

Item No	Application and Parish	No.	8/13 Week Date	Proposal, Location and Applicant
(2)	17/02533/OUTD Newbury Town Council	13 <sup>th</sup> 2017	November	Outline application for erection of a single dwelling. Matters for consideration siting and scale other matters reserved.  Mr Barton  Land Adjacent To 4 Croft Lane, Newbury

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/02533/OUTD>

**Recommendation Summary:**                    **The Head of Development and Planning be authorised to REFUSE the application.**

**Ward Member(s):**                                Councillor Jeanette Clifford and Councillor Lynne Doherty

**Reason for Committee determination:**                    Called in by Councillor Doherty

**Committee Site Visit:**                                11th January 2018

**Contact Officer Details**

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## 1. Site History

- 78/09225/ADD Extension to existing house to provide additional bathroom bedroom and garage and alterations to provide utility room new sun room  
Approved September 1978

## 2. Publicity of Application

Site Notice Expired: 19<sup>th</sup> October 2017.  
Neighbour Notification Expired: 9<sup>th</sup> October 2017.

## 3. Consultations and Representations

<b>Newbury Town Council</b>	No objection/comment: 1) It appears to us that the technical note supplied by the applicant adequately addresses the concerns identified by the Highways Officer. 2) The concerns over the retaining wall marking the boundary with 6A Croft Lane should however be addressed.
<b>Highway Officer</b>	Object. The required visibility splay cannot be achieved. The new access would be sub standard and a hazard to road users.  If approved conditions to secure visibility splays, cycle store details, surfacing of access, parking and turning, construction method statement plus informatives are suggested.
<b>Waste Management</b>	No objection
<b>Trees</b>	No objection – there are a number of amenity trees within the site, mature trees adjacent to the site in Goldwell Park and a line of protected Lime trees along Croft Lane. Some established hedgerow would be lost to create the new entrance.  Conditions to secure works carried out in accordance with the submitted Arboricultural Survey, Impact Assessment and Protection Plan, erection of protective fencing and informative regarding tree protection good practice.
<b>Conservation</b>	No objection following confirmation that siting and scale to be considered at outline stage.
<b>Environmental Health</b>	No objection.
<b>No other consultation responses received</b>	No comments received from Drainage Engineer, Public Rights of Way, Thames Water, Access Officer
<b>Representations.</b>	3 letters of objection The main concerns are: <ul style="list-style-type: none"><li>• Impact on highway safety, inadequate visibility splays</li><li>• Accuracy of speed survey results</li><li>• Impact on neighbouring amenity</li><li>• Potential loss of light</li><li>• Impact on character of the area</li></ul> One letter of support

## **4. Policy Considerations**

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006- 2026 (WBCS), Housing Sites allocations DPD (2006-2026) and the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
  - National Planning Practice Guidance (NPPG)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 2: Newbury
  - CS 1: Delivering new homes and retaining the housing stock
  - CS 4: Housing Type and Mix
  - CS 5: Infrastructure requirements and delivery
  - CS 13: Transport
  - CS 14: Design Principles
  - CS 16: Flooding
  - CS 17: Biodiversity and Geodiversity
  - CS 19: Historic Environment and Landscape Character
- 4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
  - OVS.6: Noise Pollution
  - HSG.1: The Identification of Settlements for Planning Purposes
  - TRANS.1: Meeting the Transport Needs of New Development
- 4.5 In addition, the following locally adopted policy documents are relevant to this application:
- Supplementary Planning Document Quality Design (June 2006)
    - Part 1 Achieving Quality Design
    - Part 2 Residential Development
  - Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.

## **5. Description of Development**

- 5.1 This application seeks outline planning permission to erect a dwelling on garden land at 4 Croft Lane. The proposal is in outline form, and during consideration of the application was revised to include siting and scale for consideration at the outline stage. Other matters are reserved, although the submitted details also include details of means of access and proposed floor plans and elevations. The application also includes a detailed Planning Statement, an Arboricultural Survey, Impact Assessment and Protection Plan (Barton Hyett dated 11<sup>th</sup> April 2017) and a Highways Technical Note (Mode Transport Planning dated 5<sup>th</sup> September 2017).
- 5.2 The proposal is for a detached two storey dwelling comprising four bedrooms, two bathrooms, an integral garage, sitting room and open plan kitchen/dining/family room (external appearance is a reserved matter). The new dwelling would be accessed from Croft Lane, with a new access being created across the existing verge. Traffic to the site would enter Croft Lane from Speen Lane to the north.

- 5.3 Croft Lane is characterised by detached dwellings set back from the road, with the narrow road sloping downwards from north to south, verges, no kerbs and a number of protected Lime trees creating an avenue at the northern end and also individual trees on the western side. The lane is a private street, which is gated at the southern end and thus not a through road. The dwellings on the eastern side are mainly two storey. On the western side they are bungalows or chalet style. The proposed dwelling would be two storey, constructed approximately 2 metres from the boundary with the neighbouring two storey dwelling at 6a. There is a difference in levels along this southern side boundary of approximately 1 metre with a retaining wall forming this boundary. A gap between the new dwelling and No. 6a of approximately 3 metres is indicated on the submitted floor plan and site layout. The donor property to the north is a chalet style dwelling with the first floor contained within the roof. It sits approximately 1.5 metres higher than the main part of the application site. The rear boundary is formed with Goldwell Park and is the edge of the Town Centre Conservation Area.

## **6.0 Consideration of the application.**

The main issues for consideration in the determination of this application are:

- 6.1. The principle of the development
- 6.2. The impact on the character of the area including the Conservation Area
- 6.3. The Impact on neighbouring amenity
- 6.4. Highway impact
- 6.5. Community infrastructure Levy
- 6.6. The assessment of sustainable development

### **6.1 The Principle of Development.**

- 6.1.1 The NPPF takes the development plan as the starting point for all decision making, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy (adopted 2012), Housing Sites Allocation DPD and the Saved Policies of the West Berkshire District Local Plan 1991-2006.
- 6.1.2 The site lies within the identified settlement of Newbury, where there is normally a presumption in favour of development subject to consideration of material planning constraints and relevant policy considerations. Policy CS1 of the Core Strategy attracts full weight as a development plan policy adopted since the introduction of the NPPF. It states that new homes will be located in accordance with the district settlement hierarchy, and primarily developed on suitable land within settlement boundaries. This site currently forms part of the garden serving 4 Croft Lane. The proposal will subdivide the existing garden and create one additional dwelling within the identified settlement. The proposal is for a single new dwelling and is therefore acceptable in principle and will add to the existing housing stock.

### **6.2 Impact on the Character of the Area including the Town Centre Conservation Area**

- 6.2.1 Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The site is situated adjacent to the Town Centre Conservation Area where the existing character should be conserved and enhance under Policy CS19.
- 6.2.2 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD). Part 1 of SPDQD provides design guidance including key urban design principles. Part 2 of SPDQD provides detailed design guidance on residential development.

Part 3 of SPDQD provides a residential character framework for the prevailing residential developments in the district.

- 6.2.3 The scale and siting of the proposed dwelling are to be considered at this stage. Full detail of external appearance will be a reserved matter. The application is for a two storey dwelling of traditional style with rendered walls and stained timber panels, a brick plinth, plain clay tiled roof and chimneys. The details including layout, floor plans and elevations have been considered by the Conservation Officer and are considered appropriate to the existing character of the area. The siting of the new dwelling and changes to ground levels (there will be some cut and fill and spoil removal to create a level site) will ensure that the dwelling relates well to the sloping nature of the lane and the two neighbouring dwellings.
- 6.2.4 The proposed new access would result in the loss of part of the existing mature hedge. There are existing accesses within the road and this new access would be similar in appearance. The position of the access has been influenced by the protected mature Lime tree to the north. This tree is of high amenity value and contributes to the visual character of this part of Croft Lane, it is to be retained. Some existing amenity plants within the site will be removed to facilitate the development. The Tree Officer is satisfied that retained trees can be protected. Suitably worded conditions have been suggested.
- 6.2.5 It is considered that the proposed development would not adversely affect the character of the area, street scene nor visual distinctiveness of this part of the settlement or adjacent Conservation Area. The development will therefore comply with development plan policies ADPP2, CS 14 and CS 19 and advice set out within the NPPF.

### **6.3 Amenity**

- 6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The West Berkshire Quality Design SPD provides guidance on the impacts of development on neighbouring living conditions.
- 6.3.2 The dwelling will be positioned approximately 3 metres from 6a Croft Lane (to the south) and 8 metres from the donor property, No.4 (to the north). The scale and siting taking account of the sloping nature of Croft Lane will respect both the character of the area and amenity of neighbouring dwellings. Proposed windows in side elevations serve the garage, utility room and first floor bathrooms. These should not overlook neighbouring dwellings but could, by condition, be obscure glazed.
- 6.3.3 It is noted that the neighbouring dwelling at 6a is concerned that the integrity of the existing retaining wall forming the side boundary could be affected by the proposed development. This level of detail could either be secured by condition or addressed through Building Regulations. A gap of two metres is proposed between the new dwelling and this wall.
- 6.3.4 The Environmental Health Officer has not raised an objection to the proposal. Given the proximity to the neighbouring dwelling a condition to limit the hours of construction of the exterior of the building could be attached.
- 6.3.5 The development will therefore comply with development plan policies ADPP2, CS14, OVS.6 and advice set out within the NPPF.

### **6.4 Highway Impact**

- 6.4.1 This application is for a new dwelling including the creation of a new access onto a private street. The access would be across the existing grass verge where there is a large protected Lime tree to the north and shrubs to the south. The proposal includes details of

visibility splays and a technical note submitted in support of the proposal. This note concludes that the new access would not materially alter the lane environment or raise a highway safety concern to the existing operation of the lane or connection to the public highway network. The Highway Officer concludes that the achievable visibility splays are below standard and will not comply with advice set out within the manual for streets (MfS). During consideration of the application further details have been sought. However the constraints to visibility splays both to the south (shrubs on verge) and north (large protected Lime Tree on verge) are such that the access visibility splays would be substandard.

- 6.4.2 The Highway Officer has provided a detailed assessment (appended) of the submitted scheme and Technical Note and concludes that a new access must comply with the current guidance set out within the Manual for Streets. The proposed access would have substandard visibility splays in both directions due to the constraints on the verge. As it does not comply with the Manual for Streets, such an access could be to the detriment of pedestrian, cycle and highway safety.
- 6.4.3 The applicant claims that special consideration should be given to the lightly trafficked nature of the road, the fact that due to the gate at the southern end it is a no through road and the fact that there are other existing substandard accesses along the road. The Highway Officer cannot accept substandard visibility splays which could be detrimental to highway safety.
- 6.4.4 The proposed site layout can provide the required car parking provision (Zone 2 a minimum of 2.5 spaces excluding garage) to comply with policy P1 and secure covered cycle parking can be secured by condition.
- 6.4.5 This application cannot meet the required visibility splays for a new dwelling. The new access would therefore be substandard and could adversely affect highway safety. Consideration to the lightly trafficked nature of the 'no-through' road has been given. However it is not considered that an exception to the clear advice given by the Highway Officer would be acceptable. In particular given the fact that there are strong concerns in respect of pedestrian, cycle and highway safety.
- 6.4.6 The development will not comply with development plan policies CS13, TRANS1, current guidance set out in the Manual for Streets and advice set out within the NPPF.

## **6.5 Community Infrastructure Levy**

- 6.5.1 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations the proposal is liable for CIL. The CIL Charging Schedule sets out that the amount calculated is to be determined under the Newbury and Thatcham Residential Rate of £75 per m<sup>2</sup> (plus indexation). As this application is for outline planning permission, the amount of floorspace proposed will be calculated at the Reserved Matters Stage and a CIL liability Notice sent out with that decision.

## **6.6 Presumption in favour of sustainable development**

- 6.6.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 6.6.2 Future residents would make a contribution to the local economy, and the development would provide employment in construction for a short period. The environmental

considerations have been assessed in terms of the impact on the character and appearance of the area and the adjacent Conservation Area, neighbouring amenity and highway safety. The development would bring social benefits in terms of providing housing required to meet the needs of present and future generations. The proposal does not provide acceptable visibility splays and would, if permitted adversely affect highway safety. For this reason the development is not considered acceptable and would not constitute sustainable development.

## **7. CONCLUSION**

- 7.1. Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered the proposal is not acceptable and should be refused.
- 7.2. Whilst the proposal will not unduly harm the character and appearance of the surrounding area, Conservation Area or neighbouring amenity, the proposed new access would have inadequate visibility splays which could result in an adverse impact on highway safety for persons entering or leaving the site and other pedestrians and vehicles using the lane.

## **8. RECOMMENDATION**

**The Head of Development and Planning be authorised to REFUSE Planning Permission for the following reason:**

### **1. Inadequate visibility**

Visibility at the proposed development site access would be sub-standard and this would be a hazard to road users, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026.

DC.

## Appendix

Highway Officer Comments:

**Outline application for erection of a single dwelling. Matters for consideration - all matters reserved.**

### Access

A Technical Note (TN) has been submitted to accompany this planning application.

Paragraph 2.4 of the TN identifies that a 7-day speed survey was undertaken at the location of the telegraph pole in the vicinity of the proposed site access. The results of the speed survey have been summarised in Table 2.1. A wet weather factor has been applied to the whole of the survey data – did no rain fall during that week at all? A wet weather factor can only be applied on days where no rain fell – this should be clarified.

The 85<sup>th</sup> percentile recorded vehicle speeds were:

- Southbound – 18.7 mph (with wet weather factor applied = 16.2 mph)
- Northbound – 19.5 mph (with wet weather factor applied = 17 mph)

According to table 2.2 the required visibility splays from the proposed access based upon the above wet weather vehicle speeds are:

- 19.2 metres southbound,
- 20.2 metres northbound.

Table 7.1 on page 91 of *Manual for Streets* is reproduced below.

Table 7.1 Derived SSDs for streets (figures rounded).

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
SSD (metres)		9	12	15	16	20	22	31	36	40	43	56
SSD adjusted for bonnet length. See 7.6.4		11	14	17	18	23	25	33	39	43	45	59

Additional features will be needed to achieve low speeds

By my own calculations, using the above table, the following splays should be provided:

- Southbound - 18.7 mph = 22.5 metres (approx) or 18.4 metres with wet weather factor.
- Northbound – 19.5 mph = 24 metres (approx) or 19.6 metres with wet weather factor.

Section 4 of the TN identifies that the achievable visibility splays are:

- 2 metres by 25 metres to the north measured to the nearside carriageway edge,
- 2 metres by 10 metres to the south measured to the centre-line.

A set-back of 2 metres has been utilised. Paragraphs 7.7.6 and 7.7.7 of *Manual for Streets* state that:

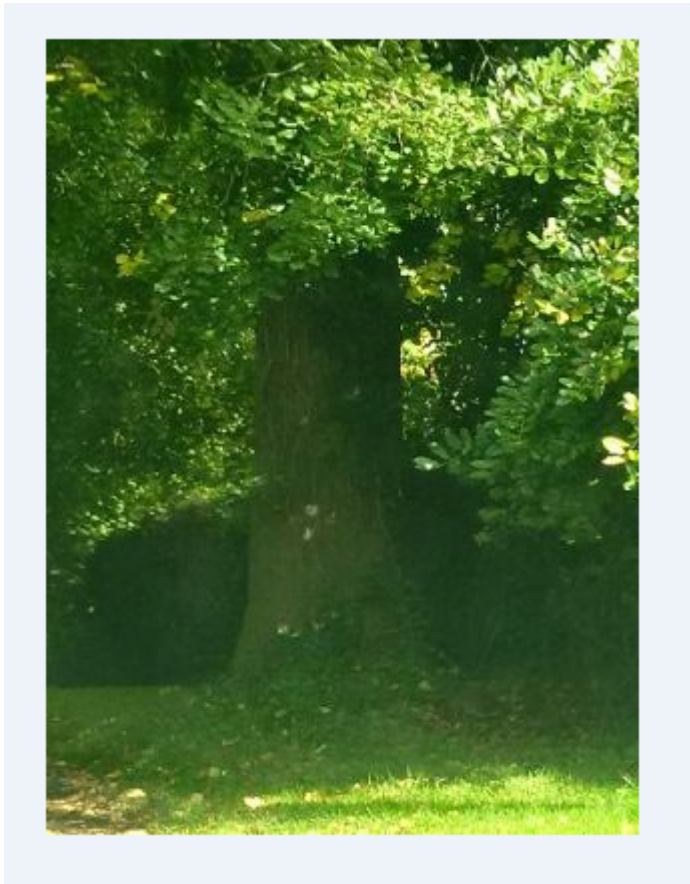
*“An X distance of 2.4 m should normally be used in most built-up situations.....A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm.”*



A set-back of 2 metres is therefore already a relaxation on the required visibility splays from this new access. In addition, the submitted access plan proposed some road markings fronting the access which would push vehicles further into the carriageway. These road markings are not considered to be appropriate on this lightly trafficked Private Street. The set-back must be taken from the back edge of the carriageway.

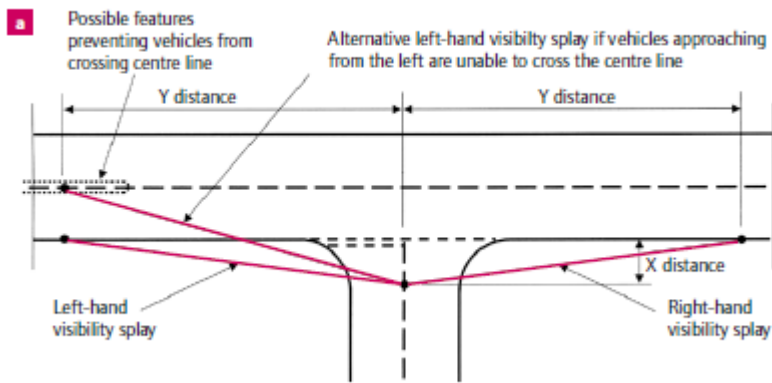
To the north of the access there is a wide tree trunk that obstructs the visibility splay in this direction. Whilst *Manual for Streets* accepts some obstructions such as telegraph poles, this tree trunk is much wider than this.

Site Photo – Tree to the north



To the south, the achievable splay is approximately 5 metres to the nearside carriageway edge. This is significantly below the splay required in this direction – potentially 24 metres.

Figure 7.18 Page 93 of *MfS* (copied below in Figure 1) identifies that visibility splays must be shown to the nearside carriageway edge unless there is a feature preventing vehicles from crossing the centre-line.



This is not the case in this instance, although it is acknowledged that the carriageway is relatively narrow in this location.

The reason for the sub-standard visibility splay to the south is existing vegetation. In the photograph below, the vegetation is within the foreground, with the proposed access from the grassed area behind.

Site Photo – Vegetation to the south of the access



The photograph demonstrates that this vegetation presents a significant obstruction to visibility and a vehicle exiting the access would need to protrude out into the carriageway before the driver would be able to see whether there was a vehicle approaching from the south. I have received confirmation that the highway boundary extends across the width of the lane to the property frontages. Technically therefore, this vegetation is within the public highway, although not maintainable at public expense.

Reference has been made to existing dwellings in the vicinity that have sub-standard visibility. This is not relevant to the provision of a new access. Any new access should comply with current guidance which, in this instance, is as set out in *Manual for Streets*.

A speed survey was requested, and subsequently undertaken in the vicinity of the proposed access. It would therefore be remiss to accept a sub-standard visibility splay that does not comply with guidance set out in *Manual for Streets* which could be to the detriment of pedestrian, cycle and highway safety in this location.

There is a telegraph pole that has not been shown on the submitted plans and may need to be relocated as a result of this application. If this is required, this would be at the expense of the applicant. The location of this must be made clear on the plans.

### Car Parking and Cycle Storage

In this location – I believe this is just into Zone 2 - a minimum of 2.5 driveway car parking spaces must be provided for a dwelling with 4+ bedrooms. Garages are not included as car parking spaces. Cycle storage provision must also be made. This can either be within a garage or within a shed in the rear garden.

## **West Berkshire Council November 2015 Proposed Submission Housing Site Allocations DPD**

### **5 Parking Standards for New Residential Development**

#### **Policy P 1**

#### **Residential Parking for New Development (page 101)**

Bedrooms	Flats (+1 additional space per 5 flats for visitors)			Houses			
	1	2	3	1	2	3	4
Zone 1	0.75	1	2	1	1	2	2
Zone 2	1.25	1.5	2	1.25	2	2.5	2.5
Zone 3	1.5	1.75	2	1.5	2	2.5	3
EUA Zone	1.5		2	1	2	2	3

### Summary

A speed survey was undertaken in the vicinity of the proposed access to establish actual 85<sup>th</sup> percentile vehicle speeds in this location. *Manual for Streets* has been referred to, to calculate an appropriate visibility splay from this new access. To the south to the nearside carriageway edge only around 5 metres can be achieved as submitted, to the north there is a wide tree trunk within the splay.

This is a new access serving one new dwelling. It must therefore comply with the latest highway guidance. The following visibility splays must be achievable at any new access in this location:

- 2\* metres by 24\*\* metres to the south to the nearside carriageway edge.
- 2\* metres by 22.5\*\* metres to the north to the nearside carriageway edge.

\*measured from the back edge of the carriageway without the proposed road markings.

\*\*these splays are based on the results of the speed survey without the wet weather factor being applied given there has been no evidence submitted as to whether the whole week was dry.

Although this is an outline application with all matters reserved, I am of the view that the above must be provided on a plan to identify whether it is achievable without obstructions – this includes the tree trunk currently within the splay to the north.

If we are unable to recommend refusal of this application due to the proposed access not for consideration at this stage, then the above visibility splay should be conditioned along with parking details to be submitted; cycle storage details to be submitted; access surfacing to be bonded for a minimum of 3 metres; CMS; plus informatives HI1; HI3; HI4 and HI8. It should however be noted that if this application is approved, any reserved matters application that cannot achieve the above splays at the access would be recommended for refusal by highways.

### Recommendation

In the absence of the above visibility splays, the highway recommendation is for refusal as set out below, if this is possible on this outline application:

#### **HR 13 Inadequate visibility**

Visibility at the proposed development site access would be sub-standard and this would be a hazard to road users, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026.