

Notice of Meeting



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Western Area Planning Committee Wednesday 2 September 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 Friday 28 August 2020. Please e-mail your submission to planapps@westberks.gov.uk.

As was previously the case, no new information may be produced to Committee on the night. Any additional material (excluding the 500 word submission) must still be provided 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).

The Council will be live streaming its meetings.

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

You can view all streamed Council meetings here:
<https://www.westberks.gov.uk/councilmeetingslive>

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

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.



Agenda - Western Area Planning Committee to be held on Wednesday, 2 September 2020
(continued)

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 Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 25 August 2020



Agenda - Western Area Planning Committee to be held on Wednesday, 2 September 2020
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carlyne Culver, Clive Hooker (Chairman), 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** 7 - 14
To approve as a correct record the Minutes of the meeting of this Committee held on 12 August 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. and Parish: 20/00152/FUL, 1 and 3 Kennet Road, Newbury, Proposal:** 15 - 98
Demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works.
Location: 1 and 3 Kennet Road, Newbury, RG14 5JA.
Applicant: Four Acre Investments.
Recommendation: To delegate to the Head of Development and Planning to **refuse** planning permission.



Agenda - Western Area Planning Committee to be held on Wednesday, 2 September 2020
(continued)

- (2) **Application No. and Parish: 20/01186/FUL, 1 and 3 Kennet Road, Newbury** 99 - 110
- Proposal:** Change of use of 1 and 3 Kennet Road from 2 dwellings to 6 self-contained flats, minor exterior alterations and associated car parking and gardens.
- Location:** 1 and 3 Kennet Road, Newbury, RG14 5JA.
- Applicant:** Four Acres Investments.
- Recommendation:** To delegate to the Head of Development and Planning to **grant** planning permission.

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 111 - 116
- Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 12 AUGUST 2020

Councillors Present: Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Jenny Legge (Principal Performance, Research and Consultation Officer) and Simon Till (Senior Planning Officer)

PART I

13. Minutes

The Minutes of the meeting held on 22 July 2020 were approved as a true and correct record and signed by the Chairman with the following amendments:

Item 1, page 9, paragraph 13: 'Sarah confirmed that...' should read 'Sarah Melton confirmed that...)

Item 1, page 10, paragraph 25: '...a requirement of any panning application...' should read '...a requirement of any planning application...'

Item 2, page 15, paragraph 13: '...further towards the valley bottom...' should read '...further up the valley...'

Item 2, page 17, paragraph 36: '...Trubbs Farm...' should read '...Trabbs Farm...'

(Councillor Phil Barnett joined the meeting at 6.34pm)

14. Declarations of Interest

There were no declarations of interest received.

(1) Application No. and Parish: 20/01193/HOUSE, White Lodge, Shaw Cum Donnington

(No declarations of interest were received.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01193/HOUSE in respect of a two storey rear extension and external alterations to existing dwelling, following demolition of existing outbuildings (resubmission of application 19/02505/HOUSE).
2. In accordance with the Council's Constitution, Callan Powers (Fowler Architecture & Planning Ltd), agent, addressed the Committee on this application.
3. Simon Till introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal unsatisfactory and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.

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Removal of speaking rights

4. 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 been 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.
5. In accordance with the Extraordinary Council resolution, written submissions had been received from the agent.
6. Written submissions were read out by the Clerk to the Committee:

Agent Representation

The written submission of Fowler Architecture & Planning Ltd was read out as follows:

This application seeks planning permission for an extension to a two storey detached house, White Lodge. While the Applicants understand the reasoning, it is regrettable that no site visit has been made to inform your consideration of this application. Had a site visit been conducted, you would see that White Lodge occupies a position that is unusually obscured, with limited visibility from public vantage points to the east, screened views from the north and west, and effectively none from the south. The proposed extension, to be situated to the rear of the existing house, makes use of this position, the result being that the extension would have little visual impact on a house with no particular prominence.

Planning permission was granted at the site for an extension of a similar shape in 2017, this has now lapsed. The previous permission, secured by a previous owner, permitted an extension that would not provide a significant uplift in residential amenity for occupants.

The current Applicants, who intend to occupy White Lodge themselves for the foreseeable future, made an application for a larger extension last year, however that was withdrawn.

This application is significantly amended. The proposed roof height was lowered to sit below that of the existing, the integral garage removed, and the overall visual spread reduced. These are significant compromises made by the Applicants that result in a holistic proposal, contrasting favourably a contemporary approach with the more utilitarian original house.

White Lodge was not considered by the Conservation Officer to be a non-designated heritage asset in either the application for the previous approval or the withdrawn scheme. We do not consider it a non-designated heritage asset, and its low-key construction and inconspicuous nature lends it little in the way of significance, or indeed contribution to either the historic park or the conservation area.

In respect of the previous approval, the Conservation Officer also noted the “limited public views of the extension from within the conservation area”, and “although the proposal is visible from certain parts of the historic park to the west, its visual impact is softened by the existing trees and vegetation along the boundaries”. These judgements are no less true of this proposal. Indeed, under the current proposals, with the extension offset from the existing eastern wall, the extension is further from, and less imposing on, the footpath than that previously approved. This proposal also drops the roof height slightly below the existing, and as such below that previously approved. The site coverage increase is also partially offset by the removal of outbuildings.

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This application is supported by ecological and tree reports; the Applicants are committed to following their recommendations.

To conclude, the proposed extension would have no effect on nearby residents, no effect on the significance of the Conservation Area or Park, and is a sensible compromise resulting in high quality design located within a plot that can more than comfortably accommodate it. We hope that you will agree and grant planning permission accordingly.

Ward Member Representation

7. Councillor Lynne Doherty in representing the Committee as Ward Member made the following points:
 - This was an area that Councillor Doherty knew well and she had visited the site.
 - Photo B in the pack showed the side of the building and a gate, which was the only public view of the property and was well-screened by trees.
 - Planning permission had been granted previously and objections raised in relation to this application had not been raised before.
 - The application was about retaining this as a family home for generations to come.
 - This application was similar to the previous application in that there were still five bedrooms, but the applicant had identified a need for additional bathrooms.
 - Whilst the proposed development was large and did not fit with normal planning considerations, the plot was large enough to accommodate it and was set well back from the river and Donnington Grove Golf Club.
 - The applicant was keen to work with the Council and had moved the proposed development further to the west, away from the footpath.
 - Although comments had been made about the development not being in keeping with the area, there were modern properties on Groombridge Place and another just outside the gates to the right.
 - The Parish Council was supportive of the application.
 - No neighbours had raised any objections and it was suggested that the proposed development would cause less impact on neighbours than the consented scheme.
 - The roofline had been lowered so there was less opportunity for overlooking of neighbouring properties.
 - If the application were to be refused, the application may seek to demolish the existing property and rebuild.
 - Trends in planning policy suggested changes to permitted development that could allow two storey extensions in future.
 - The applicant wanted to work with the Council to come up with a design that would support his family while ensuring that it is in keeping with the area.

Member Questions of the Ward Member

8. Councillor Tony Vickers indicated that he used to know the property well and had regularly walked past it. He suggested that demolition of the current property could not be considered as 'working with the council', since it was considered to be an important non-listed heritage asset. He asked what other options the applicant would be prepared to consider.

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9. Councillor Doherty stated that the applicant had already reduced the height of the roof line and had moved the building away from the footpath. She suggested that the applicant might be willing to look at the design features that had been mentioned. She also noted that Councillor Vickers would not have been able to use the gate beside the property for a long time.
10. Councillor Vickers agreed and indicated that it had been about 12 years since he had done so.
11. Councillor Hilary Cole indicated that although it was Councillor Doherty's opinion that the Parish Council did not object to the application, as part of the consultation, the Parish Council had made reference to a legal agreement preventing the property from being split into two separate dwellings and considered that such a separation would be unacceptable. Therefore Councillor Cole suggested that this did not represent unqualified support.
12. Councillor Doherty disagreed with Councillor Cole's view and suggested that the Parish Council's concerns were related to the potential for a garage on the site to be made into a separate dwelling, but the applicant was not proposing this.
13. Councillor Cole indicated that the comments were being made in respect of this proposal rather than the garage conversion. Therefore, it did not represent unqualified support.
14. Councillor Doherty confirmed that the Parish Council had indicated they had no objection in their response to West Berkshire Council.
15. Councillor Adrian Abbs asked on what basis the applicant could demolish the existing property and rebuild.
16. Councillor Doherty opined that it was a pretty little cottage and indicated that she was keen to work with the applicant to retain it. She questioned why the ecologist's report had not been a feature last time, but was for this application.
17. Councillor Abbs considered that if the applicant wished to demolish and rebuild that this would require planning consent. He asked if this was a threat from the applicant.
18. Councillor Doherty replied that it was not a threat and that the applicant was keen to work with the Council, but she had just considered what the owner could potentially do with this large plot.
19. Councillor Abbs asked at what point Councillor Doherty considered scale and mass to be an issue in relation to the expansion of this dwelling.
20. Councillor Clive Hooker indicated that Councillor Doherty did not need to answer this question since it was not part of her presentation.
21. Councillor Doherty stated that she was not qualified to answer.
22. Councillor Phil Barnett apologised for his late arrival. He highlighted that the presentation had suggested the extension would not be seen. He confirmed that he had visited the site and that it was well-screened in summer. However, he asked if it would be visible in winter.
23. Councillor Doherty indicated that there was an evergreen hedge.
24. Councillor Barnett suggested that it was not all evergreen and there was a variety of trees and shrubs.

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25. Councillor Doherty could not confirm the type of trees, but indicated that the property was set back a long way from Donnington Grove and adjacent fields used by dog walkers.
26. Councillor Howard Woollaston confirmed that he did not have a problem with the scale and massing of the proposal, but indicated that he was slightly concerned about the architecture of the extension. He asked if the applicant would be amenable to amending the design to be more in keeping with the existing building.
27. Councillor Doherty indicated that the build was focused on letting light into the property, and suggested that the applicant would have already considered this.
28. Councillor Cole noted that the applicant was keen to work with the Planning Service. She asked if the applicant had sought pre-planning advice.
29. Councillor Doherty stated that the applicant had previously submitted an application and had changed it on the basis of the pre-planning advice they had received.
30. Councillor Cole asked if the applicant had sought pre-planning advice for this application.
31. Councillor Doherty indicated that the applicant had had discussions with the case officer, but could not confirm that they had sought pre-planning advice.

Questions to Officers

32. Councillor Abbs sought clarification as to whether the Committee was only able to consider the application before it, and not previous applications that had been permitted or refused.
33. Simon Till confirmed this was correct, and added that there was no extant planning permission that formed a material consideration in this case, since the previous planning permission had expired.
34. Councillor Jeffrey Cant queried whether the main issues related to the size of the proposed dwelling and the architectural appearance not being complementary to the existing building.
35. Simon Till agreed that the design, scale and massing were contrary to policy, but added that there were also issues around the impact on the conservation area and the historic park and garden. He reminded Members that as heritage assets, they were given a high degree of importance in the National Planning Policy Framework (NPPF), which states that even where less than significant harm would result to a heritage asset as a result of a planning proposal, the application should be refused unless the public benefits of that proposal significantly outweighed the harm identified. He suggested that the sensitivity of the location should not be underestimated for this application.
36. Councillor Vickers asked how significant it was that from the west the public could not get very close to the property, but anyone with the permission of the owner could get close, and that the landowner could open it to the public in future, at which point the public could get very close to the property.
37. Simon Till confirmed that this attracted limited weight in this case. He indicated that the key thing when assessing the impact on the historic park and garden, was that there was a need to preserve heritage assets for future generations. The fact that they could not be accessed by the public now, did not mean that they would not be able to do so in future. He explained that based on the Conservation Officer's response, this proposal involved works to an undesignated heritage

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- asset. He suggested that this proposal might be seen as doing permanent damage to the undesignated heritage asset, and would not in his view preserve the Conservation Area or the historic park and garden.
38. Councillor Abbs asked about bat surveys and whether the applicant had complied with all requirements.
 39. Simon Till confirmed that the ecologist had observed that the ecology survey submitted with the application identified the need for three bat surveys to be carried out before a recommendation was made on the application, to confirm that the site was not inhabited by bats, or that mitigation measures were put in place to ensure populations were not adversely affected. He stated that since these reports had not been provided, the ecologist had been obliged to recommend refusal.
 40. Councillor Abbs indicated that much had been made about the applicant's willingness to work with the Planning Service. He asked for the officer's view on this.
 41. Simon Till indicated that it was difficult for him to comment, but the case officer's report and the applicant's statement indicated that an application was made last year, where it had been strongly recommended for the application to be withdrawn for the applicant to make significant revisions. He indicated that the case officer had been disappointed with the level of revisions that had been proposed, and the design ethos adopted for the new application. He opined that the case officer might not go so far as to say that the applicant had engaged fully and taken on board all of the case officer's concerns.
 42. Councillor Cant asked if an application had been made for a detached dwelling on the plot, rather than an extension separated by an atrium, whether this would have been considered acceptable in principle.
 43. Simon Till confirmed that he had to comment on the application and details before him, and could not comment on speculative proposals.
 44. Councillor Hooker asked the legal advisor, Sharon Armour to comment.
 45. Sharon Armour confirmed that the Committee needed to deal with the application before it. She suggested that what the applicant had done previously was irrelevant and members should focus on the details set out in the papers for this meeting.
 46. Councillor Cole noted that Councillor Doherty had referred to permitted development (PD) rights. She sought confirmation that this proposal would not be allowed under PD rights, and that while the new White Paper was looking to extend PD rights, that this development would always need planning permission.
 47. Simon Till confirmed that the proposed development was within the conservation area and PD rights were extremely limited in conservation areas. He expressed the opinion that the government would be likely to continue to limit PD rights in conservation areas, and that it would be almost unforeseeable that an extension of this scale and magnitude would be considered as PD in a conservation area.

Debate

48. Councillor Abbs opened the debate. He stated that other applications that were smaller than this proposal had been rejected for reasons of size and mass. He proposed to support the officer's recommendation to reject the application.
49. Councillor Vickers seconded the proposal.

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50. Councillor Cant indicated that he lived at the opposite end of the ward, but was familiar with the building. He stated that he shared the concerns of the Parish Council that this was a device to enable construction of a substantial detached property, linked by a simple atrium, which could potentially be demolished in the future. He also stated that he was concerned about the “office block” appearance, which he considered inappropriate. He indicated that he would vote against the proposal on these grounds.
51. Councillor Vickers commented that before he had seen the applicant’s statement, he had been minded to agree with the officer’s recommendation. He referred to wording in the applicant’s statement about the previous application not providing a significant uplift in residential amenity, but he did not agree that the building needed to be so large to accommodate an extra bathroom. This underlined his views on the application. He considered that the proposed development was too large and harmed the setting, which was why he had asked if it was significant that the public could barely see it, but it had been confirmed that this was not a significant, material consideration in this case.
52. Councillor Cole agreed with the other members that this was a significant extension that was against Policies CS14, C6 and CS19. She commended the Conservation Officer for the comprehensive report and noted that it had been a long time since the Conservation Officer had produced such a strong, detailed report, and it was therefore clear that this was an important conservation issue. She indicated that she would be supporting the officer’s recommendation.
53. Councillor Benneyworth agreed with Councillor Cole and could not recall a similar report from the Conservation Officer and considered that this should be given significant weight. He also indicated that he would be supporting the officer’s recommendation.
54. Councillor Woollaston indicated that he was concerned about the incongruous nature of the juxtaposition of the two buildings. He stated that he did not have an issue with the extension, but he did with the design.
55. The Chairman invited the Committee to vote on the proposal of Councillor Abbs as seconded by Councillor Vickers to refuse planning permission. At the vote, the motion was carried.

RESOLVED that the Head of Development and Planning be authorised to **refuse** planning permission for the following reasons:

Reasons

1. White Lodge is modest detached dwelling of simple form and construction that makes a positive contribution to the character of the Donnington Village Conservation Area and setting within the Donnington Grove Registered Park and Garden. It is located within open countryside on the edge of Donnington Village. These designations and the location of the site increases the sensitivity of the area to inappropriate development which does not conserve the prevailing character.

The proposed extensions, by reason of their design, siting, and bulk, represent overly dominant and disproportionate additions which fail to respect or harmonise with the appearance of the existing property or appear subservient to it. The resultant dwelling would appear more prominent and incongruous in this location than the existing property, particularly to the east elevation where views would be available of it from public viewpoints within the Conservation Area.

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Consequently the proposals fail to represent high quality design that responds to local character and as such fails to conserve or enhance the existing character of the Conservation Area, contrary to the NPPF, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy C6 of the Housing Site Allocations DPD 2006-2026, House Extensions SPG (2004) and the, Quality Design SPD (Part 2, 2006).

Informatives:

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 the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

- 15. Schedule of Planning Applications**
- 16. Appeal Decisions relating to Western Area Planning Committee**

No appeal decisions were available relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 7.21 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/00152/FUL Newbury Town Council	26.03.2020. ¹	Demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works 1 and 3 Kennet Road, Newbury, RG14 5JA Four Acre Investments

¹ Extension of time agreed with applicant until 04/09/2020

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00152/FUL>

Recommendation Summary: To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION.

Ward Members: Councillors Andy Moore and Martha Vickers

Reason for Committee Determination: Called to Planning Committee regardless of officer recommendation.

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: Mr. Matthew Shepherd
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works at the site 1 and 3 Kennet Road Newbury, RG14 5JA
- 1.2 The applications site currently has two semi detach buildings with amenity space. There is currently a log cabin within the garden to 1 Kennet Road. The site is within the settlement boundary of Newbury, adjacent to Newbury Conservation Area, and within flood zones 2 and 3.
- 1.3 As described the redevelopment will involve the demolition of the existing dwellings and the erection of 2No. semi-detached dwellings and 1No. detached dwelling. This therefore equates to a net gain of 1 dwelling.
- 1.4 The proposed detached dwelling is to be sited in the southern portion of the site essentially on the corner of Kennet Road and Craven Road. The proposed semi-detached dwellings will be sited on relatively the same footprint as the existing dwellings. Between the proposed properties will be a private parking courtyard accessed directly from Kennet Road.
- 1.5 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
18/03071/HOUSE	Demolish structurally substandard extensions, retention and refurbishment of original built form, revised vehicular access.	Approved 15.01.2019.
19/01078/FULD	Partial demolition and refurbishment of 1 Kennet Road and the delivery of 3no. dwellings with associated parking and gardens	Withdrawn 11.06.2019
19/01883/FULD	Partial demolition and refurbishment of 1 Kennet Road, Newbury and the delivery of three new dwellings with associated parking and gardens.	Refused 16.07.2019. Dismissed at appeal

2. Procedural Matters

- 2.1 Given the nature and scale of this 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.
- 2.2 Site notice displayed on 08.06.2020 at the front of the site the deadline for representations expired on 29.06.2020.
- 2.3 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). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

3. Consultation

Statutory and non-statutory consultation

- 3.1 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.

Newbury Town Council:	Objection/comment: overdevelopment; loss of on-street parking; overbearing; loss of light to neighbouring property
WBC Highways:	No objections subject to conditions
WBC Sustainable Drainage Team	No objections subject to conditions
WBC Conservation Officer	No objections
WBC Environmental Health officers	No response 17/08/2020.
Environments Agency	No objections subject to conditions
Natural England	No objections
Archaeology	No objections subject to conditions

Public representations

- 3.2 Representations have been received from seven contributors, one of which support, and six of which object to the proposal.
- 3.3 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:
- Support a sensible proposal for 3 new family homes.
 - Support the proposal to deliver news home of modern energy efficient construction in comparison to the existing dwellings
 - The scheme is in keeping with the area and an improvement to the street scene.
 - The proposed development is much larger than the previous applications
 - The three storey height of plot 1 is an imposing structure set on what was previously an open aspect busy junction
 - The proposed demolition of the existing old cottages at 1 and 3 Kennet Road seems totally inappropriate - they should be refurbished to retain the history of

the site which was once West Mills Farmhouse dating back over 200 years; some of Newbury's oldest buildings.

- There would be a loss of unrestricted parking spaces to the detriment of the amenity of the area.
- The development would add further issues to traffic flow in the area to which is a narrow busy street with many cars park within it.
- The proposed development is oppressive and overbearing both in height and proximity to the boundary of neighbouring properties and is larger than the previously refused scheme.
- The proposed development would create a tunnel effect for neighbouring dwellings.
- Plot 1 would cast a shadow across neighbouring properties garden to the detriment of the garden's amenity.
- The proposed development is higher than those in the street scene.
- The raised ground floor levels will contribute to a loss of privacy
- Concerns in regards to the demolition works and how they may affect the structure of surrounding properties, history and character of the area.
- Objection to the ongoing disruption caused by the building work.
- The pictures make the plans look like an isolated housing estate amongst old character properties.
- It is believed that the proposed application would detrimentally impact the historical nature of Craven Road and further contribute to the traffic issues on the Kennet Road/Craven Cottage junction.
- The window positioning is too close and not in accordance with Council policy.

4. Planning Policy

4.1 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 ADPP1, ADPP2, CS1, CS13, CCS14, CS16, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS1, OVS5, OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.2 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)
- Planning Obligations SPD (2015)

5. Appraisal

5.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Impact on Neighbouring amenity
- Flooding and Drainage matters
- Highways matters
- Archaeology matters

Principle of development

5.2 The application site is situated within the settlement boundary for Newbury, one of the District's defined urban areas, where policies ADPP1 and C1 focus residential development. Policy ADPP1 says that most development will be within or adjacent to the settlement in the settlement hierarchy, and that the majority of the development will take place on previously developed land. The site, which constitutes the residential curtilage of 1 Kennet Road, does not constitute previously developed land, as defined by the NPPF. However, given the location of the site is in an accessible location close to the town centre, the proposal is considered to be acceptable in principle, subject to the following considerations.

Character and appearance

- 5.3 Policies CS14 and CS19 require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. The policy goes on to say that good design relates not only to the appearance of the development but the way it functions. Policy CS19 says that particular regard will be given to the sensitivity of the area to change, ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character and the conservation and where appropriate enhancement of heritage assets and their settings. The Newbury Town Design Statement refers to the Victorian development of Westfields and, within design principles, it suggests that future development should respect the existing character and scale of the area, and incorporate local features and be compatible with the existing brick colours and patterns.
- 5.4 The 1877 map does show the Farmhouse buildings which incorporates 1 and 2 Kennet Road and 34 Craven Road, and the surrounding land being developed by the 1898, with the garden land part of the site remains undeveloped, and as the site is to the present times. The key consideration from a building conservation perspective is the setting of designated heritage assets, i.e. nearby Grade II listed buildings to the east and the character and appearance of the adjoining Conservation Area to the east, currently defined by its open character, which the proposed development is considered to neither preserve nor enhance, causing harm to the significance of these heritage assets.
- 5.5 Appeal APP/W0340/W/19/3243640 set out an inspectors view on the site and the proposed development and feeds strongly into the consideration of the site. The appeal decision identified that *"The appeal site is a corner plot adjacent to the junction of Kennet Road and Craven Road. Historic plans show that the appeal site was originally part of Westmills Farm. The plot was subdivided and by 1898 the farmland had been redeveloped. This created the row of dwellings that run along Craven Road. The corner garden of the appeal site is enclosed by hedging and includes a large wooden outbuilding. Consequently, the site presents a gap in built form that is largely enclosed*

and offers limited views in or out. The site therefore makes a neutral contribution to the character and appearance of the area

- 5.6 The proposed development would be three storey in height akin to adjacent buildings of similar height and similar forward projecting gable ends. The conservation officer reviewed his comments to this application in light of the appeal Appeal APP/W0340/W/19/3243640.
- 5.7 The appealed application was considered acceptable in conservation terms because the layout of the new building on the corner respected the existing street pattern of a fairly hard urban edge with short front gardens in a design reflecting local vernacular. The existing buildings at 1 Kennet Road and 34 Craven Road, although of historic merit, as the former West Fields Farmhouse, were considered anomalous in terms of the local street pattern.
- 5.8 The open space on the corner was considered essentially to comprise a gap in the street scene and not a conceived open space. Its development in the manner proposed was therefore considered acceptable, by complementing local vernacular, adding interest, addressing the corner and the street scene, and having a positive impact (where the corner plot was considered as neutral in terms of its setting on the adjoining conservation area and nearby listed buildings).
- 5.9 The conservation officer noted that his comments were balanced previously, as they are on this application. However bearing in mind the appeal Inspector's view on the site and a similar proposal it was the Conservations Officers opinion that *"it would appear that the current proposals meet the parameters of street pattern and design appropriate to the local vernacular, albeit that numbers 1 and 3 Kennet Road are now proposed to be demolished and replaced."*
- 5.10 The case officer has factored in both the support and objection from the consultation of this application and weighted comments from the previous appeal inspector on the site and the conservation officer. In terms of the design of the buildings they are considered high quality and will add to the local housing market of West Berkshire.
- 5.11 The Quality Design SPD states that dwellings of 3 bedrooms of more should have 100 square metres of private amenity space. The main garden area for Plot 1 provides around 85 square metres plus additional smaller sections of front garden. Plot 2 provides around 70 square metres plus additional smaller sections of front garden. Plot 3 provides around 77 square metres plus additional smaller sections of front garden. The previously considered application 19/01883/FULD refused the permission upon the lack of amenity space. The appeal Inspector (APP/W0340/W/19/3243640) however considered that despite the proposals falling below the threshold in terms of size that would all be rational and regular shaped gardens and would be significant benefits to future occupiers. The Inspector goes on to state *"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."*
- 5.12 It is acknowledged that given the recent situation of lockdown that private amenity space is highly a regarded amenity. The space and privacy of these gardens outweigh the deficient size. It is considered on balance that the private amenity space is adequate for the three dwellings.
- 5.13 In regards to the character of the area the buildings are considered to be in keeping with the street scene in terms of height and design. The prominence of the design of the plot 1 'turns the corner' of Kennet road and promotes a sense of place and space. The replacement of 1 and 3 Kennet road with a new build semi-detached building is considered to enhance the appearance of these run-down buildings in the street scene.

However there are noticeable discrepancies within the submitted documents that they could possibly be renovated rather than re built. However this proposal is not before us and therefore with no objection raised by the Conservation Officer the design and impact on the character of the area is considered acceptable.

5.14 The development is in accordance with CS14 of the development plan.

Impact on Neighbouring Amenity

5.15 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Further advice is contained in the Quality Design SPD and House Extensions SPG documents for assessing the impact of proposals on the living conditions of adjoining occupants.

5.16 There have been objections raised about the design of the building and its impact on the living conditions of neighbouring properties, in terms of overshadowing and loss of privacy.

5.17 The design of the internal accommodation and windows is such that habitable room windows will not face 34 Craven Road at above ground floor level. On the ground floor of plot one there is a utility room with a north facing window. This is not considered a habitable room and it is at ground floor level. The window is not directly facing those of no.34 Craven road and as such provides little opportunity for direct overlooking. Additionally boundary treatments will obscure this view. The family dining room to the north of plot 1 have patio doors on the north and west elevations. These are at ground floor level and therefore boundary treatments will obscure views to other properties. It is accepted that the finished floor level is higher, but these windows are at angles to adjacent properties. It was noted on the case officer's site visit that adjacent properties have similar windows facing northwards. Guidance states that 21 metres is required between directly facing habitable rooms. Although 21 metres is guidance for directly facing windows it is not considered the windows in consideration here are directly facing. Therefore a lower distance can be considered. It is considered that they do still have sufficient separation by being just below the 21 metres and not directly facing. Given the very near town centre location some limited element of overlooking might be expected due to the density of the grain of suburban development.

5.18 Previous applications have not raised overlooking as an issue and this application is considered similarly in this light.

5.19 There were objections raised to both proposed dwellings having an unacceptable impact on 34 Craven Road, due to the overbearing impact of the proposal. The building is to the south of 34 Craven Road, and there would be some additional overshadowing to the garden on 34. Whilst part of the building is close to the boundary with the driveway access, the building is set back from the garden area of 34 Craven Road. The separation distance is such that it will not have an overbearing impact on the amenity area for 34 Craven Road. Additionally number 36 Craven road has a similar built form relationship to the proposed development here.

5.20 The proposed development is not considered to give rise to issues of impact to neighbouring amenity from overbearing, overlooking or overshadowing. This view is given balancing all the considerations of distances, window positions, location and previous decisions.

Flooding and Drainage

- 5.21 The application site is within Flood Zone 3 and Policy CS16 says that in areas with a history of flooding development will only be accepted if it is demonstrated that it is appropriate in that location, and that there are no suitable and available sites at a lower flood risk. It goes on to say that where development has to be located in flood risk area that it should be safe and will not increase the flood risk elsewhere. Both the Environment Agency and the Lead Local Flood Authority raise no objection subject to conditions in regards to the impact to the proposed development. However, CS16 dictates that the sequential test needs to be passed. This test aims to demonstrate that the site subject to this planning permission is an appropriate location in terms of flood risk and that there are no other suitable sites at a lower flood risk that should be built upon first.
- 5.22 The applicants agreed that a sequential test was needed. As a first point of the sequential test a search area should be agreed upon. The LPA's position is that this dwelling could be located across the district. Any settlement boundary could in the settlement hierarchy would in principle accept a dwelling. In the open countryside C 1 would support appropriate infill, such as a net of one dwelling. It is therefore considered that a district wide approach should be the starting point. A recent appeal decision APP/W0340/W/19/3240289 stated that an appropriate starting point was district wide search area and that in this appeal no case was made that the dwelling would meet an identified local need. The agent for this application firstly proposed a search area of Newbury but this was rejected by the LPA officers due to being too constrained and the development could affectively be place anywhere in the district settlement boundaries and not just in Newbury. The agent for the application then increase their suggested search areas to urban settlements as listed in ADPP1 i.e. Newbury, Thatcham, and the eastern urban areas. Again your officers were not satisfied by this proposal given the net of one dwelling would not address a local need that dictates not taking a district wide approach to the sequential test. A sequential test was carried out by the applicant on the understanding that it may be found inadequate given the disagreement on the grounds of the search area not being agreed.
- 5.23 The sequential test was submitted and assessed by officers. Officer's full assessment of the submitted sequential test can be found within the appendices of this report. The conclusion of the report is as follows The LPA has reviewed the submitted sequential test and finds that the development does not pass the sequential test. The following reasons summarise this opinion
- 5.24 The sequential test search area is limited to just the Urban areas of the district, the LPA is of the opinion that the search area should district wide. The Sequential test submitted is therefore inadequate in scope to fully assess sites that might be sequentially more favourable to build upon in terms of flooding.
- 5.25 The assessment of the sequential test misses sites that are actively being marketed (at the time of writing the document) to which meet the criteria set out in the submitted sequential test and are considered reasonably available by the Local Planning Authority.
- 5.26 The submitted sequential test discounts sites that the Local Planning Authority considered to be reasonably available.
- 5.27 The submitted sequential test discounts sites due to them falling with Flood Zone 2 or a critical drainage area to which are areas of lesser flood risk and therefore sequentially preferably to develop prior to this site.
- 5.28 The development is therefore not considered to pass the sequential and therefore does not accord with CS16 of the development plan.

Highways Matters

- 5.29 Policy CS13 refers to development which has an impact on the highways network, and policy P1 sets out the parking requirements for residential development. There were a number of representations which raised concern about the loss of on-street parking as available road space is removed, parking to serve the development, and the proximity of the access to the Kennet Road/Craven Road junction.
- 5.30 The Highways Officer refers to the Transport Statement (TS) prepared by Transport Planning Associates (TPA) submitted as part of this application. They have reviewed the submissions along with objection letters from the wider public. This proposal was subject to previous planning application including 19/01883/FULD. With this previous application, following amended plans no objection was raised by highways
- 5.31 An entirely different plan and layout has now been submitted. The proposal is now for three dwellings split between two locations, with two on the north of the site and one to the south. The northern block consists of two four bedroom units (Plots 2 and Plot 3) with the southern block consisting of a single five bedroom property. No concerns regarding traffic generation are raised by the Highways Officer.
- 5.32 There already is an existing access serving number 1, but the much wider access will result in the loss of one on street car parking space. The provision of the access to the north of the site will result in the loss of a further on street car parking space. This is allocation where according to the TS on page 9' there are relatively high levels of parking stress in the local area, with the parking stress being estimated as 81.9%.
- 5.33 Sight lines for the car parking spaces are shown in Appendix D of the TS. For much of the time the access sight lines will be obstructed by on street car parking. However paragraph 7.8.5 of the Manual for Streets states that "*parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable*". This should therefore be acceptable in this case.
- 5.34 The layout will need to comply with parking standards set in the Housing Site Allocations DPD Policy P1 2017 and Cycle and Motorcycle Advice and Standards for New Development 2014. A total of six parking spaces will be provided on the site, with each dwelling being provided with two parking spaces. This complies with the DPD. The TS argues on page 13 that with this car parking provision, four existing parking permits (for Parking Zone W1) allocated to 1 and 3 Kennet Road will be returned. However with one off street car parking spaces provided for number 1, it would only be three. Nevertheless, it would seem that even with the loss of the two on street car parking spaces, there is still an overall reduction in the on street parking demand from the proposal.
- 5.35 Amended plans were requested by the highways officer for cycle parking and electric charging points but given the application is being refused for other reasons it was seen as added expense for the applicant when it might not change the outcome of the application. Additionally it is considered that these could be handled by a pre commencement condition. The development is therefore considered in accordance with CS13 subject to conditions.

Archaeology Matters

- 5.36 The archaeologist has raised that further information provide through a programmed of archaeological work would be required if approval was given. This can be secured by planning condition.

6. Planning Balance and Conclusion

- 6.1 The application proposes a net gain of one dwelling and rebuilding of two dwellings in a sustainable location near to the town centre of Newbury. The development proposes an acceptable design in terms of its impact on the character of the area and adjacent conservation area. The impact on neighbouring amenity is considered to be acceptable when all considerations are balanced. The amenity space is considered on balance acceptable despite not meeting guidance levels on space. The LPA's officers have not raised objections to the impact of the development upon the surrounding highways.
- 6.2 However, the development is proposed to be built in flood zone 3. National policy seeks to avoid building new developments in flood zone 3 so future occupants avoid the turmoil of having their home flooded or at risk of flooding. As such national and local policy dictates that we should seek to exhaust sites of lower flood risk prior to resorting to building on areas where there is a risk of flooding. The LPA is not satisfied that the proposal passes the flooding sequential test and therefore there is a clear conflict with the development plan. The benefits of the application and other areas whereby the development accords with the development plan does not outweigh this conflict. Conditions cannot be suggested to overcome this conflict. The development is therefore recommended for REFUSAL.

7. Full Recommendation

- 7.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1. **Not passing the flooding sequential test**

The application site is within Flood Zone 3 and Policy CS16 says that in areas with a history of flooding development will only be accepted if it is demonstrated that it is appropriate in that location, and that there are no suitable and available sites at a lower flood risk. It goes on to say that where development has to be located in flood risk area that it should be safe and will not increase the flood risk elsewhere.

The sequential test was submitted and assessed by officers. Officer's full assessment of the submitted sequential test can be found within the appendices of this report. The conclusion of the report is as follows The LPA has reviewed the submitted sequential test and finds that the development does not pass the sequential test. The following reasons summarise this opinion

The sequential test search area is limited to just the Urban areas of the district, the LPA is of the opinion that the search area should district wide. The Sequential test submitted is therefore inadequate in scope to fully assess sites that might be sequentially more favourable to build upon in terms of flooding.

The assessment of the sequential test misses sites that are actively being marketed (at the time of writing the document) to which meet the criteria set out in the submitted sequential test and are considered reasonably available by the Local Planning Authority.

The submitted sequential test discounts sites that the Local Planning Authority considered to be reasonably available. The submitted sequential test discounts sites

due to them falling with Flood Zone 2 or a critical drainage area to which are areas of lesser flood risk and therefore sequentially preferably to develop prior to this site.

The development is therefore not considered to pass the sequential and therefore does not accord with CS16 of the West Berkshire Core Strategy (2006-2026) and paragraphs 157 to 161 of the National Planning Policy Framework 2019.

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Flooding Sequential Test Assessment

Local Planning Authority

Site: 1 and 3 Kennet Road, Newbury, RG14 5JA

Proposal: Demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works

Date: August 2020

Council Reference: 20/00152/FUL

West Berkshire Council
Development and Planning
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Berkshire
RG14 5LD

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1. Introduction

1.1 The proposed development at 1-3 Kennet Road for the Demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works is located within flood zone 2 and 3. It is therefore required to pass the flooding sequential test. The applicant has submitted a flooding sequential test document to which this assessment seeks to respond to

2. Planning Policy

2.1. The National Planning Policy would seek to direct development away from areas of flooding. As per paragraph 155

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

2.2 To achieve this aim the NPPF goes on to state that a sequential approach to sites should be adopted. Its aims are to find sites that may be at lower risk of flooding. Paragraph 158 confirms

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

2.3. Where this cannot be done, paragraph 159 confirms that the Exception Test may need to be applied depending on vulnerability of the site and the development proposed. Paragraph 160 and 161 expresses that

“The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan

production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.

2.4. The Local Development Plan Policy CS16 would state that

The sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk.

2.5. It is agreed that the site is in Flood Zone 2 and 3 and therefore requires a sequential test to be conducted.

3. Methodology

Sequential Test Search Area

3.1 The PPG is clear that once it is agreed that a sequential test is required a search area should be defined. The council's position on this is that the sequential test should be assessed across the district. The development is for one net dwelling on the site. It is therefore reasonable to argue that one dwelling could be placed in any settlement in West Berkshire and in some instances whereby policy C1 has been outside settlement boundaries. The agent for the application first suggested a search area of Newbury on the basis on this being the policy area the development would be considered under. They then suggested a search area of the main Urban Areas of the district i.e. Newbury, Thatcham and the eastern Urban Areas of the district. The LPA is not content that this search area is wide enough given that one dwelling could be reasonably applied for

within smaller settlements such as Hungerford, Lambourn or Woolhampton for instance. ADPP1 states that urban areas of the district will be where the majority of development will be focused. It states that the rural service centres are capable of accommodating development to strengthen its role in meeting the requirements of surrounding communities. Lastly ADPP1 states that rural service villages have some limited development potential. It is therefore the LPA's opinion that it is reasonable that one dwelling could be placed throughout the district settlement hierarchy and that a restriction to just the urban areas would miss great areas that are at lesser risk of flood risk but could still accept a new dwelling. Additionally C 1 states that there are a number of exceptions to where development can occur in the countryside with no defined settlement boundaries this includes limited infill development. One dwelling could therefore reasonably comply with this policy. The submitted Sequential test displays the negotiations in regards to the sequential test that occurred via email.

- 3.2 In conclusion limiting the search area of the sequential test to just the urban areas of the district removes large areas of the district to which one dwelling could be looked upon favourably in policy terms and could possibly be at lesser flood risk.

Consideration of Sites

- 3.3 The submitted sequential test only covers the main urban areas as defined in ADPP1 of the Core Strategy. The submitted Sequential test states that the LPA's approach is not pragmatic or reasonable. This is disagreed, the LPA's Core Strategy permits a host of development in a number of locations working hard to deliver housing. The NPPF would seek for this housing to be directed to areas of lesser flood risk by having a wider search area to which accompanies a development to which can permit development in a host of locations therefore avoiding the need to develop in areas of flood risk. A wider look at the sequential test is required as pragmatically a single dwelling could be placed in host of locations as above.
- 3.4 The submitted sequential test has proceeded to cover sites only in the urban areas define din policy ADPP1 of the Core Strategy which includes Newbury, Thatcham and the Eastern Urban Area.
- 3.5 The submitted sequential test considers alternative sites to which comply with the following criteria:

Sites allocated for residential development with the Development Plan;

Site with planning permission;

Sites identified within the LPA's evidence base (such as the HELAA, brownfield register)

Sites actively marketed for sale with development potential

- 3.6 The submitted sequential test then goes on to state a number of ways of discounting sites these include;

“Sites which are currently pending (at the time of writing) have been discounted as there is a possibility that the applications could be refused;

Applications for change of use with no new build elements have not been included as they would not be subject to the Sequential Test and are thus not comparable;

Sites with planning permission that are implementable as they are not available as alternatives;

Sites with outline permission that are not being actively marketed for sale;

Sites where permission has lapsed or which are due to lapse within the next 3 months;

Sites that fall within the AWE zone of influence where permission is unlikely;

Sites that are within Flood Zones 2 or 3 or are in a Critical Drainage Area;

Sites that are within the AONB (not comparable);

Sites within Conversation Areas or within the curtilage of a Listed Building (not comparable);

Sites where the planning permission granted has been for self-build development;

Sites which have proposed a number of homes significantly larger than those proposed by this application have been discounted as not being representative of the type of development proposed. This also includes sites with a significantly larger area than that of the site. “

- 3.7 The LPA raises concerns in regards to this approach to discounting sites. In point 2.18 the submitted sequential test notes that sites are potentially alternative sites if they have planning permission granted. It also defines that alternatives sites are ones being actively marketed for sale as development potential. However in point 2.19 the sequential test then expresses that it wishes to discount those sites with planning

permission as they are not available as alternatives. Clarification was sort on this via email with the planning agent who clarified that “*those with implementable permission are not considered to be “available” alternatives as quite simply unless they are actively bought to the market they will be developed for the scheme they have permission for*”. This would contradict point 2.18 which expresses how alternative sites could be those with planning permission and those actively marketed for development potential.

3.8 The LPA would be of the opinion that as per 2.18 sites with planning permission could be considered suitable alternative sites if they are “reasonably available sites appropriate for proposed development” as per paragraph 158.

3.9 A site is only considered to be reasonably available if it is both ‘deliverable’ and ‘developable’ as defined by the NPPF. Definition below:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Developable: *To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.*

3.10 As such it is the LPA’s opinion on this application for one dwelling that those sites with planning permission granted against them for a similar level of development are considered deliverable within the next five years and developable given the extant permissions on site. It is considered that just because these sites are not actively

marketed at the time of writing does not exclude them as suitable alternative sites for one dwelling. As shown later in this sequential test there are sites that have been missed by the submitted sequential test a reason for this is that they may have been marketed in the space of time between submission and the LPA's response. The fluidity of the Housing Market would mean any sequential test assessment could become quickly out of date. There relying solely on sites with planning permission being marketed at the time of writing narrows the scope and could result in the sequential test becoming quickly out of date. Accepting that sites with planning permission that are reasonable available in line with the NPPF would be a more manageable approach to the sequential test.

3.11 The LPA would also object to the following methods of disregarding sites.

3.12 Firstly the applicant discounts sites that fall within the AWE zone of influence as permission is considered unlikely. This is disagreed, although AWE zone of influence is a material consideration to planning applications for a single dwelling emergency plans in relation to AWE can accept a single dwelling. Although it is a factor it does not restrict development wholly. Additionally the AWE zones are separated in different hazard radius areas that present differing levels of danger and consideration to new development.

3.13 Sites within a lower level of flood zone should be considered. The sequential test seeks to direct development to sites of lower flood risk. The site subject to this application is Flood Zone 3. In line with the sequential approach sites within Flood Zone 2 and critical drainage areas are at lesser risk of flooding and should be considered to be built upon before sites in Flood Zone 3. It is therefore incorrect to discount all these sites.

3.14 The last method of discounting sites is because they are in the AONB and therefore not comparable. No explanation has been given as to why sites in the AONB are not comparable. Sites in the AONB are capable of accommodating one net dwelling and therefore sites of similar size and development prospects should be considered as the AONB designation does not blanket restrict development.

4. Site Assessments

Garden Land Adjacent to 5 Normay Rise.

Planning permission for one net dwelling granted under applications 17/01808/OUTD (appeal APP/W0340/W/17/3191372). and reserved matters 20/00455/REM.

Actively being marketed

<https://www.rightmove.co.uk/commercial-property-for-sale/property-94657922.html>

It is a sequentially preferably site in terms of flood risk as it is in flood zone 1
Appendices 1

Garden Land To The Rear Of 5 The Sydings Speen Newbury Berkshire

Planning Permission approved under 16/01403/FULD. Expiry date of the 09/08/2019. Despite the planning permission expiring the development potential of this site is still there. The principle of 1 net dwelling has been established and could be sort again. The prospects of it coming forwards for development are similar to the site subject to this sequential test.

Actively being marketed

<https://www.rightmove.co.uk/commercial-property-for-sale/property-81777736.html>

It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

Appendices 2

Land To The Rear Of 15 Leys Gardens Strawberry Hill Newbury

Planning permission granted for 1 dwelling 19/02090/FULD

Actively being marketed (under offer though)

<https://www.zoopla.co.uk/for-sale/details/54589656>

It is a sequentially preferably site in terms of flood risk as the proposed dwelling is in flood zone 1

Appendices 3

Land Rear Of 48 - 50 Cheap Street Newbury Berkshire

Site is capable of accommodating at least 1 dwelling similar to the application site. No planning permission has been granted but is advertised as a development prospect to which complies with the criteria set in the submitted sequential test point 2.18

<http://www.quintons.co.uk/propertyInfo/2291/14-Parking-Spaces-For-Sale-Rear-Of-49-Cheap-Street-Newbury>

It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

Appendices 4

The Plough Inn, 81 Chapel Street, Thatcham RG18

Site is capable of accommodating at least 1 dwelling similar to the application site. No planning permission has been granted but is advertised as a development prospect to which complies with the criteria set in the submitted sequential test point 2.18

<https://www.zoopla.co.uk/for-sale/details/54675375>

It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

Appendices 5

The above sites all comply with search area, search criteria, and search discount criteria and are sequential preferably to the submitted site in terms of flood risk. However they have been missed from the submitted sequential test.

Land Adjacent To Morphe Downend Chieveley Newbury Berkshire

Planning Permission granted for 1 dwelling 18/00223/FULD.

Actively being marketed

<https://www.rightmove.co.uk/commercial-property-for-sale/property-92740961.html>

The site is outside of the submitted sequential test search area and within the AONB so would have been discounted. The LPA does not agree this is the correct approach as despite being in the AONB one net dwelling has been permitted. Although it is outside of the urban areas it is within the suggested search area of the LPA

It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

The above site would comply with the search criteria set out in 2.18 of the submitted sequential test but has not been considered by the applicant due to it falling outside there stated search area and discount due to its AONB location. As the LPA has presented above the search area for the sequential test is too narrow and discounting sites in the AONB unjustified.

Appendices 6

Land To The Rear Of The Rising Sun Bath Road Woolhampton Reading

Planning permission granted for 4 dwellings.

Actively being marketed

<https://www.zoopla.co.uk/for-sale/details/54493156>

The site is outside the submitted sequential test search area but within the district wide search area that the LPA has suggested. It is considered that the proposed one net dwelling could be aggregated onto this site.

It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

Appendices 7

17/02366/FULD 50 Elmhurst Road Thatcham Berkshire RG18 3DH

Demolition of an existing dwelling and erection of a replacement four bedroom, two storey dwelling

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in a Critical Drainage Area. So although at risk of flooding the rise lesser than a site in Flood Zone 3 (1-3 Kennet Road is) and is therefore sequentially preferably to build upon.

17/02278/FULD 54 Westfield Road Thatcham Berkshire RG18 3EJ

Demolish existing garage and reinstate original driveway/parking for existing dwelling. Add new single storey two bedroom dwelling adjoining existing dwelling (no. 54). Expand parking arrangement off Roman Way to accommodate 2 parking spaces.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in a Critical Drainage Area. So although at risk of flooding the rise lesser than a site in Flood Zone 3 (1-3 Kennet Road is) and is therefore sequentially preferably to build upon.

20/01433/FULD 13 Rockingham Road Newbury Berkshire RG14 5PD

Replace a single detached residential dwelling and garage with two semi detached townhouses with integral car ports.

Has only been discounted by the submitted sequential test as it is In Flood Zone 2 but this would be sequentially more acceptable to build upon as the risk of flooding is lesser.

19/02738/OUTD Land To The Rear Of 64 - 68 Roman Way Thatcham

Outline permission for 3 No. two storey dwellings with associated access drive and external works. Matters to be considered: Access

Outline Permission With No Reserved Matters Application Approved. Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time.

19/02348/FULD 42 Masefield Road Thatcham Berkshire RG18 3AF

Subdivision of property and construction of new semi-detached dwelling to the side and single storey extension to the rear, involving the demolition of conservatory to the rear and garage to the side. Extension of existing dropped kerb and erection of new fencing. Thatcham

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

18/02853/FULD

62 and 64 Burys Bank Road Crookham Common Thatcham Berkshire RG19 8DD

Demolition of two single storey dwellings and the erection of a single detached replacement dwelling with associated parking and private amenity space

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

17/03304/FULD Garden Land To The Rear Of 17 Church Gate Thatcham Berkshire

Erection of a new dwelling

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

17/02872/FULD Land Adjacent To 10 Coniston Close Thatcham Berkshire

New semi-detached building, comprising of two 3 bedroom dwellings with garden, car parking, bicycle storage and own drive

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

17/02366/FULD 50 Elmhurst Road Thatcham Berkshire RG18 3DH

Demolition of an existing dwelling and erection of a replacement four bedroom, two storey dwelling

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in a Critical Drainage Area. So although at risk of flooding the rise lesser than a site in Flood Zone 3 (1-3 Kennet Road is) and is therefore sequentially preferably to build upon.

17/02278/FULD 54 Westfield Road Thatcham Berkshire RG18 3EJ

Demolish existing garage and reinstate original driveway/parking for existing dwelling. Add new single storey two bedroom dwelling adjoining existing dwelling (no. 54). Expand parking arrangement off Roman Way to accommodate 2 parking spaces.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in a Critical Drainage Area. So although at risk of flooding the rise lesser than a site in Flood Zone 3 (1-3 Kennet Road is) and is therefore sequentially preferably to build upon.

17/01797/FUL 17 Church Gate Thatcham Berkshire RG19 3PN

Erection of a replacement dwelling following the demolition of an existing dwelling.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1. Permission to be extended due to new legislation.

19/02630/FULD 1 Gilroy Close Newbury RG14 6TA

New 2 storey 2-bed dwelling with minor internal alterations to 1 Gilroy Close, Newbury and associated external works.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1

19/02591/FULD 44 Donnington Square Newbury Berkshire RG14 11PP

Demolition of existing dwelling and erection of a replacement dwelling together with associated works.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/02591/FULD 44 Donnington Square Newbury Berkshire RG14 11PP

Demolition of existing dwelling and erection of a replacement dwelling together with associated works.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/02100/FULD 90 Turnpike Road Newbury Berkshire RG14 2NF

Erection of new dwelling

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/01850/FULD Land North Of 4 and South Of 8 Edgecombe Lane Newbury Berkshire RG14 2HJ

Demolition of outbuilding and construction of 2 no. semi-detached dwellings with Highways improvements

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/01370/FULD 2 Valley Road Newbury Berkshire RG14 6ER

Erection of detached three bedroom dwelling with car parking and associated works.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/00995/FULD Battery End Hall Battery End Newbury Berkshire

One 4 bed two storey dwelling with parking, cycle and refuse storage.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/03191/FULD Rose Cottage Bath Road Woolhampton Reading RG7 5RT

Construct new dwelling and widen access road to street

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/00352/FULD 39 Purley Rise Purley On Thames Reading Berkshire RG8 8AJ

Sub-division of existing dwelling into 2 dwellings and erection of an additional 4 bedroom dwelling (phased)

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

20/00153/FULD 10 Glamis Way Calcot Reading RG31 4UX

Proposed new 2 bed attached dwelling and single storey rear extension

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

20/01113/FULD Brook Lawn Bath Road Woolhampton Reading RG7 5RE

Reconstruction of stables/coach house in disrepair into new dwelling

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/00577/FULD

6 Northwood Drive Newbury Berkshire RG14 2HB New single family dwelling. Newbury

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/00217/FUL

4 Croft Lane Newbury Berkshire RG14 1RR

Demolition of existing three-bedroom 2 storey dwelling with associated car port and garages, and erection of a two storey four bedroom dwelling and associated tree works to trees within Tree Protection Order Newbury

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

18/02734/FULD

Site Of Former 39 Kingsbridge Road Newbury Berkshire Detached dwelling Newbury

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

17/00705/FULD

13 Rockingham Road Newbury Berkshire RG14 5PD

Replace a single detached residential dwelling and garage with two semi detached townhouses with integral car ports.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1. Permission to be extended due to new legislation.

20/00659/FUL 7 Bradwell Road Tilehurst Reading RG31 6SD

Erection of a new two-storey 3 bed dwelling after demolition of rear and side single storey extension and garage of the existing semi detached house Tilehurst

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

20/00153/FULD

10 Glamis Way Calcot Reading RG31 4UX

Proposed new 2 bed attached dwelling and single storey rear extension Calcot 0.0406 1 1
Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/00771/FULD

2 Sandringham Way Calcot Reading Berkshire RG31 4XA

Erection of two storey attached dwelling and extension to existing dwelling with associated works Calcot

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

18/03212/FULD

59 Fairway Avenue Tilehurst Reading Berkshire RG30 4QB

Demolition of existing house and erection of a replacement dwelling Tilehurst

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

18/03127/FUL

27 Dell Road Tilehurst Reading Berkshire RG31 6PA

Demolition of existing property and erection of a replacement self-build dwelling Tilehurst

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1. Has been discounted as it is a self build development, the LPA disagrees with this as both would result in the net gain of one dwelling.

18/00443/FULD

Land Adjacent To 94 Royal Avenue Calcot Reading Berkshire

Erection of a 2 bedroom dwelling with new vehicular cross over on land adjacent to 94 Royal Avenue Calcot

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

18/00297/FULD

347 The Meadway Tilehurst Reading Berkshire RG30 4NU

Demolition of the existing bungalow and replacement with 2 detached dwellings.

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

17/01207/FUL 194 Long Lane Tilehurst Reading Berkshire RG31 6YL

Demolition of existing property and replacement with new dwelling

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1. Permission to be extended due to new legislation.

20/00575/FUL

Land Rear Of 42-48 Long Lane Tilehurst Reading RG31 6YJ

Development of 3 dwellings with associated garages (part retrospective - plot 2)

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/02275/FULD

10 Skerritt Way Purley On Thames Reading Berkshire RG8 8DD

New 2 bed single storey dwelling to the side garden of the existing dwelling, including demolition of garage and alterations to parking and landscape

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/00595/FULD

1103 Oxford Road Tilehurst Reading Berkshire RG31 6YE

Erection of two semi detached dwellings with associated car parking and access from Oregon Avneue on land to the rear of 1103 Oxford Road, Tilehurst

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

18/02183/FULMAJ

Land On North Side Of Theobald Drive Tilehurst Reading Berkshire

Development of 10 detached dwellings with car parking, access and all associated landscaping and ancillary works

It is considered that the proposed one net dwelling could be aggregated onto this site.

18/00878/OUTMAJ

72 Purley Rise Purley On Thames Reading Berkshire RG8 8DH

Residential development of up to 29 dwellings, with associated access, landscaping and public open space

It is considered that the proposed one net dwelling could be aggregated onto this site.

17/03341/FULD

Garden Land Rear Of 19 - 21 Long Lane Tilehurst Reading Berkshire

Erection of one detached dwelling, widening of access, relocation of existing garage Tilehurst

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

17/00691/FULD

14 and 16 Oak Tree Walk Purley On Thames Reading Berkshire RG8 8BN

Two replacement dwellings at 14 and 16 Oak Tree Walk

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

17/03341/FULD

Garden Land Rear Of 19 - 21 Long Lane Tilehurst Reading Berkshire

Erection of one detached dwelling, widening of access, relocation of existing garage Tilehurst

Deliverable and Developable and therefore should be considered an alternative site despite not being advertised for sale at this time. It is a sequentially preferably site in terms of flood risk as it is in flood zone 1.

19/00508/FULD Land at Former Police Station Chapel Street Thatcham Berkshire

Erection of 3 bed semi-detached dwelling including access and parking. Provision of off street parking for No. 30 Chapel Street Thatcham

Permission commenced not available

18/01109/FULD Land at Former Police Station Chapel Street Thatcham Berkshire

Erection of three detached dwellings (1 x 2 bed and 2 x 3 bed) including access and parking.
--

Permission commenced not available

5. Conclusions

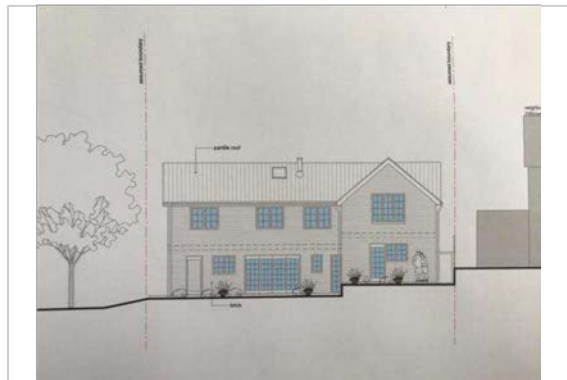
5.1 The LPA has reviewed the submitted sequential test and finds that the development does not pass the sequential test. The following reasons summarise this opinion

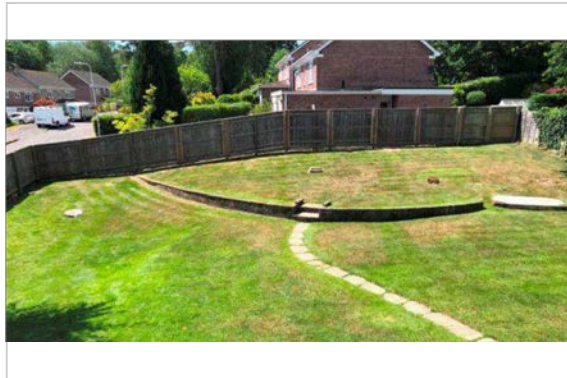
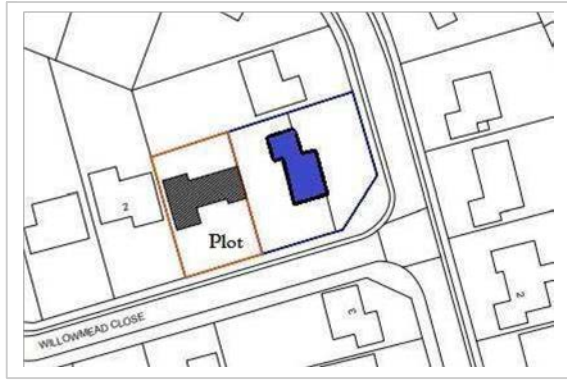
- The sequential test search area is limited to just the Urban areas of the district, the LPA is of the opinion that the search area should district wide. The Sequential test submitted is therefore inadequate in scope to fully assess sites that might be sequentially more favourable to build upon in terms of flooding.
- The assessment of the sequential test misses sites that are actively being marketed (at the time of writing) to which meet the criteria set out in the submitted sequential test and are considered reasonably available by the Local Planning Authority.
- The submitted sequential test discounts sites that the Local Planning Authority considered to be reasonably available.
- The submitted sequential test discounts sites due to them falling with Flood Zone 2 or a critical drainage area to which are areas of lesser flood risk and therefore sequentially preferably to develop prior to this site.

6. Appendices

Appendix 1

Land for sale Guide Price Normay Rise, Newbury £275,000





Property Description

Key features

- EXCITING DEVELOPMENT OPPORTUNITY
- PLANNING PERMISSION FOR HOUSE MEASURING 1,900 SQ.FT.
- IDEAL FOR A SELF-BUILDER
- POPULAR WASH COMMON AREA
- NEWBURY TOWN SHORT DRIVE AWAY
- EASY ACCESS TO M4 & A34

Full description

****PLOT****

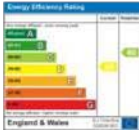
An exciting development opportunity to acquire a plot with planning permission for a property measuring approximately 1,900 sq.ft in size, ideal for a self builder. The plot is located in the popular Wash Common area of South Newbury and falls within the catchment area of the highly regarded Park House Secondary and Falkland Primary Schools. It also has a convenient location close to the local amenities of Wash Common including grocery store, doctor's surgery, dentist and coffee shop. Newbury town centre and railway station are a short drive away; road links are excellent with nearby access to the A4, A34 and M4 at Junction 13.

More information from this agent

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Energy Performance Certificate (EPC) graphs

- See full size version online



- See full size version online



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Hillier & Wilson Estate Agents, Newbury
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map view

street view

Note: The pin shows the centre of the property's postcode, and does not pinpoint the exact address. The pin shows the exact address of the property. Street View is unavailable in this location. You're in the centre of the property's postcode. Start exploring the local area from here. [Take me back to the start](#)

Nearest stations

Newbury (2.0 mi)

Newbury Racecourse (2.5 mi)

Kintbury (4.6 mi)

Distances are straight line measurements from centre of postcode

To view this property or request more details, contact:



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Appendix 2



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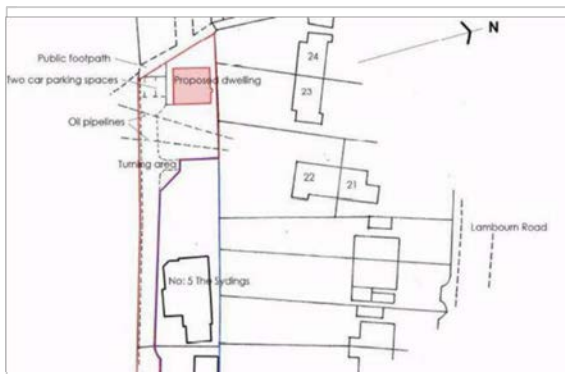
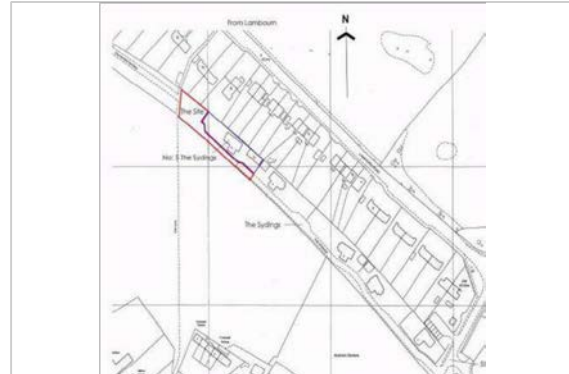
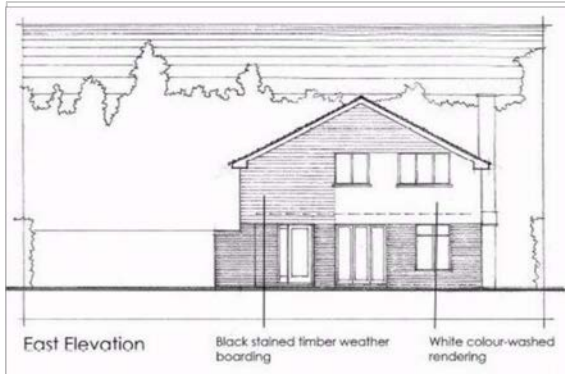
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Land for sale

£150,000

The Sydings, Speen, Newbury, Berkshire, RG14



Property Description

Key features

- Full planning permission to build a three bedroom detached property.

Full description

Building plot at the end of a quiet drive with full planning permission to build a three bedroom detached home West Berks ref 19/00721/COND1. Located within easy reach of Newbury town centre and rail station, and on the doorstep to several lovely countryside walks.

LOCATION

The pretty market town of Newbury offers a wide range of shopping facilities including a twice weekly local market, pedestrianised high street with local and national retail stores and major grocery outlets. There is a variety of cafes, restaurants and bars, a multi-screen cinema and the historic Corn Exchange theatre. There is a major rail station with direct links to London Paddington, the City of London and the West Country, and excellent access to the M4/A34 junction.

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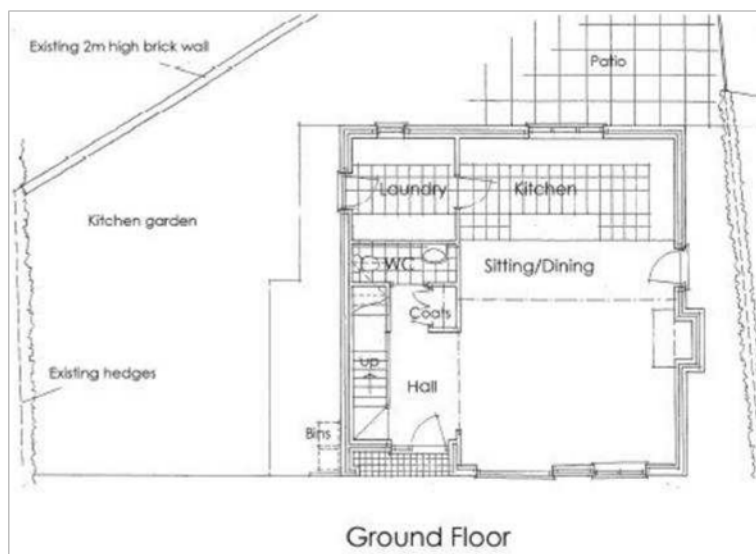
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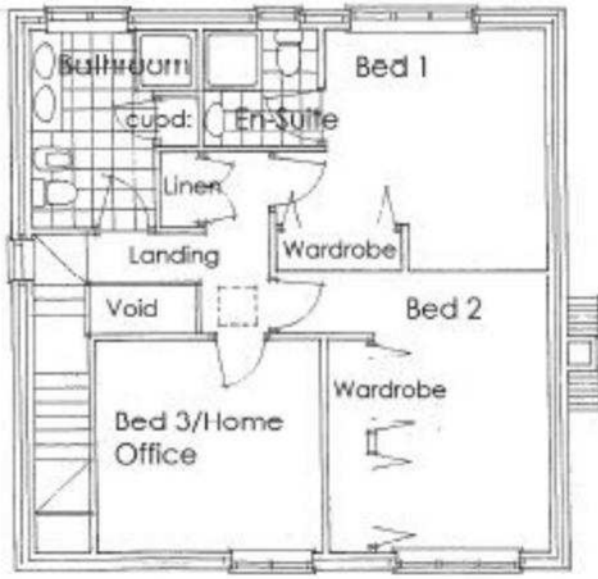


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Floorplans

Floorplan 1





First Floor

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map view

street view

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Nearest stations

Newbury (1.4 mi)

Newbury Racecourse (1.9 mi)

Kintbury (4.4 mi)

Distances are straight line measurements from centre of postcode

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A message from this agent



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 1 image

Land for sale

Strawberry Hill, Newbury, Berkshire RG14

Under offer

Guide price

£125,000

Carter Jonas

 Save



Features

Planning granted for a detached single dwelling with accommodation comprising

Entrance hall

Open plan kitchen/dining room

Main bedroom with en suite

Second bedroom with en suite

Parking

Garden

Walking distance of the town centre facilities including mainline station

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Description

Description:

On the 14th November 2019 planning permission was granted for the construction of a new single storey 2 bedroom dwelling on the above site known as land to the rear of 15 Leys Gardens, Strawberry Hill, Newbury, Berkshire. The planning application number is 19/02090/fuld and all the associated documentation including drawings, can be found on the West Berkshire website . By inserting the application number in the search field it will take you to the relevant pages relating to this site. The proposal is for a single storey contemporary style dwelling which when complete will offer an open plan kitchen/living area which is double aspect with bi-folding doors on the southern elevation, 2 double bedrooms both with en suite bathrooms and outside there is an area of garden and parking.

Cil Payment and Services:

Please note that the cil payment for this site is £5,064.72 but it is likely that a purchaser looking to self-build the development will benefit from a cil exemption.

We understand that all mains services are located close by in either the pavement or **Email agent** the road that runs alongside the site. Purchasers will need to make their own

investigations to clarify the position of the services and be responsible for any connection charges. [View less](#)

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Estimated running costs

Based on available 3rd party data



Mortgage

£476 p/m >

Energy

Not known

Home insurance

Not known

Water

Not known

Council tax

Not known

[Mortgage calculator](#)

Price

£ 125000

Deposit (10%)

£ 12500

Repayment term

25 years



Interest rate

2

%

£476 per month

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Appendix 4





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CAR PARKING SPACES
WITH DEVELOPMENT POTENTIAL
FOR SALE

14 PARKING SPACES, REAR OF 49 CHEAP STREET
NEWBURY, WEST BERKSHIRE, RG14 5BX



Bartholomew House, 38 London Road, Newbury, Berkshire RG14 1JX

www.quintons.co.uk

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SITUATION

Situated opposite the Vue Cinema, part of The Kenent Centre behind Cheap Street, the parking spaces are easily accessible. Newbury Railway station is a few minutes walk.

DESCRIPTION

14 parking spaces in total. 3 spaces are allocated under a right to park but these can be moved on site should this be required. 3 spaces are currently let producing £800 per year each (£2,400 per annum).

Tarmac surface

Marked spaces

Vehicle access from Kings Road West

Pedestrian access from Cheap Street via Dothan Place.

Freehold ownership of Dothan Place included

POTENTIAL FOR DEVELOPMENT

The site has potential to develop. Previous applications have included 6 residential apartments with undercroft parking. Detailed plans are available on West Berkshire Council's planning portal. At that time, the council stated that a revised scheme lowering the new ridge line below the Cheap Street roofs would have gained approval.

PROPOSAL

The parking spaces are available to purchase freehold. Guide price £185,000 plus VAT.

The owners require an overage agreement on the land covering future development. Should the land be developed then the overage payable will be 25% in the increase in value of the land. The overage period to be 25 years.

LEGAL COSTS

Each party is to be responsible for their own costs.

VIEWING

Contact Mr Shane Prater

Phone: 01635 551441

Email: shane@quintons.co.uk

June 2020

Bartholomew House, 38 London Road, Newbury, Berkshire RG14 1JX

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Appendix's 5

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3 images

Land for sale

The Plough Inn, 81 Chapel Street, Thatcham RG18
£450,000



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Description

Description Attractive Grade 2 Listed Public House situated in a prominent position. Reasonable sized trading areas with first floor 3 bedroom flat, garden and car park providing approximately 13 spaces.

A good sized site with potential for alternative uses and possible re development (subject to planning). [View more](#)

Links for this property

[See all residential properties for sale in Thatcham Report listing](#)

Estimated running costs

Based on available 3rd party data



Mortgage	£1,716 p/m >
Energy	Not known
Home insurance	Not known
Water	Not known
Council tax	Not known

The Agent

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Mortgage calculator

Price

£ 450000

Deposit (10%)

£ 45000

Repayment term

25 years



Interest rate

2

%

£1,716 per month

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Appendices 6



Black Cygnet Properties, Midgham Green

Black Cygnet Properties Unit 6 Frilsham Home Farm
Yattendon Berkshire RG18 0XT

01635 906092 local call rate

rightmove 

www.rightmove.co.uk/property/92740961

Plot for sale

Down End, Chieveley, Newbury, Berkshire, RG20

Offers in Excess of

£575,000



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Property Description

Full description

Tenure: Freehold

A fantastic building plot with full planning permission for a 5 bedroom house and garage with studio situated in a sought after village with a rural outlook.

Planning permission granted on 10th April 2018 for the erection of a detached dwelling and garage to include: Entrance hall, Open planned kitchen/dining/family room, Living room, Snug, office, Master bedroom with en suite and dressing room, Guest bedroom with en suite and dressing area, 2 further bedrooms with en suites, Fifth bedroom and Family bathroom

- Double garage with home office and shower room above
- West Berkshire Council application 18/00223/FULD . The decision notice and relative documents can be viewed via the West Berkshire website.
- Total floor area including garage approximately 3,788 sq ft
- Plot size approximately 0.52 acres
- The property is surrounded by an Area of Outstanding Natural Beauty and is well served by footpaths.

Situation

- .The building plot is situated towards the end of aquiet lane on the edge of the village with views over open countryside.
- .Chieveley is an attractive village just over 5 milesnorth of Newbury. There is a village shop with post office, a doctor's surgery and pharmacy, public house with a restaurant and excellent recreation grounds incorporating a skate park, football pitches, cricket ground and nets and floodlit tennis courts. The village also benefits from a well-equipped village hall, bakery, private nursery, primary school and church.
- .A wide range of schools are in the area, including Elstree, St Andrew's, Brockhurst & Marlston House, The Downs, Bradfield, Downe House and Pangbourne College.
- .Communications are excellent by road via the A34 and M4 and by rail via Newbury (Paddington from 57 minutes) or Didcot (Paddington from 45 minutes)
- .Crossrail services from Reading: From December 2020, two Elizabeth line trains an hour (four an hour at peak time) will allow passengers to travel right through central London without having to change trains.
- Services
- .Connection to mains water, electricity and phonefrom the lane
- .Broadband. Gigaclear ultrafast broadband is available within the village

Local authority:

- .West Berkshire Council. Telephone

Directions

- .Sat Nav for RG20 8TN

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Black Cygnet Properties
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street view

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Nearest station

Newbury Racecourse (5.2 mi)

Distances are straight line measurements from centre of postcode

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Appendices 7

Land for sale
Bath Road, Woolhampton, Reading, Berkshire RG7

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3 Images

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Local Amenities

🏠 Midgham	0.9 miles
🏠 Aldermaston	0.9 miles
🎓 Elstree School	0.8 miles
🎓 Woolhampton C.E. Primary School	0.9 miles

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8. Estimated running costs

Based on available 3rd party data

Land for sale

Bath Road, Woolhampton, Reading, Berkshire RG7

Under offer

Guide price

£325,000



Mortgage

£1,239 p/m >

Energy

Save Not known

Home insurance

Not known

Water

Not known

Council tax

Not known

Mortgage calculator

Price

£ 325000

Deposit (10%)

£ 32500

Repayment term

25 years

Interest rate

2

%

£1,239 per month

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Land for sale

6th Mar 2020
Bath Road, Woolhampton, Reading, Berkshire RG7

£325,000

First listed

Under offer

Guide price

£325,000

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Appeal Decision

Site visit made on 16 March 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2020

Appeal Ref: APP/W0340/W/19/3243640

1 Kennet Road, Newbury RG14 5JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Simmons against the decision of West Berkshire Council.
 - The application Ref 19/01883/FULD, dated 16 July 2019, was refused by notice dated 12 December 2019.
 - The development proposed is the partial demolition and refurbishment of 1 Kennet Road, Newbury and the delivery of three new dwellings with associated parking and gardens.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Simmons against West Berkshire Council. This application is the subject of a separate Decision.

Procedural matters

3. The application was refused on two grounds. However, the Council has since identified that the proposal would also be at risk of flooding being in flood zone 3. Consequently, the Council considers that the proposal would be contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026 (2012) (CS) and would fail the sequential test of the National Planning Policy Framework (The Framework). As this is a significant point of dispute, I shall make this a further main issue of the decision.
4. The Council partly refused the proposal as it found the site to be within the Newbury Conservation Area. However, evidence has since established that only the footway adjacent to the appeal site is within the conservation area.

Main Issues

5. Accordingly, the main issues are:
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the adjacent Newbury Conservation Area (CA) and the setting of nearby listed buildings,
 - the effect of the proposal on the living conditions of future occupiers with particular regard to the provision of external space, and

- whether the proposal would comply with local and national policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Character and appearance

6. The appeal site is a corner plot adjacent to the junction of Kennet Road and Craven Road. Historic plans show that the appeal site was originally part of Westmills Farm. The plot was subdivided and by 1898 the farmland had been redeveloped. This created the row of dwellings that run along Craven Road. The corner garden of the appeal site is enclosed by hedging and includes a large wooden outbuilding. Consequently, the site presents a gap in built form that is largely enclosed and offers limited views in or out. The site therefore makes a neutral contribution to the character and appearance of the area.
7. The majority of the site is outside the CA, with only the footway within its boundary. The footway is proposed to be altered to create new crossovers. Several listed buildings along Craven Road are close to the appeal site and within the CA. The Framework identifies significance as 'the value of a heritage asset to this and future generations' and is derived 'not only from its physical presence, but also its setting'. It explains that elements of a setting may make a positive or negative contribution to its significance or may be neutral. Therefore, the question is whether change within their wider 'setting' would result in a loss of (or degrading to) their 'significance' as a heritage asset.
8. The significance of the CA partly derives from the extent of historic buildings and their connection with the original street layout of the town. The local street scene contains a variety of house-types, many being villa style housing. These are a combination of 2 and 3 storeys. In addition, the majority of local buildings are set close to the highway. These reinforce the established street pattern of shallow front gardens. They create a largely continuous building line along Craven Road and Kennet Road and form a relatively hard urban edge. Being set back away from Craven road, No's 34 Craven Road (No 34) and 1 Kennet Road are anomalous features in the street. These therefore contrast sharply with the established street pattern. Furthermore, although the appeal site presents a gap in the building line, it is enclosed. The gap therefore presents a void in built form rather than a conceived area of open space.
9. The proposal would result in the erection of a 3-storey building. The proposal includes projecting gable ends and two-storey bay windows. These complement the local built vernacular and add interest to the streetscene. The proposal would accordingly address the corner and the public realm with a considered and competent design. Furthermore, it is unconvincing that the corner or the vista of No 34 has particular importance or status in consideration of the historic development of the area. Accordingly, the proposal would have a positive effect on the setting of the CA.
10. The site is close to several grade II listed buildings including 29 and 31 Craven Road (No's 29 and 31) and 26 to 32 Craven Road (No's 26 to 32). No's 29 and 31 are a pair of double fronted dwellings on a corner site, these are significant due to their age and architectural detailing including distinctive diamond brick detailing. No's 26 to 32 are a pair of villas that are a combination of brick and render. These are also significant due to their age and architectural detailing.

Both of these groups are within a similar street pattern of built form with limited front gardens. Accordingly, the proposal would accord with this established pattern and scale of local development without dominating the existing character of the area. Consequently, the proposal would have a neutral impact on the significance of the listed buildings.

11. Taking the above into consideration, the proposed dwellings would occupy a site that conveys a neutral contribution to the character and appearance of the area. The proposal would follow the established and largely regular form of local development and include design features that would complement the local streetscene. The proposed development would therefore make a positive contribution to the character and appearance of the area.
12. Accordingly, in regard to its effect on the character and appearance of the area the proposal would satisfy policies CS14 and CS19 of the CS. These policies amongst other things require development to contribute positively to local distinctiveness, create a sense of place and to ensure development is appropriate in scale and design. Furthermore, the proposal would satisfy Part 2 of the Council's Quality Design Supplementary Planning Document (SPD) (2006). This seeks development that would respect building lines and encompass the rhythm and scale of frontages along the street.

Living conditions

13. The Council's Quality Design SPD refers to private amenity space. This states that the quality of space is of greater importance than its size but suggests appropriate garden sizes as a guide. This indicates that one- and two-bedroom flats should have access to 25 square metres per flat as communal garden space. It also states that dwellings with three or more bedrooms should have a garden of 100 square metres. However, the guidance also states that some flexibility in traditional garden standards is needed to accommodate higher densities.
14. The proposal would include a retained garden that would fall slightly below the stated threshold. However, both gardens are 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.
15. As such, in regard to living conditions the proposal would satisfy policy CS14 of the CS. This seeks development to be high-quality and of a sustainable design. The proposal would also accord with the Council's Quality Design SPD which seeks development to provide good quality and suitable outdoor amenity space.

Flood risk

16. The site is within flood zone 3. The flood zone map indicates that this area benefits from flood protection measures that provides a 1% chance of flood in any given year and hence is at a reduced risk. However, policy CS16 of the CS states that areas that are subject to flood risk will only be acceptable for

development if it is demonstrated that there are no suitable and available alternative sites at lower risk of flooding. It also states that the sequential approach to development will be strictly applied across the district. It also explains that development would only be allowed in flood risk areas where a set of criteria can be satisfied. This includes requiring that benefits to the community outweigh the risk to flooding. The Council's drainage engineer¹ raised no objection to the proposal. However, this advice did not consider the issue of alternative sites or referred to community benefits that might satisfy the requirements of the policy.

17. The Planning Policy Guidance (The Guidance) identifies a risk-based approach to development and to keep development out of medium to high flood risk areas. It explains that the Sequential Test aims to steer development to areas with the lowest probability of flooding. The site has a high probability of flooding and the Council is satisfied that there are sites available in lower areas of risk. Table 3 of the Guidance identifies that development classified as 'more vulnerable development' within flood zone 3a would require an Exception Test. However, it also states that a Sequential Test should be applied first to guide development to flood zone 1, then zone 2 and then zone 3.
18. The Appellant's Flood Risk Assessment² (FRA) considers the Sequential Test and Exceptions Test. It concludes 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 Sequential Test should not be constrained by land ownership or to the site itself. It should explore alternative sites to reduce the impact of development on areas of higher risk of flooding. Limited evidence has been provided to illustrate the reasons for not considering alternative sites or to explain why development could not be located on a site with a reduced risk of flooding. The proposed development would include the demolition of around half of the footprint of the existing dwelling and the removal of its driveway. However, the proposed permeable hardstanding and flood resilient and resistant construction methods would not outweigh the flood impact of development on the site. Furthermore, the Framework makes it clear that the Exceptions Test should only be applied once the Sequential Test is passed.
19. The Guidance states that the decision taker must be satisfied that the proposed development would be safe and would not lead to increased flood risk elsewhere. It is unconvincing that the latter would be satisfied. Therefore, the limited Sequential Test details are insufficient to illustrate that adequate consideration of alternative sites has been explored. I am therefore unconvinced that the arguments advanced in the FRA provide satisfactory analysis that sites in less vulnerable areas do not exist.
20. The appellant refers to other dwellings approved by the Council within the flood zone. However, these decisions were made between 2012 to 2018 and I am not satisfied that these were determined in a similar policy context. Further examples have been referenced by the appellant with respect to active cases where no objection was raised by the Council's drainage engineer. Although, these comments may illustrate some inconsistency in decision making, I am not satisfied that these have established a clear and determinative precedent.

¹ Luke Barrett, Senior Engineer (Land Drainage) 23 August 2019

² Flood Risk Assessment and Drainage Strategy, SDS Consulting 2 July 2019

Furthermore, these matters do not obviate the requirement for this development to pass the Sequential Test.

21. Consequently, based on the evidence before me there is insufficient detail to conclude that there are no alternative, reasonably available sites appropriate for the proposed residential development in areas with a lower probability of flooding. Having regard to the precautionary principle, I am therefore unable to conclude that the appeal proposal has passed the Sequential Test.
22. Accordingly, in regard to the effect on flood risk, the proposal would fail policy CS16 of the CS. This seeks development to only be accepted in areas with a history of flooding if there are no suitable and available alternative sites at a lower risk of flooding. This policy is also consistent with the flood risk objectives of the Framework which require development to avoid inappropriate development in areas at risk of flooding.

Planning balance and conclusion

23. Although I have not found harm to the character and appearance of the area or to the living conditions of future occupiers, these merits would not set aside the precautionary approach required to development in areas of flood risk advanced by the development plan. Accordingly, these merits do not indicate that a decision should be made other than in accordance with the development plan.
24. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR

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Appeal Decision

Site visit made on 7 July 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/W0340/W/19/3240289

The Malt Shovel Rear Car Park, Upper Lambourn, Berkshire RG17 1QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Roger McCabe against West Berkshire Council.
 - The application Ref 19/00637/FULD, is dated 28 February 2019.
 - The development proposed is new 4 bedroom house with off street parking.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Background and Main Issues

2. The Council advises that, had it been in a position to determine the proposal, it would have refused permission on a number of issues. The appellant has commented on these matters.
3. Having regard to the Council's putative reasons for refusal, the main issues are therefore:
 - i) whether the appeal site is an appropriate location for housing having regard to the settlement strategy and access to facilities and services; and
the effect of the proposal on:
 - ii) flood risk;
 - iii) the character and appearance of the area and the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - iv) designated heritage assets, in particular the Malt Shovel former public house and the Upper Lambourn Conservation Area (CA).

Reasons

Location

4. The appeal site is outside of any settlement boundary identified in Policy Area Delivery Plan Policy 1 (ADPP1) of the West Berkshire Core Strategy (2006-2026) (CS) and as such is defined in that Policy as open countryside, where only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. CS Policy ADPP5 sets out the area delivery plan for the AONB and allows for infill development and development on previously developed land (PDL) where it conserves and enhances the special landscape qualities of the AONB. CS Policy CS1 sets out that new homes will be

- located in accordance with the settlement hierarchy outlined in the spatial strategy and area delivery plan policies.
5. Policy C1 of the Housing Site Allocations Development Plan Document (2006-2026) (HSA) sets out a presumption against new residential development outside of settlement boundaries other than in limited exceptions, including limited infill in settlements in the countryside with no defined settlement boundary. The Policy sets out that limited infill development may be considered where it meets four criteria, which I consider in turn.
 6. The appeal site is the end of the car park of the Malt Shovel, formerly a pub and now converted into 6 flats. The site and remainder of the car park are part of a single enclosure and it was being used for car parking at the time of my visit. Therefore, the site can be considered to be within the curtilage of the former pub and as such falls within the definition of previously developed land (PDL) in the National Planning Policy Framework (the Framework). The Malt Shovel and buildings opposite together form a clear end to the close-knit area of built development of the settlement, with fields and scattered developments beyond.
 7. The Malt Shovel and neighbouring cottages form a close-knit cluster of dwellings, however the retention of the car park and the sizeable gardens of the cottages would leave a considerable gap between that cluster and the proposed dwelling. Therefore, the proposed dwelling would not be within a cluster of existing dwellings or within an otherwise built-up frontage, and would extend built development significantly further along Malt Shovel Lane.
 8. Dwellings in the area vary somewhat in design and materials, but most are set close to the edge of the road and relatively close together. They generally occupy a relatively small proportion of their sizeable plots and are of simple form. The pub has a significantly larger footprint than the adjacent cottages but nevertheless sits within a spacious plot. In comparison, the appeal site would be relatively short and the proposed dwelling would occupy a considerable proportion of the plot. It would be set back from the road, leaving an open frontage with exposed car parking, which would give the site a distinctly suburban appearance, markedly different to the pattern of development locally. As such, the proposed plot size and spacing would not be similar to adjacent properties or respect the rural character and street scene of the locality.
 9. The proposed dwelling would share some features with nearby dwellings, such as the chimney and part-hipped roof. However, the number of dormer windows proposed and their different sizes and styles would create a complex roof form that would contrast harmfully with the simple, generally unbroken roofs in the surrounding area. The proposed dwelling would effectively be 1.5 storeys in height, which would give it somewhat squat proportions in contrast to the 2-storey buildings nearby. The use of several materials in horizontal bands would emphasise those proportions. Furthermore, the use of timber cladding would introduce a material traditionally found on agricultural buildings, and there is no evidence before me that it would have been used on dwellings in this area. Consequently, the scale and character of the proposed development would not be commensurate with those of existing dwellings.
 10. Accordingly, the proposal would not comply with any of the criteria of HSA Policy C1 and therefore would not constitute limited infill development. Furthermore, it would erode the clear definition between the edge of the settlement and the countryside beyond and as such, would not contribute to the character and distinctiveness of the rural area. Consequently, the proposal would conflict with HSA Policy C1 and CS Policies ADPP5 and CS1.

11. There is no substantive evidence before me that the proposal would meet an identified need or contribute to maintaining a strong rural economy. As such, it has not been demonstrated that it would be appropriate development in the countryside, and it would therefore conflict with CS Policy ADPP1.
12. Upper Lambourn has few services or facilities, so future residents of the proposed dwelling would have to travel to Lambourn or further afield to meet their day to day needs. Lambourn is defined in the CS as a Rural Service Centre and has a range of facilities and services. However, it has not been demonstrated that any are under threat or require further support, or that the location of the proposal would make any significant contribution to enhancing or maintaining the vitality of services and facilities in the neighbouring village. The proposal therefore does not benefit from the support for sustainable rural development in Framework paragraph 78.
13. Although the appellant states that there are transport links to Lambourn, I have not been provided with details of these. The services in that settlement are further from the appeal site than the 800 metres considered 'walkable' in the National Design Guide but would be within cycling distance. As such, future residents would have limited options other than the private car to access them. While the Framework acknowledges that sustainable transport options will vary between urban and rural areas, nevertheless the lack of such options weighs against the sustainability of the appeal site's location.
14. Accordingly, the appeal site is not an appropriate location for housing having regard to the settlement strategy and access to facilities and services.

Flood risk

15. The Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. It sets out a sequential test, the aim of which is to steer new development to areas with the lowest risk of flooding. A further 'exception test' then applies if it is not possible for a proposed development to be located in zones with a lower risk of flooding. Framework paragraph 158 states that, "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". Paragraph 163 makes it clear that proposals should not increase flood risk elsewhere.
16. CS Policy CS16 requires that the sequential approach in the Framework be strictly applied across the District, and that development within areas of flood risk will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and alternative available sites at a lower flood risk.
17. The appellant's flood risk assessment (FRA) identifies that the site falls within Flood Zones 2 and 3, but is not accompanied by a map showing the extent of these flood zones. The FRA states that the site is approximately 2.8m above the bed of the nearby stream, and the appellant identifies that the Malt Shovel, which is on lower ground than the appeal site, has no history of flooding. However, there are no details before me of flood levels for the stream, and the FRA does not take into account the impacts of climate change. Nor does it assess potential risks from surface water or ground water flooding. There is nothing before me to suggest that the appellant has successfully challenged the Environment Agency's flood zone classification for this site. As such I must proceed on a precautionary basis that the site is at high risk of flooding and apply the sequential test.
18. The Planning Practice Guidance (PPG) sets out that it is for local planning authorities to consider the extent to which sequential test considerations have

been satisfied and that the developer should justify with evidence what area of search has been used. The appellant has not specified a search area and no case is being made that the dwelling would meet an identified local need. Therefore, the starting point for the search area is the whole District. The CS and HSA identify various settlements and sites suitable for development in the District and as such, in all likelihood there are other sites at lower flood risk that could accommodate one dwelling. The Council advises that sufficient housing is being provided outside flood risk zones and there is no substantive evidence before me from the appellant to demonstrate otherwise. Therefore, the proposal fails the sequential test.

19. The appellant suggests that appropriate drainage can be put in place to ensure that the water discharged from the property will not increase risk of flooding elsewhere. However, the proposal does not include any measures to avoid, mitigate or compensate for any displacement of water from the flood plain. Nor does it include flood resilience or resistance measures in the property itself. As such, it has not been demonstrated that the dwelling would be safe for its lifetime without increasing flood risk elsewhere. Therefore, even if the sequential test had been met, the proposal would not pass the exception test.
20. Accordingly, it has not been demonstrated that the proposed dwelling is not at risk of flooding and would not contribute to flood risk elsewhere. As such, the proposal conflicts with CS Policy CS16 and the Framework.
21. While the appellant refers to the successful conversion of the Malt Shovel to flats, the sequential test would not have applied to conversion of an existing building and as such the circumstances are not comparable to the proposal before me. Moreover, the appellant states all measures were taken to mitigate against flooding in that scheme, which is not the case here. Consequently, the planning permission for the Malt Shovel does not justify construction of a dwelling in a flood risk area.

Character and appearance of the area and the AONB, and designated heritage assets

22. CS Policy ADPP5 sets out that the AONB will be managed by implementing the AONB Management Plan¹ (MP) and requires that development conserve and enhance the local distinctiveness, sense of place and setting of the AONB and respond positively to the local context and to the historic environment of the AONB. CS Policy CS19 seeks to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, considering the natural, cultural and functional components of its character as a whole. The Framework requires that development should contribute to and enhance the natural and local environment including by recognising the intrinsic character and beauty of the countryside. Paragraph 172 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
23. The appeal site is within the Lambourn Valley landscape character area (LCA) and River Valley landscape character type (LCT) as set out in the MP. Upper Lambourn is typical of the long, linear settlements found in these valleys, and the valley sides give it an intimate and enclosed character. The siting of buildings close to the road and the prevalence of substantial boundary walls along the lanes within the settlement reinforce this character.
24. The Upper Lambourn Conservation Area (CA) encompasses part of the appeal site, the remaining car park of the Malt Shovel and the former pub itself, and most of the buildings along the lane in the lower part of the valley. It derives considerable

¹ North Wessex Downs AONB Management Plan 2019-2024

significance from the historic linear pattern of development and the historic buildings within it. The Malt Shovel is a Grade II listed building that was originally a bakery and converted to a pub in approximately 1830. In both uses it would have been an important community focus in the village. Although it has been converted to flats, externally the listed building still has the appearance of a pub and as such its historic function and relationship to the village can still be readily understood. It has a prominent position at a crossroads and the edge of the settlement, which is reinforced by the open, undeveloped land to the south and east, which allow views towards the listed building and the CA. These factors therefore make a considerable contribution to its significance and the listed building also makes a positive contribution to the significance of the CA.

25. While the appellant has submitted a heritage statement, it relates to the conversion of the Malt Shovel to flats and as such does not assess the impacts of the proposal before me. I therefore afford it minimal weight.
26. I have already found that the proposal would erode the definition between the edge of the settlement and the countryside and would not contribute to the character and distinctiveness of the rural area. Due to its siting and the gap between it and other development, the proposed dwelling would have an urbanising impact that would diminish the open, rural setting of the village and detract from the linear pattern of development. As such, it would harm characteristic features of the area and therefore would not conserve or enhance the special landscape qualities of this part of the AONB.
27. Furthermore, although set back from the road, the proposed dwelling would obscure part of the Malt Shovel from view when approaching along Malt Shovel Lane, which would diminish the prominence of the listed building. From the crossroads, the proposed dwelling would also be an obvious and incongruous feature in views between the CA and the listed building and the countryside. Consequently, it would harm the setting, and thereby the significance, of the designated heritage assets.
28. As only part of the setting of the heritage assets would be harmed, the proposal would result in less than substantial harm to the listed building, and to the CA as a whole. Having regard to the Framework, this must be weighed against the public benefits of the scheme.
29. The proposal would contribute to the supply of housing and would result in economic benefits through construction and occupation, however given the small scale of development proposed, the benefits of one additional dwelling would be very limited. The proposal would make efficient use of PDL, which is supported by national and local policy, however both also require such development to respect local character, which this proposal would not. The appellant proposes to use locally sourced, sustainable materials however I have found that the materials proposed would contribute to the harmful impact of the proposal and as such this would not be a public benefit.
30. I have a statutory duty under s66(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and preserving or enhancing the character and appearance of the CA. The Framework also requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Consequently, overall, I conclude that the

limited public benefits of one proposed dwelling do not outweigh the harm to designated heritage assets.

31. Accordingly, the proposal would harm the character and appearance of the area and the natural beauty of the AONB, and would result in less than substantial harm to the significance of the Malt Shovel and the Upper Lambourn Conservation Area which is not outweighed by the public benefits of the scheme. As such, it would conflict with CS Policies ADDP5 and CS19, and with CS14, which requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Furthermore, it would conflict with the policies of the MP which seek to ensure that all development in the AONB conserves or enhances the character, qualities and heritage of the landscape, and with the provisions of the Framework.

Other Matters

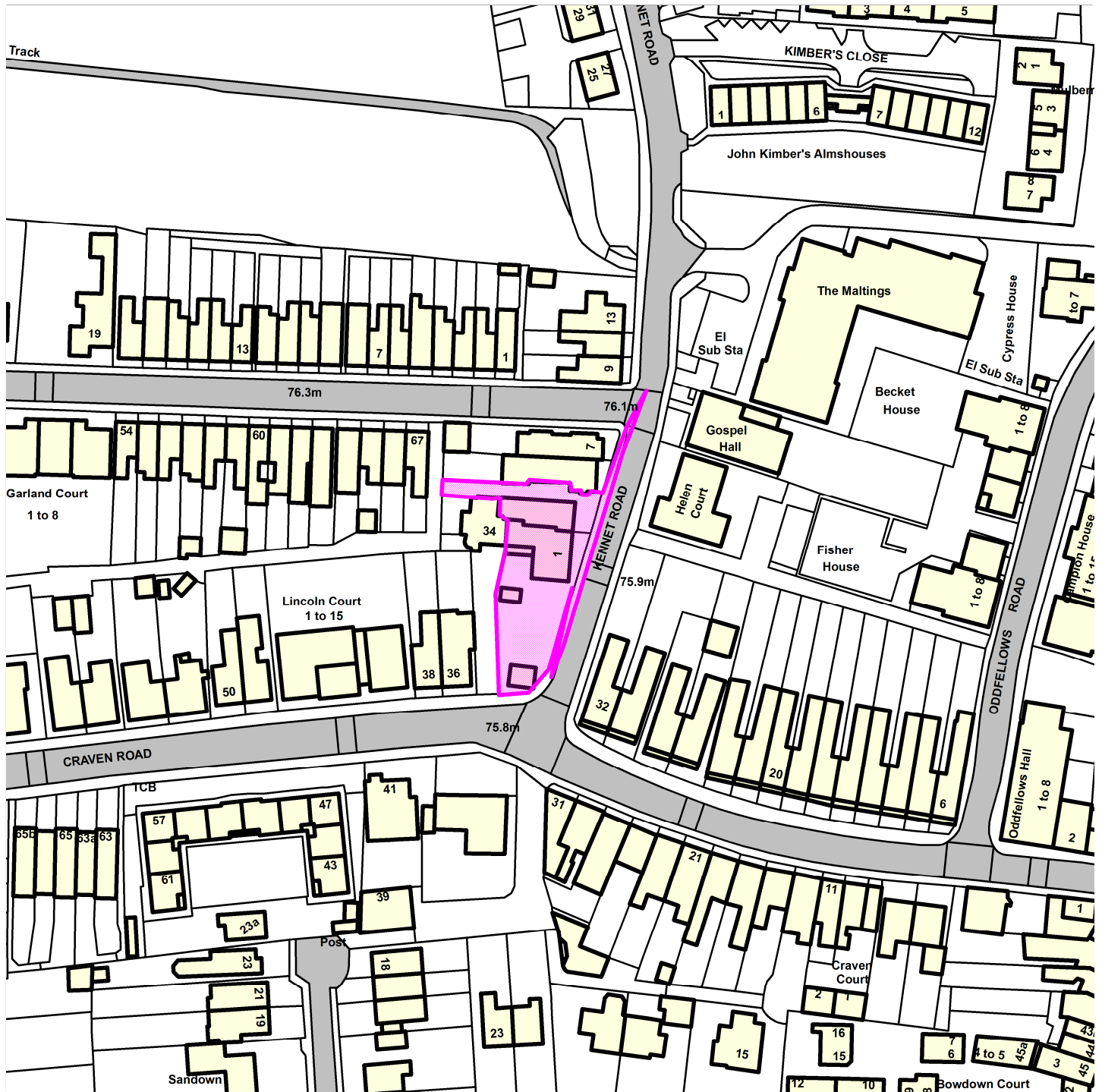
32. There are new racing facilities on the other side of the B4000 from the appeal site which partially obscure views of the Downs beyond and are likely to generate traffic. However, they have the appearance of agricultural buildings and therefore do not appear out of context in this rural area. As such, and given the separation distance, their impact on the setting of the heritage assets and the character of the AONB is not comparable to that of the appeal proposal. Furthermore, racing is a fundamental part of the character of this area and the CS includes specific policies to allow such development in the countryside. Therefore, planning permission was granted for those developments in a different policy context to that of the proposal before me. Therefore, the impacts of those developments carry very limited weight and do not justify the harm that I have identified.
33. The proposal would not impact on the living conditions of the Malt Shovel flats or their access and would not generate significant traffic. I also note that issues relating to parking and access have been resolved to the satisfaction of the highway authority. These are however neutral matters that do not weigh in favour of the proposal.

Conclusion

34. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I find that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. The appeal is therefore dismissed and planning permission is refused.

L McKay

INSPECTOR



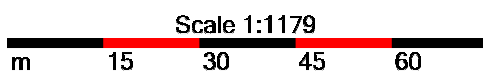
Map Centre Coordinates :

Scale : 1:1179

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	21 August 2020
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/01186/FUL Newbury Town Council	24 th July 2020 ¹	Change of use of 1 and 3 Kennet Road from 2 dwellings to 6 self-contained flats, minor exterior alterations and associated car parking and gardens. 1 and 3 Kennet Road, Newbury, RG14 5JA Four Acres Investments

¹ Extension of time agreed with applicant until 5th September 2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01186/FUL>

Recommendation Summary: To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION.

Ward Members: Councillor Andy Moore and Martha Vickers

Reason for Committee Determination: Called to Planning Committee regardless of officer recommendation.

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: Sian Cutts
Job Title: Senior Planning Officer
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Email: sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the change of use of 1 and 3 Kennet Road from 2 dwellings to 6 self-contained flats, with minor exterior alterations, and the creation of associated car parking and gardens.
- 1.2 The appeal site consists of two houses which form a joined group of houses consisting of 1 and 2 Kennet Road and 34 Craven Road. The application site includes the land which forms the garden area of 1 and 2 Kennet Road, where there is currently a log cabin. The site is on the corner of Kennet Road and Craven Road, a residential area, and the site is adjacent to the Newbury Conservation Area. The site is also within Flood Zone 3.
- 1.3 The application is proposing the change of use of 1 and 2 Kennet Road to provide 6 self-contained flats. The application was originally submitted with three flats on the ground floor and three flats on the first floor. During the course of the application, amended plans were submitted, which indicate the accommodation for each unit being provide over two floors. Car parking is proposed to be provided in a parking area with five spaces, on land which currently forms the garden of f1 Kennet Road, together with cycle storage and bin storage. A sixth space is proposed to be provided to the front of 3 Kennet Road. Each parking space will have its own electric vehicle charging point.

2. Planning History

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

Application	Proposal	Decision / Date
18/03071/HOUSE	Demolish structurally substandard extensions, retention and refurbishment of original built form, revised vehicular access.	Approved 15/01/2019
19/01883/FULD	Partial demolition and refurbishment of 1 Kennet Road and the delivery of 3no. dwellings with associated parking and gardens.	Withdrawn 11/06/2019
19/01883/FULD	Partial demolition and refurbishment of 1 Kennet Road, Newbury and the delivery of three new dwellings with associated parking and gardens.	Refused 12/12/2019 Appeal dismissed 29/04/2020
20/00152/FUL	Demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works	Pending consideration

3. Procedural Matters

EIA

- 3.1 Given the nature and scale of this 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.

Publicity

- 3.2 Site notice displayed on 8th June on the street sign adjacent to the site; the deadline for representations expired on 8th June 2020.

Community Infrastructure Levy

- 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).
- 3.4 Initial assessment, e.g. Based on the CIL PAIR form, it appears that the CIL liability for this development will be based on the gross internal floor area of 462 sq.m. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any 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.

Newbury Town Council:	No objection
WBC Highways:	<p>The wider access will result in loss of on-street parking, and concerned about whether CP1 can be provided, as it may not be an existing space. The sight lines are satisfactory in this instance. There is a shortfall of 0.25 parking spaces, if CP1 can be provided. Require amended plans to resolve this, as well as electric vehicle charging points and cycle storage.</p> <p>Amended plans were submitted which showed 6 spaces, electric vehicle points and cycle storage shown, and so no objection subject to a conditions requiring the provision of the electric vehicle charging points; a construction method statement; provision of the parking spaces; construction if the access points; and provision of cycle parking.</p>
Environmental Health	No objection.

Conservation	NO objections raised, but further details on boundary treatments to Kennet Road and Craven Road would be welcomed.
Drainage	Objection as it will not be feasible to raise the floor level on the ground floor above residual risk level for sleeping accommodation.
Environment Agency	No response received.

Public representations

- 4.2 Representations have been received from 2 contributors, which state that they are ambivalent.
- 4.3 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 points have been raised:
- In favour of the application in comparison to previous applications
 - The plans respect the properties' surroundings by retaining the original building and appear to address the negatives associated with the previous proposals
 - No loss of light, privacy and less disruption to 34 Craven 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 ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS13, CS14, CS16 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies C1, and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
 - Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 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)
 - WBC Sustainable Drainage Systems SPD (2018)
 - Planning Obligations SPD (2015)
 - Newbury Town Design Statement (2018)
 - Cycle and Motorcycle Advice and Standards for New Development (2014)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Character and appearance
- Impact on neighbouring amenity
- Flooding and drainage matters
- Highways

Principle of development

6.2 The application site is situated within the settlement boundary for Newbury, one of the District's defined urban areas, where policies ADPP1 and C1 focus residential development. Policy ADPP1 says that most development will be within or adjacent to the settlement in the settlement hierarchy, and that the majority of the development will take place on previously developed land. The site, which constitutes the residential curtilage of 1 Kennet Road, does not constitute previously developed land, as defined by the NPPF. However, given the location of the site is in an accessible location close to the town centre, the proposal is considered to be acceptable in principle, subject to the following considerations.

Character and Appearance

6.3 Policies CS14 and CS19 require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. The policy goes on to say that good design relates not only to the appearance of the development but the way it functions. Policy CS19 says that particular regard will be given to the sensitivity of the area to change, ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character and the conservation and where appropriate enhancement of heritage assets and their settings. The Newbury Town Design Statement refers to the Victorian development of Westfields and within design principles it suggests that future development should respect the existing character and scale of the area.

6.4 The application is proposing the change of use of the building, with minimal alterations to the external elevations consisting of the insertion of new windows on the east elevation (facing Kennet Road) and the south elevation (facing Craven Road), and the demolition of a lean-to conservatory and two chimneys. Given the limited alterations to the appearance of the buildings, there will be little impact on the character and appearance of the area, from these alterations. The proposal does include the use of the existing garden land serving 1 Kennet Road and the parking area for 5 vehicles together with the bin store, and cycle storage, and retains this open corner. The Conservation Officer has raised a concern about the lack of information about the boundary treatment on this corner, which is currently a substantial hedge. However, this can be dealt with by means of a condition, requiring details of the boundary treatment to be agreed before the parking area is brought into use, to ensure that the corner site is dealt with appropriately given its prominent location of the edge of the Conservation Area.

6.5 The proposal is considered to preserve the existing setting to the Conservation Area, and retains the existing farmhouse building which incorporates 1 and 2 Kennet Road, and is shown on the 1877 map and is considered to have a neutral impact on the nearby

Grade II listed buildings, the proposal is considered to be appropriate to the character and appearance of the adjacent Conservation Area.

Impact on Neighbouring Amenity

- 6.6 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Further advice is contained in the Quality Design SPD and House Extensions SPG documents for assessing the impact of proposals on the living conditions of adjoining occupants. The main issue is whether the proposal will have a detrimental impact on the privacy of the adjoining occupiers as a result of the additional window openings which are proposed, and the impact this will have on future occupiers and the occupiers of 5 Kennet Road. The additional windows on Kennet Road do not face directly towards other habitable room windows and will not result in any additional overlooking. There are existing windows on the north elevation of 3 Kennet Road, which face towards the side elevation of 5 Kennet Road, and this replicates the existing relationship of habitable room windows in close proximity to each other, and so there is no additional harm to privacy as a result of this proposal. The land between the buildings is proposed to be used for amenity purposes, and this strip of land can be used for that purpose at present, and so the proposal is not considered to be harmful to the living conditions of existing or future occupiers.
- 6.7 The garden space which is proposed to be used for the flats to the north and south of the buildings, the private amenity space proposed, is approximately 130 sq. metres, which is slightly below the level recommended in the Quality Design SPD, and an additional area to the front is also provided for amenity space, but given it's public location, and size it is unlikely to be used for amenity purposes. In assessing the previous appeal (APP/W0340/W/19/3243640) the Inspector considered that although there is shortfall of amenity space, the area proposed was able to provide a reasonable degree of privacy and meet the aspirations of the policy, as it followed the scale of local development it would not result in a cramped form of development. The same principle can be applied to the space which is currently proposed, and so an adequate level of amenity space is considered to be provided for the proposed flats.

Flooding and Drainage Matters

- 6.8 Policy CS16 says that the sequential approach in accordance with the NPPF will be applied strictly across the District. The site is within flood zones 1 and 2, however the application is proposing a change of use, and the Planning Practice Guidance specifically excludes minor development, including the proposed change of use, from the sequential test and exception test. Policy CS16 requires a Flood Risk Assessment for development within Floods Zone 2 or 3 and this was submitted with the application. Following an objection from the Drainage team about the location of ground floor sleeping accommodation, amended plans were submitted, which proposed first floor bedroom accommodation only. A condition has also been suggested which requires additional details to be submitted for a Flood Response Plan to address the response should a flood event occur, including safe access and egress and appropriate area of safe refuge, as well as including flood resistant and resilience measures, long term maintenance and management of the SUDs drainage measures, and confirmation from Thames Water that they accept the additional surface water from the site. With this condition in place the proposal will accord with policy CS16.

Highways

- 6.9 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for residential development. The application proposes a total of 6 spaces, and in accordance with policy P1 a total of 6.25 spaces should be provided. The Highways Officer has confirmed that it is difficult to object to such

a minor shortfall of spaces. There will be a loss of 1 on-street space as a result of the widened opening to the parking area, but no objection has been raised to this. The sight lines from the access to the parking may be obstructed time from on-street parking, however the Manual for Street accepts that this can occur in built up areas, and in circumstances where speeds are low, some encroachment may be possible, and it has been considered that this applies to this case. The level of parking which is proposed, together with the cycle storage and vehicle charging points are considered to be acceptable, and conditions can be added to the permission to ensure that they are provided before the development is occupied. The proposal is considered to accord with policies CS13 and P1.

7. Planning Balance and Conclusion

- 7.1 The application is proposing the change of use of two dwellings to 6 flats, within the settlement boundary of Newbury. The change of use will require minor alterations to the external appearance of the buildings, and the use of existing garden land as a parking area. The uses of land that are proposed are considered to be acceptable. The proposed alterations are not considered to be harmful to the living conditions of existing or future occupiers of neighbouring dwellings or the proposed dwellings, or to be harmful to highways safety. The application has included a flood risk assessment and the change of use to 6 flats will not increase flood risk elsewhere. The proposal is considered to accord with the relevant development plan policies, and the guidance contained within the NPPF and is recommended for approval.

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:

Location Plan Drawing No. 114 received on 27th May 2020;
Proposed Site Plan Drawing No.111 Rev A received on 8th July 2020;
Proposed Plans and Elevations Drawing No 113 Rev A received on 8th July 2020;
and
Flood Risk Assessment & Drainage Strategy prepared by SDS Consulting Ltd Ref 5342-RP01 received on 27th May 2020.

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

3. **Materials**

The materials to be used in the external finishes of the development hereby permitted shall match those on the existing development in colour, size and texture,

and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

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 (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Newbury Town Design Statement.

4. Electric Vehicle Charging Points

No dwelling shall be occupied until electric vehicle charging point of at least 22kw 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 vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy P1 of the Housing Site Allocations DPD.

5. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- h) A site set-up plan during the works

Thereafter all demolition and construction work shall be carried out in accordance with the approved details.

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, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as details of first operations are required to be approved and insufficient information was submitted with the application.

6. Parking/turning in accordance with approved plans

No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars 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.

7. **Access construction prior to occupation**

No dwelling shall be occupied until the accesses have been constructed in accordance with the approved drawings.

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).

8. **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 P1 of the Housing Site Allocations DPD.

9. **SUDs Drainage**

No occupation of the development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Ensure that all sleeping accommodation is located on the first floor.
- b) Include a standalone Flood Response Plan detailing the actions to be undertaken in the event of a flood event. These shall include safe access and egress from the site and appropriate areas of safe refuge;
- c) Include confirmation of the detailed flood resistant and resilient measures (i.e. levels and locations) to be employed within the proposed developments;
- d) Include details of how the SuDS measures will be maintained and managed after completion in a standalone Management and Maintenance Plan. These details shall specify the management company as, due to the shared areas, it would not be appropriate for the plot owners to manage any SuDS features;
- e) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- f) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow.

Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of flooding. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Sustainable Drainage Systems SPD (2018).

Informatives

1. **Proactive**

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. **CIL**

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

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. **Resident's Parking Permits**

Notwithstanding the provisions of the Human Rights Act 1998, occupiers of the development or part thereof hereby approved shall not by right become entitled to a residents parking permit.

20/01186/FUL

1 and 3 Kennet Road, Newbury RG14 5JA

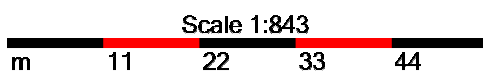


Map Centre Coordinates :

Scale : 1:842

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	21 August 2020
SLA Number	0100024151

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Planning Appeal Decisions

Committee: Western Area Planning Committee on 2nd September 2020

Officer: Bob Dray, Team Leader (Development Control)

Recommendation: Note contents of this report

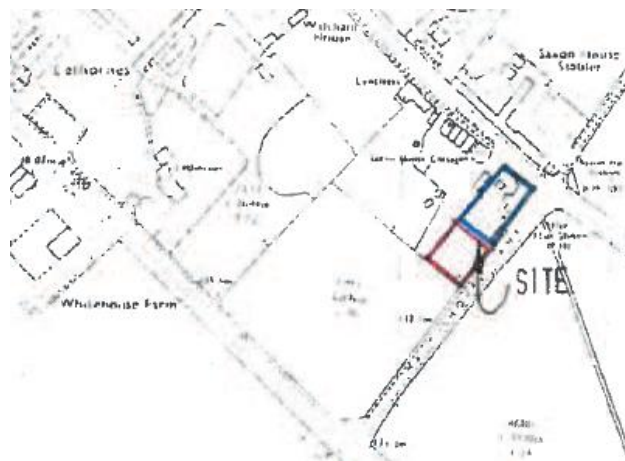
1. This reports summaries recent appeal decisions in the table below, and provides feedback on some of the key findings. The appeal decisions and associated documents can be viewed by searching by the application reference number on the Council’s Public Access website: <https://publicaccess.westberks.gov.uk/online-applications/>

Application / Appeal	Site	LPA Decision	Appeal Decision	Decision Date
19/01070/HOUSE Appeal: 3242638 Written Reps	22 Sedgefield Road, Newbury Erection of single storey rear extension.	Delegated refusal	Allowed	02/03/20
19/01646/FULD Appeal: 3243683 Written Reps	Redwood, Burnt Hill, Yattendon Revised application for demolition of existing house, garage and outbuildings, erection of one new house.	Delegated refusal	Dismissed	18/06/20
19/01837/FULD Appeal: 3244084 Written Reps	Nightingale Farm, Wantage Road, Leckhampstead Construction of replacement dwelling, driveway and associated landscaping.	Delegated refusal	Dismissed	30/06/20
19/00637/FULD Appeal: 3240289 Written Reps	The Malt Shovel rear car park, Upper Lambourn New 4 bedroom house with off street parking	Appeal against non-determination – would have been refused.	Dismissed	07/07/20
19/01308/FULD Appeal: 3244597 Written Reps	1 Burghfield Bridge Close, Reading Erection of a new dwelling.	Delegated refusal	Dismissed – Council’s application for full costs against appellant refused.	10/07/20
19/03055/PACOU Appeal: 3246991 Written Reps	The Elmwood Building, South End Road, Bradfield Southend Change of use of offices (Class B1a) to form 5 apartments.	Delegated refusal	Dismissed	13/07/20
19/00713/COMIND Appeal: 3244528 Written Reps	Bere Court Farm Bungalow, Tidmarsh Lane, Pangbourne Vary/delete conditions 1, 2 and 7 on planning permission 16/01419/COMIND which relates to a stable block. Appeal against imposed conditions.	EAPC approval	Allowed in part	17/07/20

19/02196/COMIND Appeal: 3244360 Written Reps	Bere Court Farm Bungalow, Tidmarsh Lane, Pangbourne	Delegated refusal	Dismissed	17/07/20
19/02792/FUL Appeal: 3245698 Written Reps	25 Abbots Road, Burghfield Common Extension to existing front, side and rear boundary to the property, include open space involving a change of use to garden amenity space and erection of new fence with landscaping to form new boundary.	Delegated refusal	Dismissed	20/07/20
19/02266/FUL Appeal: 3244815 Written Reps	Chantry House, Hill Green, Leckhampstead Construction of a storage barn and apron together with highway access and landscaping.	Delegated refusal	Dismissed	28/07/20

Housing in the countryside

- The **Malt Shovel** is a further appeal that has been dismissed for a proposal that is contrary to the Council's policies for housing in the countryside. These policies give a presumption against new residential development in the countryside with some exceptions, one of which is limited infill development that complies with Policy C1 in the HSA DPD. In assessing the proposal against C1, the Inspector stated that the Malt Shovel and buildings opposite together form a clear end to the close-knit area of built development of the settlement, with fields and scattered developments beyond. The Malt Shovel and neighbouring cottages form a close-knit cluster of dwellings, however the retention of the car park and the sizeable gardens of the cottages would leave a considerable gap between that cluster and the proposed dwelling. Therefore, the proposed dwelling would not be within a cluster of existing dwellings or within an otherwise built-up frontage, and would extend built development significantly further along Malt Shovel Lane. The proposed plot size and spacing would not be similar to adjacent properties or respect the rural character and street scene of the locality, and the scale and character of the proposed development would not be commensurate with those of existing dwellings. It was therefore found to conflict with Policy C1, and by extension the other housing policies. This appeal decision is consistent with the Council's continued interpretation of being within a closely knit cluster.



3. In dismissing the appeal, the Inspector also highlighted the unsustainable location of the site, and considered that the proposal would cause “less than substantial harm” to the conservation area.

Replacement dwellings in the countryside

4. The proposal at **Redwood**, sought a large replacement dwelling, which was considered under Policy C7. A key issue was whether the proposal complied with the requirement for the replacement dwelling to be proportionate in size and scale. The Inspector recognised that the key components in determining whether a proposal is proportionate are scale, massing, height and layout of a development. They compared the footprint, floor area and height of the existing and proposed dwellings and concluded that the substantial additional floor area and volume could not reasonably be said to be proportionate in terms of Policy C7, notwithstanding the proposed reduced ground level. The Inspector also gave great weight to the conservation and enhancement of the AONB, and identified that the proposal would cause significant harm to the street scene through the introduction of a substantial new dwelling. Whilst there are no “rules” in terms of percentage increases, this assessment demonstrates how these measurements are still important indicators of the size, scale and massing of any proposal.
5. The proposal at **Nightingale Farm** sought to replace a relatively modest bungalow with a new larger dwelling on higher land set away from the road. Similarly, in considering whether the proposal is proportionate to the existing dwelling, this appeal decision recognises that the key components of the assessment are the scale, massing, height and layout of a development. In this case, it was recognised that by comparison to the existing dwelling, where the footprint is dispersed, that of the proposed dwelling would be greater and concentrated into a single, larger building. It would therefore be of a greater scale, bulk and massing than the property to be replaced. The additional height and rising ground levels meant that it would be more visible in the landscape than the existing dwelling, and thus harm the AONB landscape.

Domestic outbuildings in the countryside

6. The proposal at **Chantry House** was for a substantial building for personal storage of a helicopter, classic car collection and other domestic paraphernalia. It was suggested that this building was required close to the appellants’ property for security, which as a Grade II listed building meant that such a building had to be outside the existing residential curtilage. The Inspector found this justification unsubstantiated, with no specific evidence before them to demonstrate how alternatives had been explored and subsequently discounted. The proposal amounted to an extension of residential curtilage into the countryside. As a residential outbuilding, the size of the building was considered substantial and as a result, it would not appear subservient to the main dwelling on the site. Whilst the design of the building would be similar to those which make up the existing Chapel Farm complex and, from public viewpoints, it would be viewed against the backdrop of the existing agricultural buildings, the introduction of a large, residential outbuilding within the countryside would appear as an incongruous feature within the AONB. Moreover, the proposed access route and apron would introduce a significant amount of hardstanding into what are currently open agricultural fields.

Flood risk sequential test

7. The decision at **1 Burghfield Bridge Close** is another example of a new residential development failing the flood risk sequential test within Flood Zone 2. The NPPF and PPG indicate that residential development should be directed away from medium and

high flood risk areas, that is, away from Flood Zones 2 and 3 and into Flood Zone 1, the area of lowest flood risk. The PPG indicates that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is only where the appellant can demonstrate, by undertaking a sequential test, that there are no reasonably available sites in Flood Zone 1, that decision makers should take into account the flood risk vulnerability of a proposal and consider reasonably available sites in Flood Zones 2 or 3. In this case, the appellant had not submitted a Flood Risk Assessment (FRA) or sequential test to show that there are no reasonably available site for development in Flood Zone 1. The Inspector therefore dismissed the appeal, in part, on this basis.

8. The **Malt Shovel** falls within Flood Zones 2 and 3. Although the application was accompanied by a FRA, the appellant had not specified a search area and no case was being made that the dwelling would meet an identified local need. Therefore, the Inspector stated, the starting point for the search area is the whole District. The Inspector identified that the Core Strategy and HSA DPD identify various settlements and sites suitable for development in the District and as such, in all likelihood there are other sites at lower flood risk that could accommodate one dwelling. The Council advised during the appeal process that sufficient housing is being provided outside flood risk zones and there was no substantive evidence before the Inspector from the appellant to demonstrate otherwise. Therefore, the proposal failed the sequential test.

Neighbouring amenity

9. The decision at **22 Sedgefield Road** demonstrates the need to exercise planning judgement in applying supplementary planning guidance on neighbouring amenity. In this case a single storey extension would infringe the 60 degree line measured from the nearest ground floor habitable window, but the Inspector stated “there is always an element of judgement required in applying such a test taking into account the context of the development.” They identified that the extension would only be 0.6m higher than the existing boundary fence, which could be increased in height to 2m under permitted development, and that the ridge of 3.6m height would be around 3m away from the boundary. In context, they concluded that any additional loss of sunlight or outlook would not be significant, and thus allowed the appeal.
10. The decision at **1 Burghfield Bridge Close** considered a relationship where the rear wall of a new 1.5 storey house would be sited in close proximity to the boundary with a neighbouring property with a ridge height just shy of 7m. Here it would be sited almost directly opposite, and within around 10m of, the side wall of the neighbouring property, which contains several windows and double doors leading onto a small paved area, beyond which there is a lawned area of garden. The rear wall of the proposed dwelling would have the highest eaves of the building and would extend to around double the height of the existing rear boundary fence. The Inspector found that the combination of the length and height of solid wall, together with the roof above it, and its close proximity to the side boundary, garden and side wall of the neighbour, would result in an overbearing impact on the outlook from the rear windows and doors of the neighbour and from the side garden of that property. This was considered harmful to neighbouring outlook despite no material loss of light.

Amenity land in housing estates

11. The decision at **25 Abbots Road** highlights the value of undeveloped amenity land that often forms part of the landscaping of housing estates. In this case the proposal was to enclose the open area so that it would be within the garden of 25 Abbots Road, by erecting a 1.8m high close boarded fence with trellis. The Inspector stated that the effect

of the fence, including the trellis, on top of the additional height of the ground level would be harmfully intrusive into the street scene both from Abbots Road and Woodman's Lane and would significantly reduce the generally open aspect in the area. It would extend the enclosed area materially to the side of the property closer to the road, harmfully enclosing it when generally these areas are open. The provision of landscaping would not be sufficient to mitigate these harms.

Office to residential conversions

12. The proposal to convert **The Elmwood Building** to apartments under permitted development failed because it was not demonstrated that the existing building fell within the qualifying office use (i.e. solely within Use Class B1a) given valuation records of the property comprising warehousing as well as offices. This demonstrates the need to verify that the existing use when considering prior approval applications for a change of use.

Bere Court Farm Bungalow

13. This site and development has a complex planning history but, in essence, the scheme is for the erection of a new stable block and farm machinery store. Such a scheme was permitted under application 16/01419/COMIND to replace a former ramshackle stable building.
14. Essentially the two appeals sought to make changes to the permitted scheme, and the main issue was the effect on the character and appearance of the area. The building, as constructed, varied materially in multiple respects from the permitted scheme, and this also varied from the submitted drawings in both appeals. The Inspector made clear, that it is the submitted drawings in both appeals that are to be considered rather than what had been built.
15. The first appeal relates to conditions that were imposed on the planning permission approved by EAPC for a revised scheme. This appeal was allowed in part, but only in terms of the requirement to complete works (changing the design of the building) within 6 months. The other variations/deletions were dismissed as the conditions remained necessary.
16. The second appeal related to a further alternative design that was refused under delegated authority. The Inspector recognised that although the actual differences in size were minor, the loss of the overhang to the stable section diminished some of the equestrian character of the building shown in the permitted scheme. They also expressed concern with the degree of glazing in the main gable of the front elevation, together with extensive roof lights and chimney, which gave the stable and machinery building more of a domestic character. Whilst small individually, taken together these changes would result in a building which is materially different in design and form to the permitted scheme. This was considered harmful in the rural AONB location.

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