

NEWBURY 16/03562/OUTD PINS Ref 3185716	Upcot, Tydehams Newbury	Renewal of application no. 01/00254. Demolition of existing dwelling house, redevelopment with residential care home - matters to be considered access, layout and scale.	Refused	Allowed 27.3.18
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Procedural Matters

The application was submitted in outline with appearance and landscaping reserved for future consideration, and the Inspector had considered the appeal on this basis. The Appellant's appeal form describes the planning application as having been submitted on 7 February 2017, whereas the Council's refusal notice describes the application as having been submitted on 20 December 2016. The Council's suggested conditions refer to the plans on which the Council took its decision, and these are the same plans as those referred to by the appellant. The Inspector was therefore satisfied that the appropriate plans have been considered at application and appeal stage and have taken the application date to be 7 February 2017.

Following the Council's refusal the applicant has submitted an alternative layout with the appeal documents showing revised locations for parking spaces within the appeal site. The number of parking spaces has been reduced from 18 to 17. Some of the parking spaces would be slightly closer to the boundary of No. 139 Andover Road than would be the case with the original application. These would however be the furthest from the entrance to the care home and therefore the least likely to be used. Moreover, the parking for the existing house is close to the boundary with No. 139 and was in use at the time of his visit. The existing garage for the appeal site is also close to this boundary. As a result of these factors, he did not believe that his consideration of this alternative parking arrangement would prejudice any interests of acknowledged importance, and he had considered the appeal on this basis.

Decision

The appeal is allowed and planning permission granted for the demolition of an existing dwelling house and redevelopment with a residential care home at Upcot, Tydehams, Newbury, West Berkshire, RG14 6JT in accordance with the terms of the application Ref 16/03562/OUTD, dated 7 February 2017, and subject to the conditions listed at the end of this decision.

Main Issues

The Inspector considered the main issues in this case to be:

- i) whether the proposal would have a harmful effect on the character and appearance of the surrounding area;
- ii) the effect of the proposal on highway safety;
- iii) the effect of the proposal on protected species; and
- iv) whether the proposal would comply with BREEAM sustainability assessment requirements.

Reasons

Character and Appearance

The appeal site comprises a corner plot containing a large detached house. The site bounds a verdant section of one of the main roads into Newbury, and the surrounding area contains examples of recent residential development within this garden suburb.

The Council's committee report accepts the principle of redevelopment on the appeal site, and indeed a similar proposal was granted planning permission in 2001. The proposed care home would be much larger in scale than the existing house in terms of its footprint and built volume. The width and ridge height of the west elevation of the proposed footprint would however be only a little greater than exists at present. Whilst the width of the south elevation of the proposed footprint would be much greater than exists at present, the illustrative elevation provided with the application shows that it could be broken up by the inclusion of a gable and dormers.

The proposal would therefore relate to the scale and density of its surroundings as required by Core Strategy1 (CS) Policy ADPP1 and indeed CS Policy CS4 which seeks higher residential densities along main transport routes. Furthermore, the footprint would generally respect the building lines of Tydehams and Andover Road

at this location. It would include some parking between the building and Andover Road, but this would not be unusual for the surrounding area.

The presence of a larger building on this corner plot would thus not be inappropriate in terms of the character of Andover Road, and indeed more generally. This is because the proposal would provide a corner plot book end to the pattern and character of the surrounding development in terms of its location and scale, as sought by CS Policies CS14 and CS19. Furthermore, the prevailing character of Tydehams and the nature of the cul-de-sac, with its informal road layout and art-deco housing, would remain beyond the corner plot. The Inspector was therefore satisfied that the proposal would not create a precedent for redevelopment further back into the cul-de-sac

The two highway boundaries of the appeal site and its Tydehams boundary are lined with mature trees, some of which are protected by a Tree Preservation Order (TPO). These are a very important element in the character and appearance of the surrounding area. The proposal would result in the loss of one of these trees, a horse chestnut, which is currently protected by the TPO.

The appellant's arboricultural impact assessment shows the tree to be subject to honey fungus together with the presence of dead bark and generally low vigour. The assessment advises that, in view of its condition, this tree should be removed within 10 years in any event. The Council has questioned the variety of honey fungus, as not all are said to have a detrimental effect on the host tree, although this information has not been submitted. On the basis that the assessment records that the health of the tree is already suffering, the Inspector agreed with the advice in the assessment.

The removal of the tree as part of the appeal proposal would also ensure that appropriate replacement planting was carried out. This may not be the case if the tree was removed for safety reasons at a later date. He therefore did not consider that the proposed removal of the tree adds weight in support of dismissing the appeal.

A healthy beech tree is situated within the appeal site at the highway corner of the plot. The assessment advises that it has a remaining life of between 20 to 40 years. A retaining wall alongside Andover Road is situated in close proximity to this tree, and the highway provides hard surfacing beyond this wall.

The proposal would include the reconstruction of this retaining wall to a position some 1m towards the tree in order to improve highway visibility at the nearby junction. Any work to remove the existing wall would be undertaken by hand, and any foundations would be left in place. Work to construct the new wall would again be undertaken by hand, and the wall would be supported by an above ground beam, rather than below ground foundations, resulting in limited and controlled ground disturbance. All of this could be regulated by the imposition of an appropriate condition

In the Inspector's view, the proximity of the existing wall and the highway must have a great impact on the spread of its rooting system. Any roots in the direction of the wall and beyond would have to pass below the foundations of the existing wall and indeed the road construction. He was satisfied that these roots would remain undisturbed as a consequence of the proposal.

The application proposal layout included a number of vehicle parking spaces within the root protection area (RPA) for this beech tree, and indeed RPAs for others. In his opinion, this layout would have placed an unacceptable burden on this tree and the other trees nearby. The alternative layout, already noted, would only result in minor conflict between the tree RPAs and this type of construction. Moreover, the RPAs used in the assessment include an offset away from the road to account for the proximity of the wall and the highway.

The conflict areas would comprise the rear and side part of a single parking bay and a small peripheral area of manoeuvring space which would not be likely to be heavily trafficked. An area including and around these conflict areas would be subject to no-dig construction controls, again required by condition.

Furthermore, the alternative layout would include more nearby grassed and landscaped areas than would be the case with the application proposal.

A similar situation would occur with the RPA for an oak tree in the north-west corner of the site. This area of conflict would again not be likely to be heavily trafficked. It would be accommodated by the use of ground

protection area controls, required by condition, within which mechanical and other damaging work would be minimised.

Along the Merricot boundary in the south west corner of the site, there would be limited conflict between the construction work immediately outside of the building footprint and the RPA of a douglas fir tree. This tree has the benefit of protection under the TPO. Work in this area would however again be regulated by the imposition of a ground protection area. A similar situation would occur with the RPA for a beech tree in this area of the site.

In view of the alternative layout and the regulation of the construction work proposed, the Inspector considered that the proposal would not have an unacceptable effect on the health of TPO protected and other trees. The proposal would therefore retain the well wooded, prosperous and set back nature of this key gateway approach into the town of Newbury, as sought by CS Policies ADPP2 and CS18 and the Council's Supplementary Planning Document (SPD). It would also protect the particular landscape of this area in accordance with Local Plan3 (LP) Saved Policy HSG1.

It has also been suggested that the proposal would affect the benefits that the trees in this locality provide in terms of screening Newbury from a nearby Area of Outstanding Natural Beauty. From what he had seen at and around the appeal site, the Inspector did not consider that any material adverse effect on this screening would occur.

The Inspector recognised that the proposal would significantly increase the proportion of building footprint and hardstanding on the appeal site. This would not however be readily apparent from the surrounding area, as the main effects would be the extent of the Tydehams elevation and the parking areas, which he had already considered. In terms of the visible use of the appeal site, it would be much more intensive than occurs at present. From the indicative appearance of the elevations however this would not necessarily lead to a harsh commercial atmosphere.

There would be some shading of the elevations of the proposed building from trees in the south east corner of the site in the morning and around mid-day. This is however a verdant area, and such shading is to be expected and should be weighed against the benefit of the visibility of the vegetation and its seasons to the occupiers of nearby rooms. The proposed parking spaces are not located below tree canopies. Any tree detritus would therefore be of a blown, and not falling or dripping, nature with far less risk of vehicle damage. The Inspector therefore did not consider that the trees would be under any greater pressure to be lopped or felled than would be the case in any event.

The Inspector therefore concluded that the proposal would not necessarily have a harmful effect on the character and appearance of the surrounding area. He further concluded that it thus would not conflict with CS Policies ADPP1, ADPP2, CS4, CS14, CS18 and CS19, LP Saved Policy HSG1 or the Council's SPD.

Highway Safety

Traffic relating to the proposed care home would access Andover Road, and the remainder of the highway network, at its junction with Tydehams, and he used this junction at his site visit. The generation of traffic related to the proposed care home would result in an increase of traffic of some 8% on Tydehams.

Visibility to the north along Andover Road when exiting Tydehams is both sub-standard and poor, with some 20m available along the kerb line compared to a standard of 43m. From the north, the approaching traffic is in the nearest running lane on Andover Road. The proposed relocation of the retaining wall on the boundary of the appeal site would improve this visibility to some 54m, and the Inspector was satisfied that this would be beneficial in terms of highway safety.

Visibility to the south along Andover Road when exiting Tydehams is again sub-standard, with some 20m available along the nearest kerb line compared to a standard of 43m. From the south, the approaching traffic is in the farthest running lane on Andover Road. To the centre of the carriageway, which is the nearest side of the running lane from the south, the visibility is some 60m which, in relation to this running lane, he found to be acceptable in terms of highway safety.

There is however the matter of vehicles travelling from the south on the opposite side of the road when overtaking slow or parked vehicles. Drivers exiting Tydehams would however see slow vehicles and be unlikely to pull out on them. The likelihood of parked vehicles requiring overtaking within the visibility splay

and potential conflict is much less than potential conflict with all traffic from the north, even with the 8% traffic increase resulting from the care home. He was therefore satisfied that the proposal would mitigate its impact on the local transport network, as sought by CS Policy CS13, by the improved visibility of vehicles from the north which would improve overall highway safety at this junction.

In terms of pedestrian safety, the improvement in visibility to the north along Andover Road at the Tydehams junction would also benefit pedestrians crossing Andover Road. This benefit would outweigh any harm from the additional 8% traffic at the junction.

The Inspector was satisfied that sufficient parking would be provided for staff and general visitors. He recognised that there could be peaks in visiting at the care home, but Tydehams is a cul-de-sac and not heavily trafficked, giving the opportunity for occasional highway parking.

The Inspector therefore concluded that the proposal would not have an unacceptable adverse effect on highway safety, and he further concluded that it thus would not conflict with CS Policy CS13.

Protected Species

The appellant undertook bat and emergence surveys in 2012. These described the building on the appeal site as having a medium/low/negligible habitat value for bats with no suitable features for roosting opportunities, and no emerging or roosting bats were found. Moreover, the National Biodiversity Network has no protected species recorded from the site. Some common minor activity of species was however recorded in the surrounding area. Whilst there is therefore no evidence that bats may be affected by the proposal, in view of the timing of the previous survey, it would be necessary for the survey to be updated should he allow the appeal.

The Inspector therefore considered that the proposal would not harm habitats or species of principal importance for the purpose of conserving biodiversity as required by CS Policy CS17.

He therefore concluded that the proposal would not have an unacceptable adverse effect on protected species, and he further concluded that it thus would not conflict with CS Policy CS17.

BREEAM Sustainability Assessment

The application is at outline stage with appearance to be considered at a later date. Much of the design therefore still has to be submitted to the Council, and it is at this later stage that BREEAM requirements should be considered in accordance with CS Policy CS15. In the Inspector's view, should he allow the appeal, any BREEAM requirements could be satisfied by the imposition of an appropriate condition, to be discharged before work commences on site.

The Inspector therefore concluded that the proposal would not necessarily contravene BREEAM standards, and he further concluded that it thus would not conflict with CS Policy CS15.

Other Matters

The east facing elevations of the proposed building would face the adjoining residential property, Merricot, including its main entrance elevation and rear garden. The illustrative elevations provided with the application do not however show any first floor windows on the nearest part of the east facing elevations. Moreover, the other east facing elevations would be set further back from the boundary of Merricot, leaving sufficient separation to avoid any harmful loss of privacy to the occupiers of Merricot. The Inspector was therefore satisfied that there would not necessarily be any harmful effect on the living conditions of the occupiers of Merricot as a result of the proposal in this regard.

The garden area around the proposed building would not be likely to have any more intensive use than could be the case with the existing residential property. The proposed parking and manoeuvring areas would be generally situated between the building and the surrounding roads with the exception of the northern boundary of the appeal site. Here, some parking spaces would be situated near the boundary with No. 139 Andover Road. The location of these spaces would however be similar to those for the existing house, which were in use at the time of his site visit, and its garage. Moreover, the proposed spaces would be the furthest from the main entrance to the care home and would thus likely to be the least used. In view of all of the above points, the Inspector was satisfied that the proposal would not have an unacceptable impact on nearby occupiers in relation to privacy, noise or disturbance.

The appellant has provided a swept path analysis for larger vehicles within the site, and there has been no objection from the highway authority in this regard. On this basis, he was satisfied that sufficient space has been made available for this purpose

The Inspector understood that some revisions may have to be made to the internal layout provided with the outline application. Such matters are covered in more detail under other statutes outside of the planning application but, if any changes to the outline proposal are required, then they could be dealt with in the usual manner under the planning regime. Changes may also have an effect on the illustrative elevations provided with this application, but these are to be considered at a future time following any detailed application for matters of appearance.

The Inspector recognised that access to local facilities from the care home could be described as limited. The home would however be situated in a generally sustainable suburban location in terms of travel distances. Any deficiencies in the accessibility of local services from the appeal site would not therefore weigh against the proposal.

The Inspector's attention had been drawn to another proposed care home in the locality. The Council has not raised any land use planning issues in relation to the proposal, and need or viability is not an issue in this case and he had therefore considered the proposal as submitted, notwithstanding the location of the other proposal.

It has been suggested that a covenant exists on the appeal site which would prohibit the proposed development. This is however a matter for those legally involved in the land concerned and is not a matter for this appeal.

Conditions

The Inspector considered that conditions would be necessary in relation to tree protection, landscaping, fencing, floor levels and spoil use or disposal to protect the character and appearance of the surrounding area. Conditions would be required in respect of a noise scheme, a construction method statement, construction hours, obscured glazing and land use to protect the living conditions of nearby occupiers. It would be necessary to impose conditions in relation to the intended footway, parking and turning areas and a visibility splay in the interests of highway safety. Conditions would be required in respect of a cycle store and BREEAM standards in the interests of sustainable development.

Biodiversity interests would also need to be secured by the imposition of a condition relating to ecology. He was satisfied that it would be necessary to impose the condition to ensure that the development only proceeded with the appropriate licence and mitigation in place. He was also satisfied that there is a reasonable prospect of any necessary licence being granted. This is on the basis of public interest, there being no satisfactory alternative and that the development would not be detrimental to the maintenance of a favourable conservation status at its natural range.

It would be necessary that the development should be undertaken in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition would therefore be required to define the approved plans. He would also amend the conditions suggested by the Council in the interests of precision and enforceability. The Council has suggested a condition in respect of external materials. This would however be a matter for consideration following the submission of detailed matters in respect of appearance, and the imposition of such a condition at this stage would be unnecessary.

Conclusion

Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and the Inspector's conclusion was based on the evidence before him in terms of policy as a whole. For the reasons given above, he concluded that the appeal should be allowed.

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