

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(6)	19/00577/FULD  Newbury Town Council	17 May 2019*	New single family dwelling  6 Northwood Drive, Newbury, RG14 2HB  Mr Hamey and Mrs Woodhead
*Extension of time agreed with the applicant until 5 July 2019			

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00577/FULD>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **GRANT** PLANNING PERMISSION subject to conditions

**Ward Members:** Councillor Jeff Beck  
Councillor Jeff Cant

**Reason for Committee Determination:** The application has been called into planning committee at the request of Cllr Beck. In addition, it is recommended for approval and is subject to in excess of 10 letters of objection

**Committee Site Visit:** 3<sup>rd</sup> July 2019.

Contact Officer Details	
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## **1. RELEVANT PLANNING HISTORY**

- 1.1 18/00876/FULD – New single family dwelling.  
Refused – 23.03.2018 on grounds relating to a lack of external amenity space for the existing and proposed dwellings and that the proposal would harm the character and appearance of the area.  
Planning Appeal - Dismissed 09.01.2019 on grounds relating to the lack of external amenity space for the existing dwelling no. 6 Northwood Drive (considered in more detail below).
- 1.2 17/00772/FULD - New single family dwelling.  
Refused - 19.05.2017 on grounds relating to a lack of external amenity space for the existing and proposed dwellings and that the proposal would harm the character and appearance of the area.

## **2. SITE DESCRIPTION**

- 2.1 The application site is located within the identified settlement of Newbury, located in an established residential area of Shaw to the northeast of Newbury town centre and north of the A4. Northwood Drive is a cul-de-sac comprising 29 two-storey dwellings constructed in the 1970's. These are mainly semi-detached dwellings with three groups of terraced dwellings at the western end and a garage parking court. The semi-detached dwellings all have off street parking including single garages. The terraced dwellings have access to a garage block. The dwellings are set back from the road, most with dwarf walls forming the front boundary. To the rear most dwellings have good sized private back gardens in proportion to the dwellings. On the eastern side of the road, coming from Kiln Road, is a wide grass verge with a row of protected trees.
- 2.2 The application site is a corner plot rectangular in shape and currently forms part of the front/rear and side garden serving No. 6 Norwood Drive. This existing semi-detached dwelling has its rear/side garden enclosed by a 1.8 metre high fence and garage located to the rear.

## **3. PROPOSAL**

- 3.1 This proposal relates to the erection of a two-storey three bedroom dwelling to be attached to the eastern side of the existing semi-detached dwelling (No. 6 Northwood Drive). The new dwelling would measure approximately 5.5m in width x 9m in length x 8.5m in height to gable roof. It would comprise lounge, kitchen diner and WC on the ground floor with three bedrooms and family bathroom on the first floor.
- 3.2 The proposal would provide three off road car parking spaces for the new dwelling and two for the existing dwelling via dropped kerb access. The proposed parking spaces would be located to the frontage. The proposal would essentially create a terrace block of three dwellings from the existing pair of semi-detached dwellings, with the scale, external appearance and materials intended to match the existing dwelling at no.6 Northwood Drive.

- 3.3 The proposal, based on the supporting plans, shows the removal of the existing garage within the site and subdivision of the garden of the property to provide an L shaped garden with approx. 100m<sup>2</sup> in area for the existing dwelling and 92m<sup>2</sup> in area for the proposed dwelling.
- 3.4 This proposal, in terms of the form and siting of the proposed house, is materially the same as that considered under refused planning application 18/0076/FULD dated March 2018 which was subsequently dismissed on appeal in January 2019. The Inspector in dismissing the appeal, in summary, concluded that the proposal would not harm the character and appearance of the area but would leave inadequate garden space (approx. 35m<sup>2</sup> in area) for the occupiers of the existing house at no.6 Northwood Drive resulting in the creation of inadequate living conditions for its occupiers. The appeal decision is a material consideration of significant weight to the determination of this application and is considered in more detail below.

#### **4. PROCEDURAL MATTERS**

- 4.1 Publicity: Site notice displayed on 10 April 2019 which expired on 1 May 2019.
- 4.2 CIL: Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council new dwellings are liable to pay the Community Infrastructure Levy. In this instance the site is within the Newbury charging area under which the chargeable rate is £75 per m<sup>2</sup> of gross internal area (indexed). CIL liability will be formally confirmed following the grant of planning permission.

#### **5. CONSULTATION**

##### **5.1 Statutory and Non-Statutory Consultations**

**Town Council:** Objection - This would be an over development of the site and change the street character.

**Highways:** No objection subject to conditions.

**Waste Management:** No objection

**Environmental Health:** No objection

**Land Drainage Engineer:** No comments received at time of writing the report.

**Thames Water:** No objection

## 6.2 Public representations

Original consultation: Total: 22 Support: 0 Object: 22

The following material planning considerations have been raised (summarised by officers):

- Adverse impact on highway safety due to inadequate visibility splays on the corner of Northwood drive, unsafe location of dropped kerbs provided under the GPDO, increased traffic generation, lack of parking provision, inadequately sized car parking spaces (2.4m x 4.8m rather than 2.5m x 5m) with awkward parking layout, lack of information to demonstrate car parking spaces are fully accessible without harming pedestrian safety, lack of pedestrian access to rear of proposed house for servicing or emergency access and proposed access further displaces on-street parking contrary to the provisions of the Newbury Town Design Statement.
- The previous appeal inspector did not consider highway safety issues.
- Loss of light and outlook to adjacent residential properties.
- Proposal would create a terrace block dominated by frontage car parking with inappropriate boundary treatment resulting in a poor relationship to, and would have an adverse impact on the street scene and character and appearance of the area contrary to Core Strategy Policy CS14, Part 2 of the SPD on Quality Design, NPPF and PPG which require good design.
- Construction process would damage neighbouring properties and harm surrounding residential amenity.
- Proposal is overdevelopment of the site and due to the proposed car parking lacks areas for suitable soft landscaping.
- The changes to no. 6's garden would now be particularly noticeable from the public realm and would appear out of character and exacerbate the cramped appearance. The proposed eastwards projection would not be intimately associated with no. 6 when viewed from the highway and would appear at odds with the rhythm of development, especially when the space is enclosed by new boundary treatments to the north (adjacent to no. 4) and the east (the pavement).
- Proposal would impact on shared boundaries and its construction would require access from neighbouring properties which would require consent of adjacent owners which has not been sought.
- Poor quality living environment due to inadequate amenity space (below 100m<sup>2</sup> council standard, no.6 Northwood would retain 92m<sup>2</sup> and proposed plot 82m<sup>2</sup>) for such family sized accommodation contrary to the Council's SPD guidance entitled Quality Design (Part 2) and Core Strategy Policy CS14.
- The proposal would result in an L shaped garden, the bottom part appearing separated from the house, and lacking proper surveillance resulting in it being unsatisfactory.
- The removal of the garage which contains asbestos would need consent from the adjacent landowner which would not be provided.
- The position of the boundaries, including 0.5m offset, would not allow for proper maintenance and impact on windows on the existing house.
- The proposal would result in unacceptable noise and disturbance to the occupiers of neighbouring properties.
- Insufficient external storage for the proposed dwelling.
- 1.8m high boundary fence would impinge on visibility splays.

- Proposal makes inadequate provision for bin and secure cycle storage.
- The Council's waste team have not considered the impact on waste storage and access arrangements for the existing house no.6.
- Proposal would have an adverse ecological impact.
- The access driveways have been constructed without drainage or porous paving.
- The closeness of the proposed parking space next to the proposed side elevation of dwelling containing French door would not create a satisfactory relationship.
- The reasons for refusal on the previously rejected planning applications and appeal decision (which is a material consideration in the assessment of this application), in terms of lack of external amenity space and creation of satisfactory living conditions, as well as other matters relating to adverse impact on the highway which are not addressed by this revised proposal.

## **7. PLANNING POLICY**

7.1 The statutory development plan includes the West Berkshire Core Strategy (2006-2026), Housing Site Allocations DPD (2006-2026) and the saved policies in the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007).

7.2 West Berkshire Core Strategy 2006-2026 (WBCS):  
Policies- ADPP1: Spatial Strategy, ADPP2: Newbury, CS1: Delivering New Homes and Retaining the Housing Stock, CS4: Housing Mix and Type, CS13: Transport, CS14: Design Principles, CS16: Flooding and CS17: Biodiversity.

7.3 Housing Site Allocations Development Plan Document (HSA DPD):  
Policies- C1: Location of New Housing in the Countryside, P1: Residential Parking for New Development.

7.4 West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP):  
Policies- OVS.5: Environmental Nuisance and Pollution Control, OVS.6: Noise Pollution, TRANS.1: Meeting the Transport Needs of New Development

7.5 Material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Newbury Town Design Statement (2018)

## **8. APPRAISAL**

The key issues relate to:

- Principle of the development
- Character and appearance
- Residential amenity
- Highways matters
- Drainage
- Other matters

## 8.1 Principle of the development

- 8.1.1 The application site is within the defined settlement boundary of Newbury. Policy ADPP1 of the Core Strategy identifies Newbury as an Urban Area which is a focus for new development. This is supported by Policy ADPP2 which advises that Newbury will be the main focus for housing growth. Policy CS1 of the Core Strategy states that new houses will be primarily developed on suitable previously developed land, and other suitable land, within settlement boundaries. Policy C1 of the HSA DPD indicates there is a presumption in favour of development and redevelopment within the settlement boundary of Newbury.
- 8.1.2 The proposal, having regard to the provisions of Policies ADPP1, ADPP2 and CS1 of the Core Strategy and Policy C1 of the HSA DPD, and subject to the material considerations set out further below, is therefore considered acceptable in principle.

## 8.2 Character and appearance

- 8.2.1 The NPPF outlines the importance of good design in the built environment. Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 seeks the enhancement of the natural and built environment. It states that particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The Quality Design SPD and Newbury Town Design Statement further support these objectives.
- 8.2.2 As indicated above, the proposal, in terms of the form and siting of the proposed dwelling is materially the same as that considered under planning appeal decision reference APP/W0340/W/18/3210045. In considering the appeal proposal, the Inspector commented:
- 8.2.2.1 *'The site currently forms part of No 6's side garden, and provides an open character to the corner of Northwood Drive. The surrounding area generally consists of semi-detached and terraced properties.'*
- 8.2.2.2 *'While Nos 2-4 and 6 Northwood Drive are set back from the road, the set back is not identical, there is a large gap between them, and boundary treatments differ. Consequently, the building line along the eastern end of Northwood Drive is not a significant attribute of the area. The proposal would therefore not harm the surrounding area simply because it would extend the building line further beyond that of Nos 2-4.'*
- 8.2.2.3 *'While the proposal would reduce the open space in the corner of Northwood Drive, the new dwelling would be set back from the road and spacing to surrounding buildings would not be significantly affected. Combined with the trees opposite continuing to provide a natural and undeveloped environment in the corner of Northwood Drive, the proposal would not have a significantly enclosing effect on the streetscene or unacceptably reduce the area's open character.'*

8.2.2.4 *The proposed plot size of No 6 would be generally smaller than surrounding plots. However, its size would not be particularly noticeable from the public realm, while the size of the appeal site would not appear significantly different to that of surrounding plots. I am therefore satisfied that the resulting plot sizes would not appear out of character or result in a cramped appearance.*

8.2.2.5 *There are variations between the surrounding semi-detached dwellings, such as the additional width arising from the attached garages and a first-floor side projection opposite the appeal site. There are also terraced properties on Northwood Drive, a short way and visible from the appeal site. The creation of a short terrace in this part of the road would therefore not be incongruous or out of character. The proposal's similar architectural design and proportions would also ensure a similar appearance to surrounding properties, while a condition could secure the use of suitable external materials.*

8.2.2.6 *For the above reasons, I conclude that the proposal would not harm the character and appearance of the surrounding area. I therefore find that the proposal accords with Policies ADPP1 and Policy CS14 of the West Berkshire CS and the guidance contained within Part 2 of the SPD Quality Design and the Newbury Town Design Statement. Together, these require, amongst other aspects, high quality design that respects and enhances the area's architectural style and which relates to and respects the character and appearance of the surrounding area. It would also not conflict with the provisions of the Framework relating to character and appearance.'*

8.2.3 The Inspector therefore did not consider the proposal to harm the character and appearance of the area. The current proposal which although removes the existing garage and introduces an additional car parking space to the site frontage which is limited in space and as a result would provide minimal opportunities for new soft landscaping, it follows the general layout principles that the Inspector considered acceptable previously, as such this arrangement, on balance, is therefore considered acceptable.

8.2.4 Taking into the account the Inspectors comments which are a material consideration of significant weight, and subject to the imposition of planning conditions to secure appropriate facing materials, officers consider, on balance, that the proposal would not harm the character and appearance of the area.

### **8.3 Residential amenity**

8.3.1 Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The NPPF seeks to protect the amenity of neighbouring land users. The Quality Design SPD supports these aims and provides guidance on garden sizes (detailed below). The Council's SPG 04/2 House also provides guidance on protecting daylight and outlook which can be applied to new residential development.

8.3.2 The proposal that was considered under planning appeal decision reference APP/W0340/W/18/3210045 showed the existing dwelling no.6 Northwood Drive retaining approx. 35m<sup>2</sup> of external amenity space and the proposed dwelling having approx. 100m<sup>2</sup> of garden space. In considering the appeal proposal, the Inspector commented, in respect of the impact on living conditions:

- 8.3.2.1 *The proposal would result in a significant reduction in No 6's outdoor amenity space. Part 2 of the Council's Supplementary Planning Document 'Quality Design – West Berkshire' (2006) (SPD Quality Design) sets out a general guide for garden sizes from 100 square metres for 3 or more bedroom dwellings. It also emphasises the importance of the outdoor area's quality. Although focused on the living conditions of future occupiers in new developments, I have little evidence to indicate that the SPD's aim of ensuring adequate living conditions through the provision of sufficient outdoor amenity space is not also applicable to existing occupiers. I am satisfied that its guidance on garden sizes is therefore relevant to the proposal's effect on the living conditions of the occupiers in No 6.*
- 8.3.2.2 *I recognise that future occupiers of No 6 may prefer a small garden, and I note that the existing garage would provide some storage space. However, the garden area remaining for No 6 would provide very limited outdoor space, with room only for a small patio and few other features or play space. Although No 6's existing garden area is generally larger than surrounding properties, its reduction to approximately 35 square meters would in most cases leave it significantly smaller than those of neighbouring properties and result in inadequate and poor quality external amenity space for the occupiers for the 3 bedroom dwelling of No 6.*
- 8.3.2.3 *For the above reasons, I conclude that the proposal would not provide adequate living conditions of the occupiers of No 6. I therefore find that the proposal does not accord with Policy CS14 of the West Berkshire Core Strategy (2006-2026) 2012 (West Berkshire CS) and the guidance contained within Part 2 of the SPD Quality Design. Amongst other aspects, these require developments to make a positive contribution to the quality of life in West Berkshire and provide suitable outdoor amenity space. It would also fail to accord with the provisions of the Framework in so far as it relates to ensuring a high standard of amenity for existing users.*
- 8.3.3 To seek to address the appeal inspectors concerns, this revised application proposes approx 100m<sup>2</sup> in garden area for the existing dwelling (No. 6 Northwood Drive) and approximately 92m<sup>2</sup> in area for the proposed dwelling. This level of provision is considered large enough to ensure the accommodation of such features as garden sheds, washing lines and other domestic features and allow sufficient opportunities for sitting outside in comfort and for children's play. As such, the level of proposed garden space is considered acceptable having regard to the overall aims and objectives of the SPD Quality Design. Furthermore, it is considered that the level of provision addresses the concerns raised by the Inspector previously.
- 8.3.4 Concerns have been raised by neighbours that the proposal would result in an 'L' shaped garden for the existing dwelling (no.6 Northwood Drive) with the bottom part appearing separated from the house and therefore lacking proper surveillance resulting in it being considered unsatisfactory. In this regard, whilst the garden would have an irregular shape, given the relatively short garden depth coupled this area being enclosed existing residential properties on 3 sides, this arrangement would ensure the garden is subject to a satisfactory level of surveillance. Furthermore, given the inevitable need for bin and refuse storage



areas, this part of the garden could be reasonably used for such purposes ensuring the garden is usable in its entirety.

- 8.3.5 In terms of neighbouring residential amenity, the proposed dwelling would be sited where there are satisfactory separation distances from neighbouring dwellings as such neighbouring amenity would be preserved in terms of loss of light, outlook or privacy. Furthermore, given the proposal relates to the erection of a single dwelling within an established residential area, there would no material impact on neighbouring amenity by way of increased noise and disturbance.
- 8.3.6 To mitigate any short term impact on neighbouring amenity from construction activities, appropriate planning conditions can be imposed to control hours of work, provision of temporary off road parking for workers and measures to mitigate dust emissions.
- 8.3.7 For these reasons, the proposal would ensure the creation of an acceptable living environment for existing and future occupiers of No. 6 Northwood Drive, and the occupiers of the proposed dwelling. Furthermore, the proposal would preserve neighbouring residential amenity.

#### **8.4 Highways matters**

- 8.4.1 Policies CS13 of the Core Strategy and TRANS.1 in the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the HSA DPD sets out residential car parking levels for the district.
- 8.4.2 The proposal has been carefully considered by the councils highways team who advise, in terms of the proposed access arrangements, a new drop kerb has been installed outside the frontage of no 6 Northwood and partially around the bend to the east. Vehicles are therefore already entering and exiting the highway in this location and subject to the visibility being kept clear above a height of 0.6m on the plot frontage, this access arrangement would not be harmful to highway safety.
- 8.4.3 In respect of car parking provision, the proposal includes 2 off car road parking spaces for the existing house (no.6) and 3 spaces for the proposed house accessed via dropped kerbs from Northbrook Drive. In this regard, the highways team comment this site is located within Zone 2 of West Berkshire Council's parking standards as set out in HSA DPD Policy P1. A 3-bedroom dwelling in this location should therefore provide 2.5 car parking spaces. A total of 5 car parking spaces are provided for the existing and proposed dwellings in accordance with the policy and is considered sufficient provision to mitigate the on-street parking demands generated by the proposed development.
- 8.4.4 In relation to traffic generation, the highways team advise the proposal could generate a total of 6 additional vehicle movements (3 in and 3 out) per day. This level of traffic generation would not have a material impact on the highway, taking into account any cumulative impacts.
- 8.4.5 The highways team also confirm, in coming to their overall conclusions, they have carefully considered objections received from local residents identifying various concerns over the impact of the proposal on highway safety on Northwood Drive.

8.4.6 Taking into account the comments of the highways team which are given significant weight and subject to the imposition of necessary planning conditions to secure visibility splays, off road car parking provision, temporary parking during construction, electric charging points and cycle parking, it is considered that the proposal would not have an adverse impact on highway safety or result in an unacceptable impact on the local highways infrastructure from associated traffic generation and increased on-street parking demand.

## **8.5 Drainage**

8.5.1 The site is not within in a flood risk or critical drainage area. Policy CS16 of the Core Strategy requires all development to incorporate sustainable drainage methods. The proposal would result in the loss of permeable area. However, subject to the imposition of planning conditions requiring details of the detailed drainage strategy based on sustainable drainage principles to be agreed with the LPA, the proposal would not have an adverse impact on the risk of flooding within the site or locality.

## **8.6 Other Matters**

### **8.6.1 Storage and Waste**

The supporting plans demonstrate that the proposed and existing dwellings would retain sufficient space within their respective gardens for the storage of bins/recycling, and storage of other domestic paraphernalia to meet the needs of existing and future occupiers.

### **8.6.2 Ecology**

The site is of low ecological value as such the proposal would not have an adverse ecological impact.

### **8.6.3 Construction access and shared boundaries**

Concerns have been raised the construction of proposed dwelling would impact on private shared boundary walls and require access from neighbouring private property owners and the consent of these owners. However, these issues relate to civil matters and therefore not material to the assessment of this application.

### **8.6.4 Contamination**

The site is on a former builder's yard and therefore maybe subject to potential contamination. A planning condition can be imposed ensure that any unforeseen contamination is dealt with appropriately to mitigate contamination risk to any sensitive receptors/future occupiers of the site.

In relation to potential asbestos material within the garage to be demolished, this would be addressed under the requirements of separate environmental legislation.

## 8.6.5 Protected Trees

There are no trees of merit on this site. However, opposite there are trees forming the boundary of the road that are subject to a Tree Preservation Order (TPO). Taking into account the separation distances, the intervening road and footpath between the development site and the trees, the proposal would not have an adverse impact on the health of these trees.

## 9. CONCLUSION

- 9.1 Having taken account of all the relevant policy considerations and other material considerations referred to above, including the recent appeal decision which is particularly relevant to this proposal and is afforded significant weight, it is considered that the application complies with the development plan when considered as a whole. Furthermore, taking into account relevant social, economic and environmental considerations, the proposal would constitute sustainable development. The application is therefore recommended for approval.

## 10. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **GRANT** PLANNING PERMISSION subject to the following 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 following approved plans and documentation:

- (i) Location plan received on 1 March 2019 (but not the 1:500 block shown on the same drawing which is superseded).
- (ii) Proposed elevations received on 1 March 2019; and
- (iii) Proposed site plan received on 25 May 2019.

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

### 3. Electric charging point

No development hereby permitted shall take place until details of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved details. The charging point shall thereafter be retained and kept available for the approved use.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### **4. Surfacing of access**

No development hereby permitted shall take place until details of the surfacing arrangements for the vehicular access 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 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 (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

#### **5. External facing materials**

The external facing materials to be used on the dwelling hereby permitted shall match those on the existing dwelling known as no.6 Northwood Drive.

Reason: To ensure that the external materials respond to the surrounding built form. This condition is applied 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 Supplementary Planning Guidance 04/2 House Extensions (July 2004).

#### **6. Cycle storage**

No development hereby permitted shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), 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).

#### **7. A scheme to minimise the effects of dust**

No development hereby permitted shall take place until details of a scheme to minimise the effects of dust emissions from the construction of the approved dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the

approved details.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; a scheme to minimise the effects of dust is required throughout the construction phase and therefore it is necessary to agree before development commences.

#### **8. Landscaping scheme (including hard surfacing)**

No development hereby permitted shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedule 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 landscaping within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

#### **9. Sustainable drainage measures**

No development hereby permitted shall take place until a scheme for surface water drainage, based on sustainable drainage principles, has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be completed in its entirety prior to the first of the occupation of the dwelling hereby permitted.

Reason: To ensure the surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS16 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is

necessary to approve these details before any development takes place.

#### **10. Hours of work**

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays; and

No work to be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

#### **11. Parking in accordance with approved plans**

The dwelling hereby permitted shall not 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 (2019), 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. Temporary parking**

No development hereby permitted 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 inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **13. Visibility splays**

The fence located on the boundary between the vehicle access and existing lamppost to the east must not exceed 0.6 metres in height as shown on the site plan drawing with amended highway notes dated 20/05/19 and this part of the site shall be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of pedestrian and road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **14. Boundary treatment**

The dwelling hereby permitted shall not be occupied until the approved boundary treatment has been provided in accordance with the approved plans.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and guidance contained with West Berkshire SPD Quality Design.

### **15 Permitted development restriction (extensions/outbuildings)**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006) and the Newbury Town Design Statement.

## **INFORMATIVES**

### **1. Approval- Need for revision/ representations received**

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. **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.

## 3. **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.

## 4. **Construction/demolition noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

## 5. **Thames Water: Waste water**

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

### **Thames Water: Mains water**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **WASTE COMMENT**

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>



Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

#### WATER COMMENT

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### 7. **CIL informative**

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](http://www.westberks.gov.uk/cil).

#### 8. **Ownership**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

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