

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	13/00995/FULD Newbury	3 rd July 2013.	Construction of three, 3 bed houses. Land adjoining 12 Barn Crescent, Newbury. Sovereign Housing Association.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/00995/FULD>

Recommendation Summary: **The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the completion of a s 106 planning obligation.**

Ward Member(s): Councillors Bairstow and Edwards.

Reason for Committee determination: Called in by Councillor Edwards due to local concerns re. parking issues on Barn Crescent.

Committee Site Visit: 4th July 2013.

Contact Officer Details	
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1. Site History

12/00353/fuld. Construction of three 3 bed houses, plus a 2 bed unit with car parking. Withdrawn April 2012.

2. Publicity of Application

Site notice erected 15 May 2013. Expiry 5 June 2013.
25 neighbours notified. Expiry date 3 June 2013.

3. Consultations and Representations

Town Council:	Objection/comment: Members are concerned at removal of parking; out of character; concern at access and Members feel that nothing will alleviate this problem. If the development were to proceed, a £5,763 S106 contribution is requested towards the medium term plan for improvements to immediately adjacent open spaces at Barn Crescent and Elizabeth Avenue.
Highways:	Concerns with effective loss of local informal car parking adjacent the existing garages to be demolished on the site. A s278 agreement to re-provide these on adjacent dwelling curtilages is required. Traffic generation is acceptable as is parking for the new dwellings. Road will need to be widened by 0.6m to 4.8m plus new footway fronting the site. S106 SPG4/04 contribution of £9,000 in addition, is sought. Conditional permission accordingly is recommended.
Environment Agency	Application is one of low flood risk - consequently there are no objections to the proposal.
Housing Officer	It is proposed that all the units are for affordable purposes. This is supported. However see below for further explanation in the agenda report.
Public Open Space	£5763 requested under SPG4/04.
Education	£656 as above.
Library Service	£798 as above
Waste Services	Nil contribution requested under SPG4/04.
Adult Social Care	£2154 requested under SPG4/04.
Tree Officer	No trees of any special importance will be impacted by the scheme. No objections. Conditional permission.
Archaeologist	The application site lies adjacent the Newbury Battlefield site. However it lies in the existing built up area of the town, and is brown field. Taking these factors into account it is not considered that any archaeological assessment or programme of investigation and recording will be necessary in relation to the current proposal and that the development will not have a significant impact on the heritage asset that is the Newbury battlefield. No objections and no conditions recommended.
PROW	No objections.

Ecologist	No objections.
The Newbury Society	Strongly object to the application on the grounds of loss of car parking. The legal right to park on the site has been removed by Sovereign Housing, but considerable local parking pressures remain which will be exacerbated by this application.
Thames Water	Sewers cross the site. The applicant needs to be aware of this. Otherwise, no objections to the application.
Correspondence:	Nine letters of objection received. All concerned with the local parking difficulties that the application will create if the scheme proceeds, causing local distress and safety problems. Also some worries about local visual impact of houses and loss of orchard.

4 Policy considerations

National Planning Policy Framework 2012.
 West Berkshire Core Strategy 2006 to 2026.
 Policies CS6, CS14, CS17 AND CS18.
 West Berkshire District Local Plan 1991 to 2006 Saved Policies - Policy HSG1.
 Cil Regulations of 2010 Para 122.
 SPG4/04. Developer contributions amended /updated 2010.
 Newbury Town Design Guide

5. Description of Development

5.1. The applicant is proposing the demolition of the block of 6 garages on the site, and the erection of a terrace of three 3 bedroomed 2 storey houses. The houses will have fully hipped roofs and will be of traditional style and design. Each will have its own individual garden to the rear [west] facing the open fields that forms part of the Newbury Battlefield area / designation. To the north will be a new formalised vehicle [agricultural] access to the fields beyond. To the south will be an area of 6 car parking spaces set out in tandem for each dwelling i.e. a parking ratio of 2 spaces per dwelling. Cycle and bin stores are also to be provided. The dwellings will have a minimum set back from the highway of 3m and the site frontage will have a continued footway across it. The distance to No. 12 Barn Crescent to the north will be 8m. Effectively this modest terrace of new housing will extend the current crescent of dwellings as the submitted street scene drawings indicate. Finally, since the application site area is 0.1ha, the overall density of the scheme equates to 30 units per ha.

6. Consideration of the Proposal.

The application will be examined under the following planning issues:-

- 6.1. Policy HSG1 - principle, form and scale of the scheme.
- 6.2. Affordable housing.
- 6.3. Car parking /access issues.

6.1. Policy HSG1 in the Saved Local Plan.

- 6.1.1. Policy HSG1 in the current saved Local Plan provides that new housing is acceptable in principle within defined settlement boundaries, subject to a range of criteria being satisfied. Matters of impact upon local amenity, and upon the prevailing nature and character of the surrounding area are to be taken into account.
- 6.1.2. Firstly, the density of the scheme at 30 units per ha is at the “low” point of urban densities encouraged in the NPPF, for sites such as this. However, the application location is within a 1950s suburban estate which has a characteristically generous density, which is being adhered to in this scheme. Accordingly, the density is considered to be satisfactory.
- 6.1.3. Secondly, the design, scale and form of the new terrace equates well to the existing and mature, relatively attractive street scene in Barn Crescent, and indeed fully respects that overriding simple and rhythmic nature of semi detached housing, albeit this is a terrace of three units. The proposed elevations are kept simple, with brick and tile to match the existing dwellings. So, the nature of the site respects adjoining properties.
- 6.1.4. Thirdly, there will be virtually no overlooking of adjoining properties to the rear, [i.e. No. 12 Barn Crescent] by virtue of the separation involved, and the angle of the terrace facing in a more north westerly direction to the rear than the adjacent housing to the north. Given this, any overshadowing will also be minimal. Next, the plot sizes are all satisfactory, although it is recognised that given the physical site constraints to the rear, the configuration/garden sizes of plots 1 and 2 are not ideal, but still acceptable, in terms of overall space provided. In addition, facing west will assist in the amount of sunlight gained.
- 6.1.5. Finally, whilst there are a number of shrubs on the site, the Council’s Tree Officer does not consider that these need to be retained, but in the light of an appropriate landscaping condition, the loss of such greenery is considered to be acceptable. On this issue one objector mentions an “orchard”, but no such orchard exist on the site, and it would not be public in any event. Finally, it is understood that the applicant is willing to enter into the necessary s 106 planning obligation, should the application be approved by the Committee.

6.2. Affordable Housing.

- 6.2.1. In the original application description, it was proposed that all of the three units be for affordable purposes, at rent [i.e. not shared equity]. This was on the basis that it would be a surrogate site for application 13/00996/fulmaj at Himley Lodge in St Johns Road in Newbury. That scheme is proposing 13 flats, via new build and conversion. Policy CS6 provides for 30% of such applications to be for affordable use i.e. 4 units. The applicants were indicating that just one unit [shared ownership] at Himley Lodge be for affordable use however, with the balance being set out at Barn Crescent. In principle, the Local Planning Authority officers including support from the Council’s Housing Officer, has accepted this. It would [and still may] be achieved via a s106 agreement attached **ONLY** to the Himley Lodge application.

6.2.2. However given that the threshold in policy CS6 in the Core Strategy is 4 units and above, for any affordable units, the present freestanding application at Barn Crescent cannot provide [on its own] for any affordable housing. Accordingly, the s106 obligation to be attached will only involve developer contributions, and a s 278 [highway works]. This is not to say of course that should the applicant, being Sovereign Housing, still “make” the houses affordable, this would not be supported, given the obvious local need for such dwellings in the town, but this cannot be achieved via any agreement. Indeed it is the applicants written intention, subject to the necessary funding, that all of the units at Himley Lodge will be for shared ownership, and all three of the Barn Crescent units will be for affordable rent.

Car parking issues.

6.3.1. Members will appreciate that this is the predominant issue in the current application site. Such issues should be resolved to the satisfaction of officers and the Council as Planning Authority, in accordance with the advice in the NPPF, [para. 35 in particular], policy HSG1 in the Saved Local Plan, and policy CS14 in the Core Strategy. In this instance the applicants have submitted a detailed and comprehensive assessment of the local access and parking issues, by I Transport, which the Council’s Highways Officers have carefully examined, and indeed undertaken the necessary site visits.

6.3.2 It is the case that currently informal parking does occur on the hardstanding outside the garage block, which clearly alleviates any local parking pressures on the road in Barn Crescent. However, as the applicants have correctly pointed out, this is not “authorised” and has no legal basis. Having said that, they do recognise as a responsible land owner/ applicant that if the situation can be improved, they will endeavour to do so. Accordingly, they are willing to enter into a s278 highways agreement to undertake street works at their own cost, which will provide 3 vehicle cross over points at Nos. 11, 13 and 15 Barn Crescent, opposite the application site. This will then allow for on curtilage parking for those three dwellings where none exists at present, if the owners/ tenants so wish. In addition, the width of the road will be increased to 4.8m so if cars still park on the road, large vehicles will still be able to pass by safely. Since local highway safety is an issue raised by objectors, this should assist.

6.3.3 It is also understood that only one garage tenant within 400m of the application site [i.e. No. 11 Barn Crescent] has zero off street parking. Three other garages are rented by the occupier of No. 15 Barn Crescent who has 2 informal on curtilage parking spaces. One remaining garage is not leased and the other has a tenant over 400m distant. The re-provision arrangements noted above will resolve any possible parking problems created by the garages demolition. Finally, by providing 2 parking spaces per 3 bed unit on the application site itself, being in excess of the Council’s parking standards of 1.5 per 3 bed unit, this is considered to be generous, but perhaps sensible in the local context.

6.3.2. In writing, the legitimate local objections are well understood, but the Council’s officers are not in a position to recommend refusal to the application, on the basis of local parking issues, since, on technical / policy grounds, this cannot be justified, and would be difficult to defend at appeal.

7. Conclusion

- 7.1. The application site is an underused brown field are, within the settlement of the town. It is something of an eyesore, becoming increasingly dilapidated and unkempt. The NPPF and indeed the Core Strategy seeks to re-use such sites for more effective purposes, and this scheme achieves exactly that. There are not considered to be any amenity, design or density issues on which the application could be rejected, and the car parking issues have been assessed in some detail, to the satisfaction of officers, notwithstanding the local objections received and the Ward Members concerns.
- 7.2. The application has been considered in the light of the three strands of the NPPF. In economic terms, the application, if approved, will, on a temporary basis, provide housing in the District, and in environmental terms, these issues have been fully examined above.
- 7.3. Accordingly, in the light of the strong reasons to support the planning application, it is consequently recommended for approval, subject to appropriate conditions, and the required s 106 obligation.

8. Full Recommendation

The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the completion of a s106 planning obligation by the end of August 2013.

Should the agreement not be completed by that date the application be refused, if expedient, for the following reason:-

Notwithstanding the Local Planning Authorities acceptance of the application in principle, the applicant has failed to enter into the required s106 planning obligation, which would mitigate the impact caused by the new occupants of the housing, on the District's services, facilities and infrastructure. Accordingly, the application is contrary to the advice in the NPPF of 2012, policy CS5 in the West Berkshire Core Strategy of 2006 to 2026, para. 122 of the CIL Regulations, and the Council's SPG4/04 as amended. The application is thus unacceptable.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).should it not be started within a reasonable time.

2. Prior to the commencement of development, samples of the materials to be used in the proposed development shall be submitted on the application site, and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

3. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilage, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Saved Policy HSG1 of the West Berkshire District Local Plan 1991 to 2006.

4. Prior to the commencement of development details of floor levels in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed dwellings and the adjacent land in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991 - 2006.[Saved Policies 2007].

5. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. No development shall take place until details of a 1.5 (or 1.4 if insufficient space) metre wide footway to be constructed on the northern side of Barn Crescent, to link with the existing footway, have been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. The gradient of private drives shall not exceed 1 in 8 or, where dwellings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

8. No development shall take place until details of the surfacing arrangements for the vehicular access(es) to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access(es) for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

9. No development shall take place until visibility splays of 2 metres by 43 metres have been provided at the accesses. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. 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 (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

13. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

14. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy 2006 to 2026.

15. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

16. No dwelling hereby permitted shall be commenced, until the s278 works as agreed for vehicle crossovers to numbers 11, 13 and 15 Barn Crescent have been undertaken and completed to the satisfaction of the Highway Authority.

Reason: to ensure there is no undue parking pressures caused in the area, in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

17. The dwellings shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). No dwelling shall be occupied until a final Code Certificate relevant to it, certifying that Code level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

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