety including achieving the visibility splays, increased parking on Kiln Road, manoeuvring in the lane (including turning space and two cars passing), and emergency vehicle access.
- Achieving the required off-road parking.
- Planning applications in 1980/90s for similar proposals refused due to impact on highway safety.
- Waste collection will be made worse and will have an adverse impact on visibility splays.
- Unacceptable impact for dwellings on Cromwell Road including overlooking, loss of light and overbearing.
- Loss of amenity space for 2, 3, 4 and 8 Edgecombe Lane.
- Overdevelopment in the area.
- Drainage: soakaways insufficient, increase in surface water flooding.
- Concerns that hard boundaries will be erected along the edge of Edgecombe Lane which would impact on manoeuvring in the lane.

5. PLANNING POLICY

5.1 The statutory development plan includes the West Berkshire Core Strategy (2006-2026), Housing Site Allocations DPD (2006-2026) and the saved policies in the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007).

5.2 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies- ADPP1: Spatial Strategy, ADPP2: Newbury, CS1: Delivering New Homes and Retaining the Housing Stock, CS13: Transport, CS14: Design Principles, CS16: Flooding, CS17: Biodiversity and Geodiversity, CS18: Green Infrastructure, CS19: Historic Environment and Landscape Character

- 5.3 Housing Site Allocations Development Plan Document (HSA DPD):
Policies- C1: Location of New Housing in the Countryside, P1: Residential Parking for New Development
- 5.4 West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP):
Policies- OVS.5: Environmental Nuisance and Pollution Control, OVS.6: Noise Pollution, TRANS.1: Meeting the Transport Needs of New Development
- 5.5 Material considerations:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Quality Design SPD (2006)
 - Sustainable Drainage Systems SPD (2018)
 - Newbury Town Design Statement (2018)

6. APPRAISAL

The main considerations in the determination of this application are:

- Principle of the development
- The impact on the character of the area
- The impact on neighbouring amenity
- The impact on highway safety
- Drainage
- Other matters (waste and ecology)

6.1 Principle of the development

- 6.1.1 The application site is within the defined settlement boundary of Newbury. Policy ADPP1 of the Core Strategy identifies Newbury as an Urban Area where the focus for the majority of the development is. This is echoed in Policy ADPP2 which advises that Newbury will be the main focus for housing growth with 'significant development potential on previously developed land, particularly in the town centre and periphery'.
- 6.1.2 Policy CS1 of the Core Strategy states that new houses will be primarily developed on suitable previously developed land, and other suitable land, within settlement boundaries. The site currently has an outbuilding on area of private amenity space and therefore is considered to be at least in part previously developed land. According to Policy C1 of the HSA DPD, there is a presumption in favour of development and redevelopment within the settlement boundary of Newbury.
- 6.1.3 The principle of development is considered to be acceptable in accordance with Policies ADPP1, ADPP2 and CS1 of the Core Strategy, and Policy C1 of the HSA DPD. The development plan also includes general development management policies which seek to ensure that the impacts of any development are acceptable and the impacts of the scheme in this regard are considered below.

6.2 The impact on the character of the area

- 6.2.1 The NPPF outlines the importance of good design in the built environment. Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 seeks the enhancement of the natural and built environment. It states that particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.2.2 Edgecombe Lane is a private street formed of nine dwellings. There is a mixture of detached and short terrace red brick properties. Dwellings to the south of the application site are smaller in size located in small plots. To the north of the application site dwellings are larger positioned in more sizeable plots. The lane does not have a strong building line due to the position of the groups of dwellings in the lane and in their respective plots. The application site is currently used as garden space and a small outbuilding is positioned adjacent to the lane.
- 6.2.3 The proposed two storey semi-detached pair are considered to be commensurate to the scale, mass and bulk of the surrounding dwellings in the lane. It is also considered that the size of the plots will be in character with the area.
- 6.2.4 The position of the proposed dwellings and the design, as a semi-detached pair, is considered to maintain the existing spacing in Edgecombe Lane. By maintaining the spacing it retains the low density appearance of the lane and therefore will not appear as over development.
- 6.2.5 The design of the semi-detached pair will reflect the architectural detailing of the surrounding dwellings for example the gable ends on the front and rear elevations. The materials chosen will also best match the neighbouring properties. Whilst, the principle of the materials are considered acceptable to guarantee the materials are in-keeping with Edgecombe Lane a condition for a schedule of materials is considered necessary. The design and materials assist in ensuring the proposal will not be incongruous to the lane.
- 6.2.6 Some details of landscaping are shown on the plans; the landscaping is similar to that of other domestic properties. A condition for details for both hard and soft landscaping is recommended to secure an acceptable landscaping scheme that will be in character with the area.
- 6.2.7 Overall the impact on the character of the area is considered to be acceptable and in accordance with the aforementioned policies.

6.3 The impact on neighbouring amenity

- 6.3.1 Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The NPPF also seeks to protect the amenity of neighbouring land users.
- 6.3.2 The proposed dwellings will be positioned centrally within their proposed plots. The dwellings be positioned approximately 4.7 metres from the boundary shared with 4 Edgecombe Lane and 2.7 metres from the boundary shared with 8 Edgecombe

Lane. Furthermore, the neighbouring dwellings are positioned away from the communal boundaries creating a separation of approximately 12 metres between the proposal and the dwelling at 4 Edgecombe Lane and 7.5 metres between the proposal and the dwelling at 8 Edgecombe Lane. This separation distance mitigates the impact on neighbouring amenity for both 4 and 8 Edgecombe Lane.

- 6.3.3 The north and south elevation first floor windows will be fixed with obscure glass at lower level. It is considered that this will help to protect privacy for both 4 and 8 Edgecombe Lane. It is recommended that permitted development rights are removed for the insertion of additional first floor windows in the north and south elevations to protect privacy for the two adjoining dwellings.
- 6.3.4 Letters of objection raised concerns with regards to the impact on privacy for the dwellings on Cromwell Road, to the rear of the application site. The Quality Design SPD advises that a distance of approximately 21 metres is sufficient to maintain privacy for houses backing onto each other. It is acknowledged the guidance advises that those with longer gardens are expected to have higher levels of privacy. However, between the rear elevation of the proposed semi-detached pair and the rear elevations of dwellings on Cromwell Road there is a distance which exceeds double the recommended 21 metres. It is considered that due to this distance, privacy is maintained for dwellings on Cromwell Road.
- 6.3.5 Objection letters considered due to the position of the proposed dwellings on higher ground than those on Cromwell Road there would be an overbearing impact and loss of light. The proposed dwellings are positioned centrally within their plots and therefore the buildings will be approximately 8 metres from the rear boundary of the gardens on Cromwell Road; this mitigates the overbearing impact. Furthermore, the orientation of the application site alleviates the impact on light received in the rear gardens of the dwellings in Cromwell Road. The impact on neighbouring amenity is not considered to be detrimentally harmful to warrant refusal.
- 6.3.6 5, 6 and 7 Edgecombe Lane on the opposite side of the lane are over 20 metres from the proposed development; this distance is considered sufficient to mitigate the impact on neighbouring amenity.
- 6.3.7 The proposed dwellings will be provided with gardens that comply with the recommended guidelines for private amenity space in the Quality Design SPD. However, the proposal will result in the loss of the garden space for 2 and 3 Edgecombe Lane and a significant reduction in the amenity space for 4 Edgecombe Lane. This amenity space falls under the control of the application, although it is existing residents that would be affected by the loss of gardens. The net effect is therefore two new dwellings with good gardens, two existing dwellings losing their gardens, and one further existing garden being reduced. As a whole the proposal is therefore substandard in terms of its overall provision of private outdoor amenity space. Due to the central location of the site in Newbury residents can access public outdoor space, for example approximately 0.3 miles from the site there is a playing field. This provides some mitigation in this respect. The insufficient garden spaces is a shortcoming of the proposal that must be balanced against the benefits of the proposal. The benefits in this instance are two additional dwellings in a sustainable location. It is not out of character with such urban areas for dwellings to be provided with small or even no gardens. On balance it is considered that the benefits of the proposal outweigh the below standard provision of amenity space.

- 6.3.8 The Environmental Health Officer identified that dust and noise during construction is likely to have impact on neighbouring residents due to the close proximity of the neighbouring properties. The Environmental Health Officer considered that these issues could be overcome by way of condition. It is recommended that conditions are applied which limit the hours of work during construction and requires the applicant to submit and for the Local Planning Authority to agree a scheme of works to minimise the effects of dust.
- 6.3.9 Overall it is considered that whilst there will be a loss of private amenity space for the neighbouring dwellings, the impact on residential amenity will not be sufficiently detrimental to warrant refusal. The proposal complies with Policy CS14 of the Core Strategy and the guidance within the NPPF

6.4 The impact on highway safety

- 6.4.1 Policies CS13 of the Core Strategy and TRANS.1 in the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the HSA DPD sets out residential car parking levels for the district.
- 6.4.2 A number of letters of objection have been received with regards to the impact on highway safety for Edgecombe Lane this includes the lack of turning space, the vehicular access, parking and manoeuvring in the lane.
- 6.4.3 The Highway Officer's consultation response on the 23rd July 2019 providing the following response with regards to the access:
- (a) Drawing number 127 P 013 dated 27/06/2019 details the amendments proposed at the access.
 - (b) The access/drop kerb is proposed to be widened, with a bonded surfacing provided into the driveway. The re-surfacing will ensure the full driveway width depicted on the plans is achieved. Therefore, although the parking space outside number 1 is narrower than 2.4 metres (width of a standard parking space), even with a slight protrusion into the access drive, the remaining width is acceptable.
 - (c) The access width is such that two vehicles are able to pass at the access. One vehicle can therefore be entering whilst another is waiting to exit. A width of 5.6 metres is shown on the Proposed Site Plan – Entrance. Page 79 in Manual for Streets details widths and what they can accommodate.
 - (d) Whilst the bins in this location may cause a slight obstruction at the access on collection days, as this is a once a week occurrence I do not believe highways could raise an objection on these grounds. For the remainder of the time the whole width should be available. This area is proposed to be resurfaced so that it can be utilised for vehicles to pass at the access when required. I would not want a separate surfacing for a collection point as this would narrow the available width on non-collection days.
 - (e) The existing signpost to the east of the access is annotated that it will be relocated to a location to be agreed. This is required. A highway access licence would be

required for the access works and the Council's Traffic Management Team have stated the following with regards to the road sign:

"I have no objections providing visibility to the sign is not compromised, that the sign is no lower than 2100mm above the footway and the concrete foundation is a minimum of 600mm³ they will need to do utility searches prior to works commencing."

(f) Pedestrian visibility splays are proposed (2.4 metres x 2.4 metres), as well as standard vehicular visibility splays of 2.4 metres x 43 metres shown to the nearside carriageway edge. Both of these should be conditioned.

(g) Paragraph 7.8.5 in Manual for Streets states:

Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.

(h) I have checked with the Council's Traffic and Road Safety team and there are no recorded accidents in the vicinity of this access.

(i) In view of this it is difficult to substantiate an objection on the grounds of two additional dwellings utilising the access.

(j) Whilst West Berkshire Council generally prefers accesses that serve more than 5 dwellings to be constructed to adoptable standards, and therefore adopted by the highway authority, each access and development is considered on an individual basis. This access already serves 9 dwellings. It is difficult to see that two further dwellings will have a material impact on this, subject to amendments to the access as requested.

6.4.4 The Highway Officer on 23.07.2019 provided the following response with regards to cycle parking and storage:

(a) Three driveway parking spaces are proposed for each dwelling. Which is acceptable. Each dwelling must be provided with an electric vehicle charging point – minimum of 7 kw.

(b) Two driveway parking spaces are proposed for number 4 Edgecombe Lane, with one for number 3. The level of car parking proposed for the two new dwellings complies with West Berkshire Council's current car parking standards. I would be unable to request a greater provision is made. Any existing shortfalls in parking in the vicinity are not for this application to address.

(c) Sheds are proposed for cycle storage which is acceptable, although it may be tight getting a bicycle past the parked cars.

6.4.5 The Highway Officer raised concerns on 23.07.2019 with regards to the driveway width adjacent to the proposed new dwellings. On 31.07.2019 amended plans were submitted to address these concerns. These amendments overcame the Highway Officer's concerns with regards to the width of the lane.

- 6.4.6 The Highway Officer recommends that details are required to be provided for temporary parking and turning during construction. It is recommended a condition is applied for these details to be submitted and agreed before development commences. Delivery manoeuvres are considered to be acceptable. It is likely a banksman will be required to assist when deliveries are made.
- 6.4.7 The Highway Officer has recommended conditions including for the visibility splays for the access to be provided before development commences, visibility splays provided for private drives, parking/turning is provided in accordance with the plans, the access to be constructed before the dwellings are occupied, cycle parking to be provided in accordance with the approved drawings and details of electric charging points. These conditions are considered necessary in the interests of highway safety.
- 6.4.8 Following the consultation response from the Highways Authority it is considered that the proposal is acceptable in terms of highway safety.

6.5 Drainage

- 6.5.1 The site is not in a flood risk or critical drainage area. Policy CS16 of the Core Strategy and the Sustainable Drainage Systems SPD requires all development to incorporate sustainable drainage methods.
- 6.5.2 It is noted that some details have been submitted with this application and the hard surfacing area at the front of the proposed dwellings will be permeable, however the Land Drainage Engineer considered further details are required.
- 6.5.3 It is therefore recommended that a condition is applied for a surface water drainage scheme is submitted and approved before development can commence on site.

6.6 Other Matters

Waste collection

- 6.6.1 This is another area of concern raised in letters of objection. Presently dwellings on Edgecombe Lane use a small area of land at the access of Edgecombe Lane to store bins on bin collection days. The development will result in the loss of this informal area of storage. It is noted that this informal storage area could be revoked at any time.
- 6.6.2 The Highway Officer considered there was no substantial objection to bins stored on the public highway for collection as there would only be a slight obstruction one day a week.
- 6.6.3 Bin storage is indicated on the plans for the proposed dwellings and is considered to be acceptable.

Ecology

- 6.6.4 Natural England raised no objections to the proposal in terms of impact on ecology. The Council notes the comments by Natural England that likely significant effects to the River Lambourn Special Area of Conservation can be ruled out.

7. RESPONSE TO LETTERS OF REPRESENTATION

- 7.1 Letters of representation are noted and have been addressed in the report.
- 7.2 It is noted concerns were raised with regards to the construction of a hard border (for example a wall) along the boundary shared with Edgcombe Lane. The applicant in correspondence has assured that there is no intention to erect a hard boundary. Furthermore, the plans do not indicate the erection of boundary treatments in this location. The Case Officer can only take into consideration the proposed development submitted.

8. CONCLUSION

- 8.1 Whilst there have been a number of objections to this application, it is considered the proposal for two houses is acceptable and can be secured by the use of conditions.
- 8.2 Having taken into account the relevant policy considerations and material considerations referred to above, it is considered that the development is acceptable and conditional approval is justifiable. The proposal accords with the NPPF, Policy ADPP1, ADPP2, CS1, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy (2006-2026), Policy C1, P1 of the Housing Site Allocations Development Plan Document (2006-2026) and the Quality Design SPD (2006).

9. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions.

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- (i) Drawing 127 P 001A (Location Plan) received on 31.07.2019;
- (ii) Drawing 127 P 002 (Site Sections) received on 12.07.2019;
- (iii) Drawing 127 P 004A (Block Plan) received on 31.07.2019;
- (iv) Drawing 127 P 005A (Proposed Site Plan) received on 31.07.2019;
- (v) Drawing 127 P 006 (Proposed Floor Plans) received on 12.07.2019;

- (vi) Drawing 127 P 007 (Proposed Roof Plan) received on 12.07.2019;
- (vii) Drawing 127 P 008 (Proposed Elevations) received on 12.07.2019;
- (viii) Drawing 127 P 009 (Proposed Sections) received on 12.07.2019;
- (ix) Drawing 127 P 012A (Construction Traffic Plan) received on 31.07.2019;
- (x) Drawing 127 P 013 (Propose Site Plan- Entrance) received on 12.07.2019.

Associated documents:

- (i) Design and Access Statement (Rev.C 05.07.2019) received on 12.07.2019.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Finished floor levels**

The finished floor levels in the approved dwellings shall match those shown in the approved plans.

Reason: In order to safeguard visual amenity in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. **Upper floor side elevation windows**

The proposed first floor windows in the north and south elevations (side elevations) of the hereby approved dwellings shall be fitted with obscure glass and non-openable 1 metre above the window cil. The windows shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of 4 Edgecombe Lane and 8 Edgecombe Lane in the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

5. **Schedule of materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the dwellings and areas of hard surfacing hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14, CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Newbury Town Design Statement (July 2018). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; materials are required to be agreed before the construction phase begins and so it

is necessary to approve these details before any development takes place.

6. A scheme to minimise the effects of dust

No development shall commence until the applicant submits to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; a scheme to minimise the effects of dust is required throughout the construction phase and therefore it is necessary to agree before development commences.

7. Visibility splays before development

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

8. Electric car charging points

No development shall take place until details an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. Temporary parking and turning

No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking

and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off-site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; temporary parking and turning is required throughout the construction phase and therefore it is necessary to agree before development commences.

10. **Landscaping scheme (including hard surfacing)**

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

11. **Sustainable drainage measures**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;

- e) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and Sustainable Drainage Systems SPD (2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

12. **Construction hours of work**

No demolition or construction works shall take place outside the following hours unless otherwise agreed by the Local Planning Authority in writing:

7:30am to 6:00pm Mondays to Fridays;
 8:30am to 1:00pm Saturdays;
 nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

13. **Parking in accord with plans**

No dwelling shall be occupied until the vehicle parking has been surfaced, marked out and provided in accordance with the approved plans. The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS.1 of the West Berkshire District Local Plan

1991-2006 (Saved Policies 2007).

14. Access construction

No dwelling shall be occupied until the improvements to the access have been provided and constructed in accordance with the approved drawing number 127 P 013 dated 12.07.2019.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

15. Visibility splays for private drives

No dwelling shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the driveway/access and the adjacent footway. Dimensions shall be measured along the edge of the driveway/access and the back of the footway from their point of intersection. The visibility splays shall, thereafter, be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: To enable pedestrians to see emerging vehicles and to be seen by its driver. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

16. Cycle parking

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. Permitted development rights for side elevation windows

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and C of that Order shall be constructed at first floor level or above on the north and south elevations of the hereby permitted dwellings, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Quality Design SPD (2006).

INFORMATIVES

1. Approval- Need for revision/ representations received

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. Access construction

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

3. Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

4. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

5. Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

6. Construction/demolition noise

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

7. CIL informative

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A

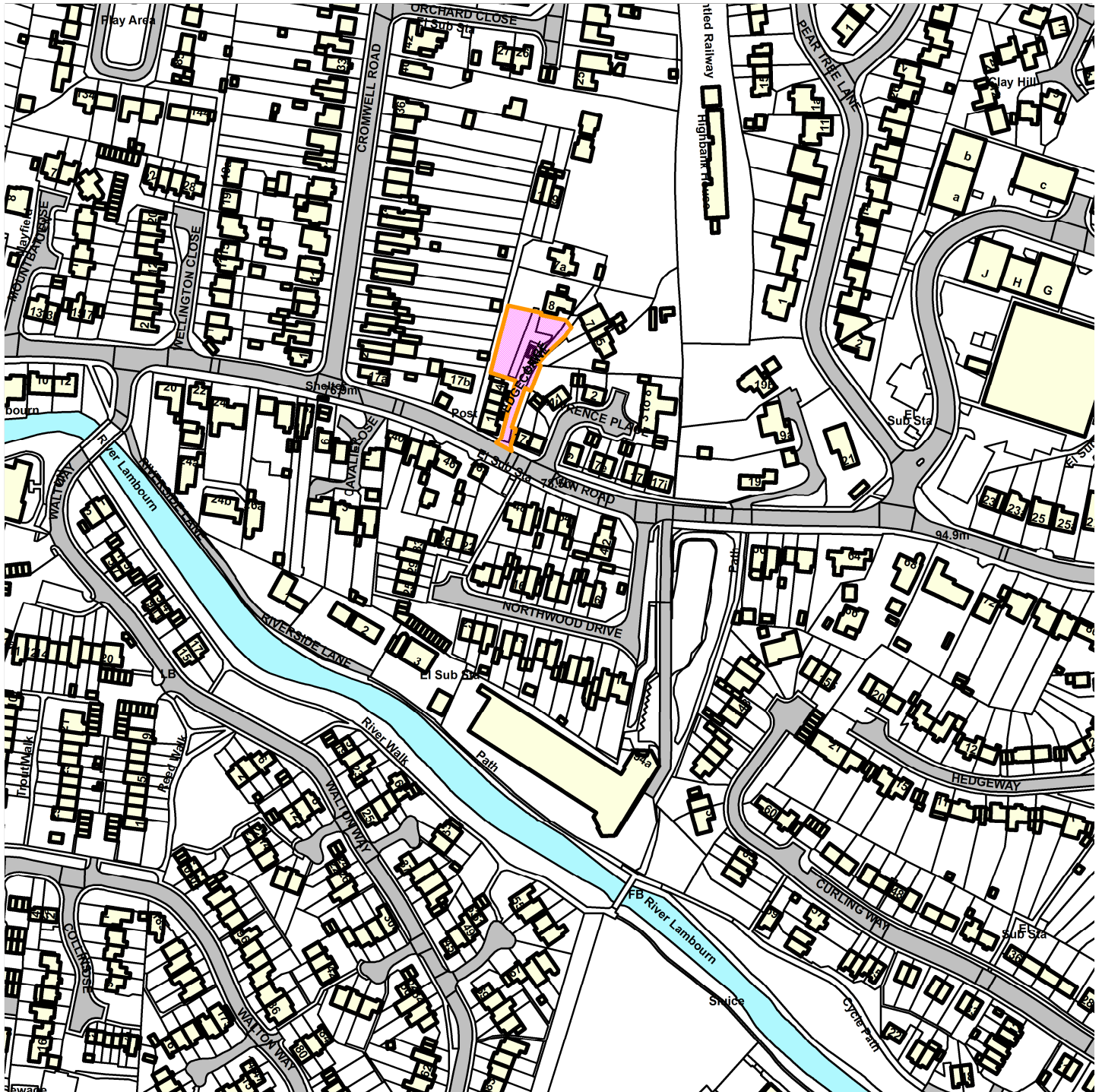
Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil.

8. **Ownership**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order to construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

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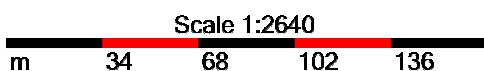
Map Centre Coordinates :

Scale : 1:2639

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	12 September 2019
SLA Number	0100024151



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