

Title of Report:	Travis Perkins site , Mill Lane , Newbury Application no. 11/00092/FULEXT . Erection of 54 dwellings with 23 live work units.
Report to be considered by:	District Planning Committee
Date of Meeting:	8 June 2011
Forward Plan Ref:	N/A

Purpose of Report: For the District Planning Committee to determine the application in question.

Recommended Action: The Head of Planning and Countryside be authorised to refuse the application for all four reasons as set out on the agenda report for Western Area Committee dated the 13th of April 2011.

Reason for decision to be taken: Referred to District Committee by Members of the Western Area, with a resolution to refuse, but with the deletion of reason for refusal relating to policy ECON1.

Key background documentation: Western Area Planning Committee agenda dated the 13th of April 2011, update sheet, plus minutes of that meeting of agenda item no 1.

The proposals contained in this report will help to achieve the following Council Plan Theme:

CPT2 - A Cleaner and Greener West Berkshire – a better place to live

The proposals will also help achieve the following Council Plan Outcomes:

CPO4 - High Quality Planning

The proposals contained in this report will help to achieve the above Council Plan Themes and Outcomes by:

If refused, retaining employment land as protected under policy ECON1, if approved, then providing more housing in a sustainable location, with a % of further affordable housing.

Portfolio Member Details	
Name & Telephone No.:	Councillor Alan Law
E-mail Address:	alaw@westberks.gov.uk

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel. No.:	01635 519111
E-mail Address:	mbutler@westberks.gov.uk

Implications

Policy: Implications for the Development Plan particularly in relation to Policies ECON1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP) in terms of the need to conserve employment land over the Plan period to 2026.

Financial: If the application is approved the Council will receive a figure of £367,316 plus 16 affordable units. This corresponds to the contributions under spg4/04 .

Personnel: Nil

Legal/Procurement: Nil

Property: Nil

Risk Management: Nil

Equalities Impact Assessment: Nil

Executive Summary

1. Introduction

- 1.1 The application before the Committee is outlined in Appendix 1 which includes the Officer's report, update and minutes, on the proposed development considered at the Western Area Planning Committee on the 13th of April 2011..
- 1.2 The application seeks to erect on site 54 dwellings, to include 23 live work units. There is to be associated car parking, with one vehicle access off Mill Lane to the north. All the details are set out in the attached main agenda report as Appendix 1.
- 1.3 Since the Western Area Committee date the applicants have formally submitted the following revised plans—parking covenants plan, parking spaces drawing storey heights plan, revised street scenes, and planning layout drawing. These were available for the western area meeting but only after that meeting has the Council had an opportunity to formally advertise the amended plans. No public response has been received to the plans other than from Greenham Parish Council who make the following points.
- 1.4 1- It is repeated that the retention of the live work units cannot be adequately conditioned so as to retain them in perpetuity. 2- If the application is approved now it will undermine the Councils emerging core strategy in protecting employment land via ECON1 3-.This is especially in the light of continuing pressures arising for jobs given the existing commitments in the parish for further housing –cf the Racecourse site – 09/00971/outmaj refers. 4-What is to stop the live work units being used as bedrooms? In regard to the last point, officers comment is that it would be difficult to control the future use of the live work units , particularly in regard to any potential enforcement issues.
- 1.5 Regarding the now submitted amended plans the Highways Officer is still concerned regarding the car parking provision. Many of the proposed houses have undercroft garage car parking. According to Manual for Streets less than half of garages are used to park vehicles. In this case the garages are extensive in size, and therefore this increases the likelihood that they will be used to park vehicles, however they are only really large enough to park one vehicle for what will be in many instances large three bedroom town houses. Even though the site is within a sustainable location, the Highway Officer considers that one car parking space is insufficient for the dwellings. This will result in the occurrence of car parking on street and on footways fronting the dwellings to the detriment of highway safety, flow of traffic and appearance of the street scene. To overcome this issue, the applicant has suggested the provision of covenants that would preclude the provision of garage doors that would enable two vehicles to park within the undercroft, however once the development is completed, it will be very difficult to enforce against future residents providing garage doors, and therefore this is not considered to be an adequate solution. The Highways Officer considers that realistic levels of car parking to cater for demand of ownership are required and that the car parking is provided within view and close proximity to the dwellings served. This has not been possible to provide within the confines of the existing design and therefore the Highway Officer still recommends refusal.
- 1.6 For clarity, members will note that at the Western Area Committee meeting, whilst the committee resolved to reject the application, this was only on 3 grounds, namely the lack of a s 106 planning obligation, a lack of on site parking, and poor design, mass

and scale, leading to an impact upon local amenity .That is, the reason for refusal based on policy ECON1 was deleted . Officers are of the view however that notwithstanding this “removal” extant policy still remains in place in the Local Plan 1991 to 2006 [saved September 2007] so the DPC **must** still consider the policy ECON1 issue in their determination of this planning application.

2. Conclusion

- 2.1 Planning officers are continuing to recommend a firm rejection of the application for the reasons as set out in the principal report. If however the committee are minded to approve the application it will first need to be referred to the National Planning Casework Unit for 21 days to determine if the Secretary of State wishes to “call in” the application for his decision. Members are also reminded that if the application is not called in and accordingly resolved to be approved, this will require the completion of a s106 planning obligation before an approval decision can be issued.

3. Recommendation

That the Head of Planning and Countryside be authorised to REFUSE planning permission for the following reasons:

- 3.1 The applicant has failed to enter into a s106 planning obligation which would mitigate the impact the new occupants of the housing would have upon the Districts services, facilities and infrastructure, and provide planning gain in the form of affordable housing. Accordingly the application does not comply with policies ovs3 and HSG9 in the West Berkshire District Local Plan 1991 to 2006 [saved September 2007] policy CC7 in the South East Plan May 2009, the advice in Circular 5/2005 and the 2010 CIL regulations and the Councils spg4/04 as amended. Accordingly the application is unacceptable.
- 3.2 The application site is for principally housing, notwithstanding the element of 23 live work units in the application scheme. The application site lies on a designated employment site as noted within policy ECON1 in the Councils Local Plan 1991 to 2006 [saved September 2007] . Within such sites , the protection of employment land for the future , to 2026 is required , particularly in such sustainable locations as this , as noted in PPS4 advice .Given also the emerging policy advice in CS10 in the West Berkshire Proposed Submission Core Strategy, and the advice in policy RE3 in the South East Plan of May 2009, the consequent loss of this protected employment site is considered currently unacceptable and premature to the Councils future site allocations DPD which will be considered over the coming years.
- 3.3 The application scheme comprises the erection of 54 dwellings. A number of the proposed units are to be constructed at a such a height , massing and overall scale that there will be not only a demonstrable and harmful impact upon adjoining residential amenity , by virtue of both overshadowing and overlooking, but given the small plot sizes and layout of the application scheme , the amenity of future occupants will be harmed by overlooking and overshadowing in addition, leading to overall loss of privacy and a poor living environment , contrary to policy OVS2 in the West Berkshire District Local Plan 1991 to 2006 [saved September 2007] . Furthermore, it is considered that the elevations and design of the proposed housing

is poor giving rise to unattractive street scenes leading to a lack of coherent character and sense of place, contrary to the advice in PPS3 and the Councils own design guidance .The scheme is thus considered to be an unacceptable overdevelopment of the site contrary to well established policy as noted above.

3.4 The application provides only an average of 1.98 parking spaces per dwelling. Given the nature and scale of the housing proposed, and the nature of undercroft parking in 31 of the dwellings, it is considered that there is a lack of parking which will lead to severe pressures for on street parking, not only within the site but also on the local highway network causing harm to local highway safety and local amenity .The application is thus contrary to the advice in PPG13 and policy OVS2 in the West Berkshire District Local Plan 1991 to 2006 [saved policies September 2007],

Appendices

Appendix 1 - Agenda Report for 11/00092/fulext –Western Area Committee of the 13th April 2011.

Appendix 2 - Update paper.

Appendix 3 - Minutes of the Western Area Committee of the 13th April 2011.

Consultees

Local Stakeholders:	Town Council, Environment Agency, Thames Valley Chamber of Commerce, Sovereign Housing
Officers Consulted:	Gary Rayner, Development Control Manager Highways Officers, Western Area Planning
Trade Union:	N/A