

Notice of Meeting



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Eastern Area Planning Committee

Wednesday 24th June 2020 at 6.30pm

This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”).

Please note: As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights have been removed for virtual Council meetings. This right is replaced with the ability to make written submissions. Written submissions are limited to no more than 500 words and must be submitted to the Planning Team no later than midday on Monday 22 June 2020. Please e-mail your submission to planapps@westberks.gov.uk

The Council will be live streaming its meetings.

This meeting will be streamed live here: <https://www.westberks.gov.uk/easternareaplanninglive>

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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.

Date of despatch of Agenda: Tuesday, 16 June 2020

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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



Agenda - Eastern Area Planning Committee to be held on Wednesday, 24 June 2020
(continued)

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 Stephen Chard / Jessica Bailiss on (01635) 519462/503124 Email: stephen.chard@westberks.gov.uk / jessica.bailiss@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 24 June 2020
(continued)

- To:** Councillors Jeremy Cottam, Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask and Joanne Stewart
- Substitutes:** Councillors Peter Argyle, Graham Bridgman, Owen Jeffery, Nassar Kessell, Richard Somner and Keith Woodhams
-

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
 2. **Minutes** 5 - 12
To approve as a correct record the Minutes of the meeting of this Committee held on 3 June 2020.
 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. & Parish: 20/00115/HOUSE - 26 Exmoor Road, Thatcham** 13 - 26
Proposal: Additional first floor extension
Location: 26 Exmoor Road, Thatcham
Applicant: Mr Black
Recommendation: To DELEGATE to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions.
- Items for Information**
5. **Appeal Decisions relating to Eastern Area Planning** 27 - 32
Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.



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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
Service Director (Strategy and Governance)

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



DRAFT

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

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 3 JUNE 2020

Councillors Present: Graham Bridgman (Substitute) (In place of Ross Mackinnon), Jeremy Cottam, Nassar Kessell (Substitute) (In place of Geoff Mayes), Alan Law (Chairman), Tony Linden, Royce Longton, Alan Macro (Vice-Chairman), Graham Pask and Joanne Stewart

Also Present: Stephen Chard (Principal Policy Officer), Gareth Dowding (Principal Engineer), Bob Dray (Development Control Team Leader), Debra Inston (Principal Conservation & Design Officer), Kim Maher (Solicitor), Lydia Mather (Senior Planning Officer) and Phil Rumens (Digital Services Manager)

Apologies for inability to attend the meeting: Councillor Ross Mackinnon and Councillor Geoff Mayes

PART I

6. Minutes

The Minutes of the meeting held on 13 May 2020 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 5 (1) 20/00221/HOUSE – West Streatley House (first paragraph of Ward Member Representation):

Councillor Alan Law in **presenting to** the Committee as Ward Member made the following points

Item 5 (2) 20/00222/LBC2 – West Streatley House

The following heading and text needed to be moved so that it sat above the proposal and resolution for the item (page eight of the minutes):

(2) Application No. & Parish: 20/00222/LBC2 - West Streatley House, High Street, Streatley

The debate and resolution for Agenda Item 6(2), concerning Planning Application 20/00222/LBC2 which sought listed building consent, was contained within Agenda Item 6(1).

7. Declarations of Interest

There were no declarations of interest received.

8. Schedule of Planning Applications

(1) Application No. & Parish: 19/02879/FULD - Theale Motor Ltd, Theale

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/02879/FULD in respect of the proposed demolition of a former commercial unit, the erection of a retail unit and the erection of seven dwellings including parking, bins and landscaping.

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Mrs Lydia Mather, Senior Planning Officer, introduced the report and highlighted the following points:

- The application site was located within the settlement boundary of Theale. It adjoined the conservation area on three sides and was in close proximity to a number of listed buildings.
- The update report contained the consultation response from the Conservation Officer and the amended/additional conditions proposed as a result.

As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

In accordance with the Extraordinary Council resolution, written submissions had been received from Theale Parish Council, and Mr Tom Rumble, agent.

Written submissions were read out by the Clerk to the Committee as follows:

Parish Council Representation

The written submission of Theale Parish Council was read out as follows:

- The Parish Council gave thanks for the letter dated 26 May 2020 inviting them to submit written representations for this application to be presented to the Eastern Area Planning Committee.
- Theale Parish Council strongly objected to the proposed development and took the opportunity to restate its objections. Despite repeated objections on the same grounds, the parish council felt they had not been addressed. The objections were as follows:
 1. Loss of light to neighbouring properties.
 2. Inadequate parking provision.
 3. Lack of clarity about bin storage and how they would be collected.
 4. The development was not in keeping with the existing street scene.
 5. Inadequate amenity space for residents.
 6. Overlooking of neighbours' gardens on Station Road.
 7. Inappropriate development near a Conservation Area and listed buildings.
 8. Inadequate provision for short-stay deliveries, which would disrupt traffic flow on Station Road and deliveries to other businesses in the vicinity such as Co-op and Crown Kiosk.

Agent Representation

The written submission of Mr Rumble was read out as follows:

- Mr Rumble was the planning consultant and he gave thanks for the opportunity to present comments upon this application.
- The officer's report was a positive one that detailed the merits of the application as recommended for approval. This reflected the lengthy and collaborative approach to the application process undertaken with Council officers over the past year.

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- The application had been revised following consultation responses on a number of occasions so to respond to the comments of, in particular, the Council's conservation officer. This had resulted in there being no objections to the scheme from either the Council's conservation or highway officers.
- The officer's report confirmed the sustainable location of the site within Theale and its brownfield status. The existing site had no inherent quality in architectural or historic terms and did little to benefit the village and its Conservation Area. By comparison, the proposed scheme would offer an enhanced retail offer and new residential dwellings. It would enable the introduction of a positive, active frontage and soft landscaping. The site's sustainable, brownfield location therefore meant that the principle of development in this location was consistent with the Council's development plan.
- Through dialogue with Council officers, a traditional design style had been developed. This had included significant amendments to the design to reduce the number of dwellings from 9 to 7; the inclusion of a traditional pitched roof; reductions in ridge and eaves heights; and a traditionally designed shopfront. As was visible in the 3D perspectives, the building's main facade had been broken into three architectural styles to represent the diversity of architectural expressions found in Theale. This enabled an attractive street scene to develop and the building's overall bulk and mass to be broken up. In addition, the scale of the building would reduce as it moved towards the west so to ensure an appropriate relationship with adjacent properties.
- The scheme had been therefore designed to reflect the mixed character of the surrounding environment. Further, it incorporated appropriate shared and private amenity space, car / cycle parking and balconies to the rear.
- In relation to highway considerations, the scheme was acceptable as confirmed by the absence of an objection from the Council's highway officer. This included in relation to parking provision, vehicle turning and servicing arrangements. In other respects, including residential amenity, drainage and environmental health, the scheme was entirely acceptable.
- To conclude, the officer's report set out a comprehensive assessment of the proposal having regard to the various consultation responses received. It concluded, having regard to all relevant planning policy and associated material considerations, that the scheme should be approved subject to the completion of a legal agreement.
- Mr Rumble believed that through a collaborative approach, the applicant and Council officers had found the appropriate balance between using a brownfield site effectively, introducing a high quality and active design and respecting the qualities and setting of the adjacent Conservation Area.
- For these reasons, Mr Rumble respectfully asked the Committee to endorse the officer's recommendation.

Ward Member Representation

Councillor Alan Macro in addressing the Committee as Ward Member made the following points:

- This was a very sensitive site. As explained by the Planning Officer, it adjoined the conservation area on three sides and was in close proximity to several listed buildings.

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- The listed buildings included a pair of seventeenth century cottages that appeared in the foreground of an 1832 Constable painting of Holy Trinity Church. These cottages would no longer be visible from the junction of High Street and Station Road if this development was approved. Other examples in the surrounding area were the seventeenth century Crown Inn, 1 High Street built in 1830 and Westfield House which was built in the mid eighteenth century.
- The maximum height proposed with this application was 8.4 metres. This would be significantly higher than the height of the Church Street cottages of 6.9 metres. There were no other three storey buildings in the surrounding area and Councillor Macro felt that the proposed development, if approved, would dominate the street scene.
- There was a shortage, of around 18%, of private amenity space for the proposed development. It therefore did not accord with the Quality Design Supplementary Planning Document. The required standard should be adhered to and an under provision of amenity space not permitted.
- There was inadequate provision of waste and recycling bins.
- The Tree Officer had commented that the proposal lacked landscaping and green space.
- There was no visitor parking provision allocated to the dwellings. Nor was there parking provision for either customers or staff of the retail unit, and on street parking was limited. Use of the Co-op car park would prove extremely inconvenient for Co-op shoppers as this car park was often full already.
- There was no provision for deliveries to be made to the retail unit. It would not be acceptable for delivery vehicles to park temporarily on the double yellow lines as this would create a hazard. Delivery vehicles parked opposite the Co-op car park would make it difficult for deliveries to be made to the Co-op. Parked delivery vehicles would also obstruct the Crown Kiosk.
- Access to the site was close to a busy bus stop.
- In conclusion, Councillor Macro felt that the proposal constituted overdevelopment and it would negatively affect the listed buildings in the surrounding area and the conservation area.

Member Questions of the Ward Members

In response to questions of clarification, Councillor Macro confirmed that there were no buildings exceeding two storeys in the immediate vicinity. No three storey buildings were visible from the application site.

Difficulties described in relation to deliveries to the proposed retail unit would be particularly apparent if a delivery vehicle was to park on the double yellow lines opposite the Co-op entrance as Co-op delivery vehicles would not be able to gain access or egress.

Questions to Officers

Councillor Jeremy Cottam sought further clarity on the amenity space. He queried how far this fell short of policy. Mrs Mather advised that the total private external amenity space required for this proposed development was 175 square metres. The combined external amenity area proposed, including the first floor balconies, was 143 square metres. A shortage of 32 square metres or approximately 18%.

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Mrs Mather added that one of the dwellings also had access to an area of the roof. However, this would still not bring the amenity space up to the policy requirement.

Councillor Graham Bridgman asked questions based on the concerns of Theale Parish Council. Firstly, would the development result in a loss of light to neighbouring properties? Councillor Bridgman queried the distance from the application site to the nearest properties on Church Street. Mrs Mather confirmed that this was a distance of nine metres. She also clarified that the nearest properties, numbers 1-3 Church Street, were offices. The nearest dwelling was either across the road or to the rear of the site.

Councillor Bridgman next queried car parking provision and bin storage. In response, Mrs Mather explained that there had been concerns with the previously refused application in terms of bin storage for the dwellings. This application had a reduction in the number of dwellings and this meant that car parking spaces for residents had been reduced to eight (including one visitor space). There were five parking spaces for the retail unit. This parking provision exceeded policy requirements whilst allowing for the bin storage area to be increased in size. The other bin storage area for the retail unit would be positioned near to the retail unit.

Turning to concerns of overlooking of neighbours' gardens, Mrs Mather confirmed that dwellings to the rear of this site were equal in height to the proposal and the back gardens of those dwellings could not be overlooked by the proposed dwellings.

Another objection of the Parish Council was that this would be an inappropriate development near to the conservation area and listed buildings. Councillor Bridgman queried if this was acceptable on policy terms. Debra Inston, Principal Conservation and Design Officer, explained that it was important to consider the impact of the development on the setting of and surroundings of the adjoining conservation area. She looked to ensure that the proposed scheme was in keeping with and did not cause harm to the conservation area as per the National Planning Policy Framework (NPPF) and Policy CS19 of the West Berkshire Council Core Strategy.

Debra Inston went on to explain that she had concerns with the refused nine dwelling scheme, in particular its height and scale which did not respect the surrounding buildings. However, the height and scale of the buildings had been reduced in this application. The highest building proposed would be 8.5 metres to the ridge which she considered to be in keeping with surrounding buildings. This was lower in height than the Crown Inn when it was higher in the original plans. In addition, the proposed gables had been narrowed and some of the balconies had either been removed or repositioned.

Councillor Bridgman next referred to the residential parking indicated in the plans. He was concerned that the parking spaces were overly tight which would make parking manoeuvres difficult.

Gareth Dowding, Principal Engineer, confirmed that the parking spaces were adequate in size, this had been double checked. Vehicles could access the spaces/exit from them, with multiple movements if necessary.

Councillor Pask considered it unusual for balconies to be included in amenity space and queried that. Mrs Mather advised that the proposed balconies were of a reasonable size and depth – i.e. a usable space, and could therefore be included in the amenity space. Bi-folding doors would be installed to enable residents to access their balconies.

Councillor Macro returned to the subject of bin storage. He noted that the bin storage would be positioned near to the retail unit and was concerned at this proposal as this would be located behind the Crown Kiosk which sold food.

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Councillor Tony Linden queried how deliveries could be accommodated for the retail unit. Mr Dowding explained that there was nothing to prevent delivery vehicles from parking on the double yellow lines to load/unload by utilising the five minute free period. This would align with delivery arrangements already in place for other existing retail units on Theale High Street.

Councillor Jo Stewart queried whether consideration had been given to the location of the bus stop which would be situated to the front of the proposed properties and the impact of this on safe access/egress to and from the application site. Mr Dowding explained that the structure of the bus stop shelter and its positioning would help to prevent an impact on visibility. The shelter would also have clear sides. The shelter would therefore only impact slightly on sight lines and this would not warrant refusal of the application.

The only minor difficulty to a motorist would be occasions when a bus or the school bus was stationary at the bus stop and it would sometimes be necessary for another vehicle to wait for a short period of time before it could pass or the bus moved.

Debate

Councillor Cottam felt that the proposal would be a good use of a brownfield site that was to be welcomed when considering that retail units were reducing. He commented that the architect had done well to try and fit in this proposal but in his opinion this had not been achieved successfully. He considered that the proposal constituted overdevelopment and was not sympathetic to the existing street scene. Councillor Cottam was concerned at the insufficient amenity space which he did not feel should include the balconies.

Councillor Pask felt that this was a well-designed set of flats that would occupy what was currently a scruffy looking corner located near a major junction in Theale. He felt it would be a relatively attractive addition. His difficulty with the application was the amenity space. Councillor Pask did not consider an 18% shortfall on amenity space to be slightly below policy requirements as this was close to being one fifth. He felt that the balconies were a good idea but were limited as to their use. He was also concerned that some of the outside amenity space had to be accessed through the car park.

In summary, Councillor Pask was of the view that while the principle was fine and car parking provision acceptable, the amenity space was not acceptable. He considered that the applicant was trying to squeeze too much into the site.

Councillor Nassar Kessell referred to paragraph 6.7 of the report. This stated that the Council's Housing Service objected to the size of the proposed affordable housing unit as it was 6.1 square metres smaller than the Nationally Described Space Standard. However, the paragraph also explained that as this standard was not referenced in the Local Plan the application could not be objected to on this basis. Councillor Kessell queried whether the Council should look to ensure that the national standard could be applied in the future.

In response, Councillor Alan Law explained that it was for the Committee to interpret existing planning policy. However, the point made was valid and should be forwarded to the Portfolio Holder for Planning and Housing for consideration.

Councillor Macro then pointed out that all the units were below the space standard and he considered there to be too much proposed for the site.

Councillor Macro also advised that from his local experience, the access point for the application site was very rarely used by vehicles. He maintained that a road safety issue would be created if delivery and other vehicles exited the site by the bus stop.

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Councillor Bridgman referred back to the list of objections from Theale Parish Council. He felt that these could all be dismissed with the exception of inadequate amenity space which was of concern.

Councillor Bridgman also gave his view that the proposal was reasonably well designed and would not detract from the street scene. However, he stated that he was proud that West Berkshire Council was a policy driven Council. The Council stood by and defended its policies. He felt that an 18% shortfall on amenity space was a substantial reduction on policy.

Councillor Macro proposed that the planning application be refused, contrary to the officer recommendation, on the basis that the application constituted overdevelopment; the amenity space was insufficient for residents; there was insufficient space to incorporate landscaping; and there was no provision for delivery vehicles to park meaning they would have to park on Station Road which would obstruct traffic and create a road safety hazard.

The proposal was seconded by Councillor Cottam.

Councillor Linden queried whether these reasons for refusal could be upheld at a potential appeal. Bob Dray, Development Control Team Leader, felt that valid planning reasons had been raised which were informed by the Committee's debate.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission for the reasons outlined below.

Following the vote being taken, Councillor Law commented that the need for adequate private amenity space had become a more important issue in recent months due to the Covid-19 pandemic. He expressed sympathy for those living in apartments who had been without private amenity space, other than balconies, during the Covid-19 lockdown.

REASONS:

1. The amenity space for the proposed dwellings is inadequate in quality and area. Supplementary Planning Document: Quality Design outlines that flats should have from 25m² for each 1 or 2 bedroom flat, which would be 175m² for the proposed development, and should be of a quality to accommodate domestic features and sitting outside in comfort. At 143m² (153.9m² with the roof terrace) the proposed balconies and shared amenity space would be 32m²/18% (21.1m²/12% with the roof terrace) below the minimum of the supplementary planning document. The quality of the amenity space is inadequate; the balconies/roof terrace would have limited space for sitting out, and the communal space is accessed under the building and through the car park to the rear of the building with no outlook beyond the building or boundary of the site. As such the proposal fails to provide reasonable provision of outdoor space and fails to make a positive contribution to the quality of life of the occupants of the dwellings contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document: Quality Design, and the National Planning Policy Framework 2019.

2. The proposed development fails to provide sufficient landscaping and green infrastructure. The layout of the development is such that little land is available for landscaping. The site has had tree protection orders in place on the boundary with Church Street and those trees have subsequently been lost. The site is also on the boundary of a conservation area which is partly characterised by hedges and trees particularly to the west. Therefore the site is sensitively located in an area where a higher level of landscaping than that proposed is to be expected. As such the proposal fails to respect the character of the surrounding area or make provision for landscaping contrary to policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2019.

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3. No provision has been made for delivery vehicles servicing the proposed retail unit to park within the site. The site is located adjacent to a roundabout with a bus stop to the north on Church Street and with a food sales kiosk and access to a retail unit car park to the east on Station Road. Delivery vehicles will have limited space to park on the highway and in parking on the highway will adversely affect road safety and the flow of traffic. As such the proposed development is contrary to policy CS13 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, and the National Planning Policy Framework 2019.

4. The proposed development is of poor quality design and layout. This results in: an overly high density development (83.5 dph); residential units with small internal space (as indicated by all but one unit being less than the nationally described space standards) and the affordable unit not complying with the internal space requirements of the Supplementary Planning Document: Planning Obligations; poor quality amenity space for future residents with the shared communal space having no outlook and being accessed via the undercroft car park; limited space for landscaping; and lack of provision for delivery vehicles servicing the proposed retail unit. As such the proposed development is contrary to policies ADPP1, CS4, CS6, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

5. The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Policy C6 through the provision of an affordable home is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.

INFORMATIVES:

1 This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

2 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.

3 The floor plans include annotations from previous versions of the plans: units 5 and 7 are in fact 2 bedroom units; and the entrance serving the most flats in fact serves units 4-7. The layout of the floor plans otherwise correctly reflect the amendments.

(The meeting commenced at 6.30pm and closed at 7.40pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/00115/HOUSE Thatcham	19 th March 2020 ¹	Additional first floor extension 26 Exmoor Road, Thatcham Mr Black

¹ Extension of time agreed with applicant until 26th June 2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00115/HOUSE>

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

Ward Members: Councillors Owen Jeffery and Nassar Kessell

Reason for Committee Determination: A petition of 20+ signatories received. The application has received 10 objections and the recommendation is to grant planning permission.

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

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 seeks planning permission for a first floor extension to the existing bungalow at 26 Exmoor Road.
- 1.2 Exmoor Road is located in the south of Thatcham and is a cul-de-sac accessed from The Moors. The cul-de-sac has a well-established character with a few uniform building designs repeated within the road, dwellings positioned centrally in modest sized plots, and with moderate spacing between the dwellings. 26 Exmoor Road is the furthest south dwelling in the cul-de-sac. The bungalow is set back from the highway by a shared tarmac access. The rear wall of the bungalow is adjacent and runs parallel to The Moors from where it is also visible. To the north is the neighbouring bungalow with a similar character and to the west is a two storey dwelling.
- 1.3 The proposed first floor extension will add an additional floor over the existing footprint of the main dwelling. The footprint of the dwelling will not increase. The extension will result in the floorspace of the bungalow increasing by approximately 80% and the volume increasing by approximately 65%. The proposal will convert the existing bungalow to a two storey dwelling.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
123647	Lounge dining area	Approved. 15.05.1985.

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 A site notice was displayed on 7th February 2020, on a lamp post by the shared access; the deadline for representations expired on 28th February 2020.
- 3.3 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 at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Based on the information provided the proposed development will not be CIL Liable. However, CIL liability will be formally confirmed by the CIL Charing Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil
- 3.4 During the course of the application letters challenging the ownership of the land within the red line have been received. It is considered there is no definitive evidence to demonstrate the ownership certificates submitted with this application are incorrect and that the application is invalid. Irrespective of such conclusions on validity of the

application, it should be noted that the granting of any planning permission would not affect the 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

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Thatcham Town Council:	<p>Object. Overdevelopment- inadequate parking provision. Clarification is sought on what appears from the plans to be the proposed retention of 3 bedrooms on the ground floor, and the addition of 4 bedrooms on the first floor, thereby resulting in a 7 bedroom property. Please could this be confirmed?</p> <p>No comments received at time of writing the report on the consultation sent on 19.02.2020 clarifying the use of the dwelling as a domestic dwelling and revised floor plans.</p>
WBC Highways:	<p>06.02.2020: Clarification sought on the use of the dwelling due to the plans indicating the property was to become an 8 bedroom dwelling.</p> <p>20.02.2020: Following the submission of a Parking Plan and clarification that the dwelling is intended to remain as a domestic dwelling for a family. The following comments were provided:</p> <p>"I have also noted the objections regarding parking at this site. According to policy P1 garages are no longer considered as parking as this is rarely what they are used for. Furthermore according to Policy P1 of the Housing Site Allocations DPD, a property in this area of this size (4 bed plus) needs to provide x3 off road parking spaces and as per the plans this has now been achieved so I am unable to object any further as the applicants have fulfilled the requirement. I note this is a shared drive. We also require a construction method statement (CMS) and plan."</p> <p>17.03.2020: A CMS was submitted, however there are concerns that the site cannot accommodate storage of materials, a skip, scaffolding and construction vehicle parking.</p> <p>30.04.2020: Sight lines are required to be provided on a site plan for the proposed temporary access onto The Moors.</p> <p>18.05.2020: Visibility splays acceptable, additional information required on the condition of the existing kerb required and controls to stop mud migrating onto the footpath for the temporary access. A licence will need to be obtained for the temporary access from Street Works.</p>

	05.06.2020: Conditional approval. Conditions for construction method statement and parking in accordance with plans is recommended.
Lead Local Flood Authority:	No comments received at time of writing the report.

Public representations

- 4.2 Representations have been received from 10 contributors, all of which object to the proposal.
- 4.3 A petition with 33 signatories was also received on 28.02.2020. The signatories object to the planning application due to the additional 5 bedrooms on the first floor which would have traffic implications on Exmoor Road. Signatories are concerned that the dwelling will be used as a House of Multiple Occupation (HMO) which would change the character of the dwelling and area.
- 4.4 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- The impact on highway safety in Exmoor Road due to the increased parking demand. Concerns that the proposed parking cannot be accommodated within the site.
 - The impact on the sewage infrastructure.
 - The dwelling has the potential to be converted to a HMO. Amended floor plans demonstrate a reduction of the number of bedrooms, however some of the rooms are capable of being converted to bedrooms.
 - Overdevelopment of the site (parking and potential conversion to HMO).
 - Disturbance to neighbouring dwellings during construction including both noise and parking.
 - The extension is out of keeping in its locality.
 - Overlooking into neighbouring properties (in particular 30 Exmoor Road).

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADDP1 (Spatial Strategy), ADPP3 (Thatcham), CS13 (Transport), CS14 (Design Principles), CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policy P1 (Residential Parking for New Development) of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)

- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highway safety
- Other matters

Principle of development

6.2 The application site is located within the defined settlement boundary of Thatcham. According to WBCS Policy ADPP1, Thatcham is an Urban Area with a wide range of services and the focus for the majority of the development. The extension of an existing dwelling within the settlement boundary is generally in accordance with the development plan in principle. However, the development plan also includes general development management policies which seek to ensure that the impacts of any development are acceptable (e.g. design, highway safety); such policies are considered below.

Character and appearance

6.3 The NPPF outlines the importance of good design in the built environment. Policy CS14 of the WBCS seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 of the WBCS seeks the enhancement of both the natural and built environment. It states that particular regard will be given to the sensitivity to 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.

6.4 The existing dwelling at 26 Exmoor Road is a low profile single storey bungalow. This is the last bungalow in a row of 3 bungalows in the south of the cul-de-sac. The proposed extension will add an additional floor and therefore convert the bungalow to a two storey dwelling.

6.5 It is acknowledged, that due to the nature of the first floor extension, the proposed development will not be subservient to the existing bungalow in terms of mass, bulk and scale. However, in this instance it is considered that the design of the extension, the existing character in the area and position of the dwelling in the street scene negate the impact the scale of the proposal has on the character of the area. The scale of the resultant dwelling would respect the two storey scale of other dwellings in Exmoor Road, whilst not resulting in an unacceptable relationship with the single storey dwelling at number 25. Such changes of scale already exist between numbers 23 and 24, and between numbers 26 (the application site) and 27.

6.6 The first floor extension is designed to replicate the style of other two storey dwellings in Exmoor Road. This includes numbers 3-4 and 20-23 Exmoor Road. The agent submitted a Supporting Statement on 17th February 2020 which reiterates this. The similarities include the bulk, shape and the use of cladding at first floor. It is considered that this design will respect the character of Exmoor Road which assists in mitigating the impact of the first floor extension on the character of the area.

- 6.7 The materials chosen for the first floor extension are proposed to closely match the existing bungalow. It is proposed that the cladding at first floor will be similar in colour to those in Exmoor Road. Notwithstanding, the details of the cladding submitted, it is recommended a condition is added, if this application is delegated for approval, to require details of cladding to ensure this will respect the character of the area.
- 6.8 The position of 26 Exmoor Road in the street scene also ensures that the proposed works are not harmful to the character of the area. The property is at the end of the row of bungalows and is positioned adjacent to a two storey dwelling. This helps to ensure the first floor extension does not appear incongruous in the street scene. Furthermore, this is the southerly most dwelling in Exmoor Road and is set back from the public highway by approximately 18 metres which reduces the dominance of a two storey dwelling in this location.
- 6.9 26 Exmoor Road also sits adjacent to The Moors and will be in a prominent location in this street scene. In this locality dwellings are predominately two storey and do not front The Moors. Therefore a two storey rear elevation would not be out of character. Visible in The Moors' street scene is 8- 10 Denton Close which have a similar mass, scale and bulk to the proposed extended dwelling. As a result it is considered that the proposed works do not have a harmful impact on the character of The Moors.
- 6.10 Letters of representation raised concerns that the proposed development would be overdevelopment. However, it is considered that the proposed development can be accommodated comfortably with the site and retain space for a sizable private garden. The relationship between the resultant two storey building and its plot would be comparable to other two storey dwellings in the vicinity. As such, the plot would not appear to be cramped or out of character with its neighbours.
- 6.11 Due to the design of the proposed extension, the position of the dwelling in the street scene and existing character of the area it is considered that the impact of a first floor extension to the bungalow will be acceptable in terms of impact on the character of the area.

Neighbouring amenity

- 6.12 Policy CS14 of the Core Strategy states that new development must make a positive contribution to quality of life in West Berkshire. The NPPF also seeks to protect the amenity of neighbouring land users.
- 6.13 The proposed development is considered not to have a significant harmful impact in terms of overbearing impact and loss of daylight/sunlight for both 25 and 27 Exmoor Road (the adjoining neighbours). This is due to the positioning of the bungalow and the neighbouring dwellings.
- 6.14 27 Exmoor Road, the two storey neighbour, sits to the side of the 26 Exmoor Road and retains a separation of approximately 5 metres this position and orientation is considered to negate the impact on neighbouring amenity.
- 6.15 25 Exmoor Road, a low profile bungalow, sits to the north of the application site with its side elevation facing number 25. It is acknowledged that the increased scale of the dwelling would be readily visible from this neighbour, but given the orientation of number 25, the separation distance of approximately 9.5 metres, and no changes to the rear building line, any increased sense of enclosure would be limited and not materially overbearing. The extension would not obstruct the rear outlook of number 25. There would be a small loss of afternoon sunlight to the garden of number 25, but given the otherwise unrestricted rear outlook this is not considered significant or demonstrably harmful.

- 6.16 It is acknowledged that concerns are raised with regard to overlooking from the proposed first floor windows. The proposed first floor side elevation windows on the north-east elevation that will face 25 Exmoor Road do not serve habitable rooms. This reduces the overlooking impact. It is recommended a condition is applied for the first floor windows on this elevation to be fitted with obscure glass to ensure there is no direct overlooking. The proposed windows in the south-west elevation at first floor are considered not to have a harmful impact on privacy for 10 Denton Close (opposite the application site on the south side of The Moors). This is because the planning history for 10 Denton Close indicates that the first floor windows serve non-habitable rooms (bathrooms) and a distance of approximately 19 metres is retained between the proposed windows and the existing windows at 10 Denton Close. The proposed window on the south-east elevation is considered to be acceptable as any limited overlooking would be typical of that possible from many rear windows throughout the estate. It is noted that other neighbouring properties raised concerns with regard to the impact on privacy, however, these are sufficiently separated from the proposal to not have a detrimental impact on privacy.
- 6.17 Letters of representation raised concerns that the construction of the first floor extension would have a harmful impact upon neighbours. It is recommended that a condition is applied that limits the hours of work during construction to protect the surrounding neighbours.

Highway safety

- 6.18 Policy CS13 of the Core Strategy set out highway requirements. Policy P1 of the HSA DPD sets out residential car parking levels for the district.
- 6.19 Policy P1 of the HSA DPD identifies the site is located within parking Zone 2 and therefore a dwelling with 4+ bedrooms is required to provide 3 parking spaces. Drawing 1946003_002_REV_A received on 17.02.2020 demonstrated that 3 off road parking spaces could be achieved. It is noted that an additional space is shown within the garage, however as per Policy P1 garages do not count as parking spaces. The Highway Officer raised no objections to the proposed parking spaces.
- 6.20 Access to the public highway is over a shared access. It is noted the Highway Officer requested an amended site red line to include access to the public highway due to the provision of an additional parking space. However, on site the area in which the additional parking space is indicated is already used as a parking area. In addition the application form states there are no proposed changes to parking arrangements or access to the public highway it was therefore considered it is not necessary to include access to the public highway to consider this application.
- 6.21 The Highway Officer and letters of representation raised concerns with regard to the impact on highway safety during construction works. During the course of the application a construction method statement (CMS) was agreed with the Highway Officer. The CMS deals with deliveries, storage of materials/waste and construction vehicle parking. A new temporary access will be created onto The Moors during construction. The Highway Officer is satisfied with the details provided in the CMS including the temporary access and recommends a condition is applied for works to be carried out in accordance with the CMS. The Highway Officer would like to draw the applicant's attention to the requirement of a licence from the Street Works team for the temporary access before works can commence. It is recommended an informative is applied to this effect.
- 6.22 The proposed development is not considered to have harmful implications on highway safety and subject to conditions will be acceptable.

Other matters

- 6.23 There are significant concerns from objectors that the extension will create a dwelling that will be capable of conversion into a HMO. This is in part due earlier plans indicating that the extension would allow for 8 bedrooms to be provided. The agent has confirmed on 17.02.2020 that the dwelling is intended to be used as a family dwelling with plans amended accordingly to 4 bedrooms, with 2 rooms capable of conversion to bedrooms (1946003_007_REV_B received on 04.03.2020).
- 6.24 As a dwellinghouse, the application site falls within Use Class C3. This allows for use by a single person or family (with certain domestic employees such as a carer), or up to six people living together *as a single household* (with or without care). HMOs fall within Use Class C4 where they comprise small shared houses occupied by between three and six unrelated individuals, who share basic amenities such as a kitchen or bathroom. It is permitted development to change between C3 and C4. Planning permission would be required for a HMO for more than 6 individuals.
- 6.25 The application must be assessed at face value, as a dwellinghouse. However, the Highway Officer would have concerns if the enlarged dwelling was changed to a HMO (Use Class C4) under permitted development. It would appear there would be insufficient parking if this were to be converted to a HMO as 4 off road parking spaces would usually be sought for a HMO with up to 6 individuals. It is recommended to address the highway safety implications of this potential change of use, by applying a condition which restricts permitted development rights to prevent a change of use from Use Class C3 to Use Class C4. The Highway Officer supports the condition to remove permitted developments for this change of use.
- 6.26 Letters of representation raised concerns with the pressures on sewage system. If this application is approved, waste/ sewage treatment is a matter dealt with by Building Control.

7. Planning Balance and Conclusion

- 7.1 Whilst there have been a number of objections to this application, it is considered the proposal for the first floor extension is acceptable and can be secured by the use of conditions.
- 7.2 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, Policies ADPP1, ADPP3, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations Development Planning Development (2006-2026), the House Extensions SPG (2004) and the Quality Design SPD (2006).

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

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:

- Drawing 1946003_001 (Location Plan) received on 21.01.2020;
- Drawing 1946003_002_REV_A (Parking Plan) received on 17.02.2020;
- Drawing 1946003_003_REV_A (Block Plan) received on 17.02.2020;
- Drawing 1946003_006_REV_A (Proposed Plan and Elevations) received on 17.02.2020;
- Drawing 1946003_007_REV_B (Proposed Floor Plans) received on 04.03.2020.

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

3. **Materials as specified**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application form. 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. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. **Details of cladding**

Notwithstanding the details submitted with the application, no cladding shall be fixed to the hereby approved extension until details of the cladding have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

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

5. **Obscure glazing of windows**

The windows at first floor level in the north-east elevation shall be fitted with obscure glass and top hung before the extension hereby permitted is first occupied. The obscure glazing shall be permanently retained in that condition thereafter.

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, Quality Design SPD (2006) and House Extensions SPG (July 2004).

6. Hours of work

No demolition or construction works shall take place outside the following hours:

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 and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

7. Construction method statement

The development shall be carried out in accordance with the approved Construction Method Statement by Moduloft (including photos, dated 12.03.2020) including the site set-up plan received on 26.05.2020.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway 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. Parking

The extension shall not be occupied until the vehicle parking have 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 P1 of the Housing Site Allocations DPD (2006-2026).

9. HMO restriction

Notwithstanding the provisions 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), the enlarged building shall only be used as a single dwellinghouse (Use Class C3), and for no other purpose (including any other purpose in Class C4 (House of Multiple Occupation) on the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that order with or without modification).

Reason: There would be insufficient parking to use the building as a house of multiple occupation under Use Class C4 without detriment to highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Quality Design SPD (June 2006).

Informatives

1. Proactive statement

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

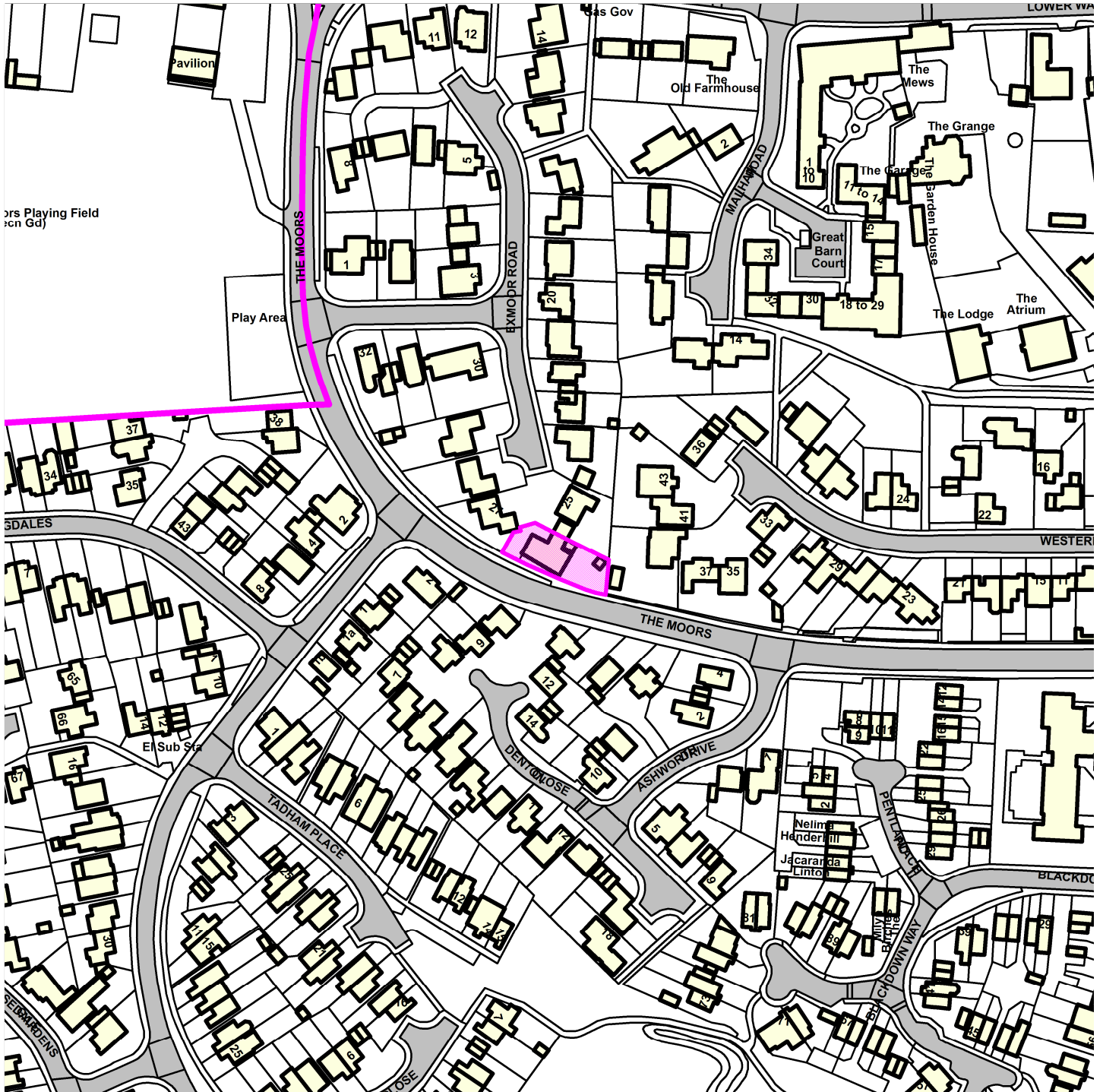
Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development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

6. Consent to enter adjoining land

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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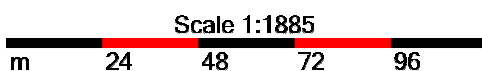
Map Centre Coordinates :

Scale : 1:1884

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	16 June 2020
SLA Number	0100024151



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Planning Appeal Decisions

Committee: Eastern Area Planning Committee on 24th June 2020

Officer: Bob Dray, Team Leader (Development Control)

Recommendation: Note contents of this report

1. This reports summaries recent appeal decisions in the table below, and provides feedback on some of the key findings. The appeal decisions and associated documents can be viewed by searching by the application reference number on the Council's Public Access website: <https://publicaccess.westberks.gov.uk/online-applications/>

Application / Appeal	Site	LPA Decision	Appeal Decision	Decision Date
19/01153/FUL Newbury Appeal: 3239183 Written Reps	31 Bone Lane, Newbury Erection of two detached B1(c)/B8 commercial units with ancillary B1(a) accommodation and parking.	Delegated refusal	Allowed	03/04/20
19/01322/FULD Newbury Appeal: 3240786 Written Reps	2 Worlds End, Beedon, Newbury Construct a 2 bedroom detached house with associated access and car parking on vacant garden land to the north of the existing house.	Delegated refusal	Allowed	03/04/20
19/01222/FULD Enborne Appeal: 3238217 Written Reps	The Paddocks Cottage, Enborne Street, Enborne, Newbury Replace the existing landscaping business buildings with a three bedroom detached dwelling.	Delegated refusal	Dismissed	03/04/20
19/00787/FULD Leckhampstead Appeal: 3241355 Written Reps	Windmill Place, Hillgreen, Leckhampstead Section 73 application to vary approved plans of a detached garage with granny flat over (18/00730/FULD). The design changes involve the replacement of three roof light windows with dormer windows, and the insertion of two new rooflights. A number of internal alterations to the layout of the building are also proposed.	Delegated	Allowed	08/04/20
19/02060/FULD Padworth Appeal: 3242412 Written Reps	The Warren, Reading Road, Padworth Erection of 1 dwelling following removal of an existing garage and change of use of land to residential.	Delegated refusal	Dismissed	27/04/20

19/01883/FULD Newbury Appeal: 3243640 Written Reps	1 Kennet Road, Newbury Partial demolition and refurbishment of 1 Kennet Road and the delivery of three new dwellings with associated parking and gardens.	Delegated refusal	Dismissed – costs application against the Council refused	29/04/20
18/03209/FULEXT Theale Appeal: 3243107 Written Reps	19 and 19a High Street, Theale Demolition of existing building and construction of 15 dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.	EAPC refusal (recommended for approval)	Allowed – costs application against the Council refused	11/05/20

Infill development within the countryside

- Several recent decisions have related to infill development under Policy C1, contributing to the appeal precedent that helps interpret these policies.
- In **2 Worlds End**, it was a matter of dispute whether the proposal complied with criteria ii and iv of Policy C1. Criterion (ii) states “*the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage*” and criterion (iv) specifies “*the plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality*”. In this case the Inspector identified that the gap between nos. 2 and 59 Worlds End, at some 28m, is considerably greater than gaps between other dwellings in the row on this side of the road. With the construction of the dwelling, the Inspector concluded that it would retain gaps of some 7 and 16 metres either side, and thus in their view the spacing between dwellings proposed would respect the rural character and street scene of the locality. These judgements are specific to this particular proposal; each case must be assessed on its own merits.
- In **The Paddocks Cottage** it was sought to redevelop a site (outlined in blue below) with an existing commercial building with a new detached dwelling. A number of dwellings identified by the appellant as fronting onto Enborne Street was not judged by the Inspector to constitute a “closely knit group”. The Inspector commented that ‘whilst the term “closely knit”, may often be a sociological term, in this context it is appropriate to apply it to the degree of physical separation between dwellings.’ The Inspector questioned whether the second criterion could even apply to this proposal given its location, but this clearly contributed to their conclusion that the proposal was not strictly “infill development” as allowed for by the policy.



5. Overall, the Inspector concluded that the proposal would also be contrary to related policies in the local development plan and in the National Planning Policy Framework that seek to direct new dwellings to more sustainable locations and to exercise restraint in the countryside. Whilst not disagreeing with the appellant that the dwelling's mass would not be significantly larger than that of the existing building, they concluded that the proposal would nevertheless still conflict with local and national planning policies on the location of dwellings in the countryside. This decision will help interpret "closely knit group" in future cases, reaffirming that the above example was not considered to qualify.
6. A proposed dwelling at **The Warren, Reading Road, Padworth** (outlined in blue below), which involved the demolition of an existing building in B8 commercial use, was dismissed when assessed against the four tests set out in Policy C1.
7. There is existing ribbon development along the north-western side of Reading Road, which follows the linear pattern of the road. The appeal site was located to the rear of these existing dwellings. Whilst the plot size would be similar to surrounding properties, there were no residential developments immediately either side of the appeal site, therefore the proposal did not constitute "*infill development within an otherwise built-up frontage*". The Inspector concluded the proposal conflicts with Policy C1. The appellant sought to justify the decision based on the nearby decision at *Silvertrees* (bottom left on map below), but the Inspector noted that this was based on a different policy context (*Silvertrees* was deemed a replacement dwelling).



8. The Inspector also recognised that the site lies within a relatively remote location. Notwithstanding the presence of a nearby bus stops, the Inspector commented that only one was accessed off a pavement, and that there was a lack of street lighting along the road. Overall, the Inspector concluded that the location was not one that would encourage future residents to use alternative modes of transport. It would therefore be likely that future residents would need to rely upon private vehicles to access local services and facilities. This decision reinforces the interpretation that back land or tandem development will not *typically* constitute "infill development" for the purposes of Policy C1.

Garden sizes

9. Two recent appeal decisions have tacked proposals where the proposed outdoor amenity space fell short of the minimum sizes expected by the Council's Quality Design SPD. Whilst conclusions on individual cases will depend on the merits of that proposal, it is noteworthy that both cases considered the quality of the proposed spaces as well as their size.
10. In **1 Kennet Road** the proposal included a garden for a retained dwelling that would fall slightly below the stated threshold in the SPD. However, the Inspector commented that both gardens were of rational and regular shape and would be of significant benefit to future occupiers. Furthermore, both would gain a reasonable degree of privacy and generally meet the aspirations of the Council's SPD to deliver good quality and private garden areas. Consequently, despite the minor deficiency of private space available for the retained dwelling, overall the proposal would achieve a quality design. Furthermore, as it would generally follow the scale and design of local development it would not appear as a cramped form of development. The Inspector concluded that the proposal complied with the Quality Design SPD.
11. In **19 and 19a High Street, Theale** a high density residential development was proposed within Theale town centre. The proposal would provide pockets of grassed external space (which the Inspector recognised would be impeded by the proximity of cars and general traffic movement), around a third of the proposed flats would have access to private balconies, and a communal terrace above the retail units would provide external space for a further three flats. The Inspector acknowledged the size guidelines in the Quality Design SPD, but also that it states that approaches to the provision of outdoor space would vary according to the location and character of the proposal. They considered that the proposal would provide for a significant proportion of the requirement, and that most flats would have direct access to reasonable areas of external space. Accordingly, the Inspector concluded that overall the proposed development would provide "good quality outdoor space" subject to effective landscaping to delineate external spaces close to parking areas. Moreover, they considered that the accommodation would be likely to provide non-family accommodation where a need for extensive external space would be lessened. Accordingly, they concluded that the benefits of the proposal in regard to its proximity to public transport and high street services would outweigh the reduced provision of external space.

Flood risk sequential test

12. The appeal site for **1 Kennet Road** was located within flood zone 3. Notwithstanding the flood protection measures in the area, it was therefore necessary for the proposal to pass the sequential test. Whilst there was no objection from the Lead Local Flood Authority, passing the sequential test was necessary to consider the issue of alternative sites or community benefits that might satisfy the requirements of the policy. The aim of the sequential test is to steer development to areas with the lowest probability of flooding.
13. The appellant's Flood Risk Assessment (FRA) considers the sequential test, concluding that it is not possible to relocate the development to a lesser zone as the entire site is within flood zone 3, and that there are no reasonably available sites in flood zones 1 or 2. However, the Inspector noted that the sequential test should not be constrained by land ownership or to the site itself. They found that limited evidence was provided to illustrate the reasons for not considering alternative sites or to explain why the development could not be located on a site with a reduced risk of flooding. The Inspector therefore concluded that the FRA did not satisfy the sequential test and dismissed the appeal according.

14. This appeal decision highlights the need for a proposal to pass the flood risk sequential test (as a matter of planning policy) irrespective of whether there are any technical flooding objections.

Under-provision of affordable housing where viability demonstrated

15. The **19 and 19a High Street** decision highlights that where it is demonstrated that a proposal would be unviable with affordable housing, it is still capable of complying with Core Strategy Policy CS6. This is because the expected levels of provision set out in the policy are expressed as being “subject to the economics of provision”.

Whether there should be a requirement to retain the employment use of a site

16. The new dwelling at **The Paddocks Cottage** sought to replace an existing commercial building. The Inspector cited Core Strategy Policy CS10 which states that existing small and medium sized enterprises within rural areas will be supported in order to provide local job opportunities and that proposals seeking the loss of such facilities must demonstrate that the proposal does not negatively impact upon the local economy.
17. The Inspector recognised that the lawful use of the site as a landscape contractor’s depot appears to be at a low ebb given the appearance of the site, but the appellant’s information is that the use has not ceased. The proposal would result in the loss of the business.
18. The Inspector commented that whilst the appellant may wish to retire and has submitted figures to indicate that the business’s loss would have a negligible impact on the rural economy, there was no evidence before them to indicate that the business could not be taken up by others or that the site could not be used for an alternative suitable employment use. Such options would provide local job opportunities and help to maintain the vitality of smaller rural settlements in accordance with Policy CS10. The Inspector concluded that there should be a requirement to retain the employment use of the site, and that the proposal would be contrary to Policy CS10.

Insufficient ecology information

19. In **The Warren, Reading Road, Padworth** the Inspector recognised that the appeal site was located within a Biodiversity Opportunity Area, and that Core Strategy Policy CS17 identifies that habitats which are designated as being important for biodiversity, or which support protected, rare or endangered species, shall be protected and enhanced.
20. No supporting ecology study was submitted with either the appeal application or the appeal submission to assess the impacts of the proposal upon the Policy designation. On the basis of the lack of evidence, the Inspector was unable to conclude that significant harm to biodiversity resulting from the development can be avoided. The Inspector was not convinced that this matter could be addressed by condition. This is consistent long-standing government policy that ecological surveys should normally be provided upfront before any permission can be granted.

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