

<b>Item No.</b>	<b>Application No. and Parish</b>	<b>Statutory Target Date</b>	<b>Proposal, Location, Applicant</b>
(2)	20/01186/FUL Newbury Town Council	24 <sup>th</sup> July 2020 <sup>1</sup>	Change of use of 1 and 3 Kennet Road from 2 dwellings to 6 self-contained flats, minor exterior alterations and associated car parking and gardens.  1 and 3 Kennet Road, Newbury, RG14 5JA  Four Acres Investments
<sup>1</sup> Extension of time agreed with applicant until 5 <sup>th</sup> September 2020			

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01186/FUL>

**Recommendation Summary:** To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION.

**Ward Members:** Councillor Andy Moore and Martha Vickers

**Reason for Committee Determination:** Called to Planning Committee regardless of officer recommendation.

**Committee Site Visit:** Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

#### Contact Officer Details

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## 1. Introduction

- 1.1 This application seeks planning permission for the change of use of 1 and 3 Kennet Road from 2 dwellings to 6 self-contained flats, with minor exterior alterations, and the creation of associated car parking and gardens.
- 1.2 The appeal site consists of two houses which form a joined group of houses consisting of 1 and 2 Kennet Road and 34 Craven Road. The application site includes the land which forms the garden area of 1 and 2 Kennet Road, where there is currently a log cabin. The site is on the corner of Kennet Road and Craven Road, a residential area, and the site is adjacent to the Newbury Conservation Area. The site is also within Flood Zone 3.
- 1.3 The application is proposing the change of use of 1 and 2 Kennet Road to provide 6 self-contained flats. The application was originally submitted with three flats on the ground floor and three flats on the first floor. During the course of the application, amended plans were submitted, which indicate the accommodation for each unit being provide over two floors. Car parking is proposed to be provided in a parking area with five spaces, on land which currently forms the garden of f1 Kennet Road, together with cycle storage and bin storage. A sixth space is proposed to be provided to the front of 3 Kennet Road. Each parking space will have its own electric vehicle charging point.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
18/03071/HOUSE	Demolish structurally substandard extensions, retention and refurbishment of original built form, revised vehicular access.	Approved 15/01/2019
19/01883/FULD	Partial demolition and refurbishment of 1 Kennet Road and the delivery of 3no. dwellings with associated parking and gardens.	Withdrawn 11/06/2019
19/01883/FULD	Partial demolition and refurbishment of 1 Kennet Road, Newbury and the delivery of three new dwellings with associated parking and gardens.	Refused 12/12/2019  Appeal dismissed 29/04/2020
20/00152/FUL	Demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works	Pending consideration

### 3. Procedural Matters

#### *EIA*

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

#### *Publicity*

- 3.2 Site notice displayed on 8<sup>th</sup> June on the street sign adjacent to the site; the deadline for representations expired on 8<sup>th</sup> June 2020.

#### *Community Infrastructure Levy*

- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 Initial assessment, e.g. Based on the CIL PAIR form, it appears that the CIL liability for this development will be based on the gross internal floor area of 462 sq.m. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission.

### 4. Consultation

#### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Newbury Town Council:</b>	No objection
<b>WBC Highways:</b>	<p>The wider access will result in loss of on-street parking, and concerned about whether CP1 can be provided, as it may not be an existing space. The sight lines are satisfactory in this instance. There is a shortfall of 0.25 parking spaces, if CP1 can be provided. Require amended plans to resolve this, as well as electric vehicle charging points and cycle storage.</p> <p>Amended plans were submitted which showed 6 spaces, electric vehicle points and cycle storage shown, and so no objection subject to a conditions requiring the provision of the electric vehicle charging points; a construction method statement; provision of the parking spaces; construction if the access points; and provision of cycle parking.</p>
<b>Environmental Health</b>	No objection.

<b>Conservation</b>	NO objections raised, but further details on boundary treatments to Kennet Road and Craven Road would be welcomed.
<b>Drainage</b>	Objection as it will not be feasible to raise the floor level on the ground floor above residual risk level for sleeping accommodation.
<b>Environment Agency</b>	No response received.

### ***Public representations***

- 4.2 Representations have been received from 2 contributors, which state that they are ambivalent.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following points have been raised:
- In favour of the application in comparison to previous applications
  - The plans respect the properties' surroundings by retaining the original building and appear to address the negatives associated with the previous proposals
  - No loss of light, privacy and less disruption to 34 Craven Road

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS13, CS14, CS16 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies C1, and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
  - Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - WBC House Extensions SPG (2004)
  - WBC Quality Design SPD (2006)
  - WBC Sustainable Drainage Systems SPD (2018)
  - Planning Obligations SPD (2015)
  - Newbury Town Design Statement (2018)
  - Cycle and Motorcycle Advice and Standards for New Development (2014)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Character and appearance
- Impact on neighbouring amenity
- Flooding and drainage matters
- Highways

### ***Principle of development***

6.2 The application site is situated within the settlement boundary for Newbury, one of the District's defined urban areas, where policies ADPP1 and C1 focus residential development. Policy ADPP1 says that most development will be within or adjacent to the settlement in the settlement hierarchy, and that the majority of the development will take place on previously developed land. The site, which constitutes the residential curtilage of 1 Kennet Road, does not constitute previously developed land, as defined by the NPPF. However, given the location of the site is in an accessible location close to the town centre, the proposal is considered to be acceptable in principle, subject to the following considerations.

### ***Character and Appearance***

6.3 Policies CS14 and CS19 require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. The policy goes on to say that good design relates not only to the appearance of the development but the way it functions. Policy CS19 says that particular regard will be given to the sensitivity of the area to change, ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character and the conservation and where appropriate enhancement of heritage assets and their settings. The Newbury Town Design Statement refers to the Victorian development of Westfields and within design principles it suggests that future development should respect the existing character and scale of the area.

6.4 The application is proposing the change of use of the building, with minimal alterations to the external elevations consisting of the insertion of new windows on the east elevation (facing Kennet Road) and the south elevation (facing Craven Road), and the demolition of a lean-to conservatory and two chimneys. Given the limited alterations to the appearance of the buildings, there will be little impact on the character and appearance of the area, from these alterations. The proposal does include the use of the existing garden land serving 1 Kennet Road and the parking area for 5 vehicles together with the bin store, and cycle storage, and retains this open corner. The Conservation Officer has raised a concern about the lack of information about the boundary treatment on this corner, which is currently a substantial hedge. However, this can be dealt with by means of a condition, requiring details of the boundary treatment to be agreed before the parking area is brought into use, to ensure that the corner site is dealt with appropriately given its prominent location of the edge of the Conservation Area.

6.5 The proposal is considered to preserve the existing setting to the Conservation Area, and retains the existing farmhouse building which incorporates 1 and 2 Kennet Road, and is shown on the 1877 map and is considered to have a neutral impact on the nearby

Grade II listed buildings, the proposal is considered to be appropriate to the character and appearance of the adjacent Conservation Area.

### ***Impact on Neighbouring Amenity***

- 6.6 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Further advice is contained in the Quality Design SPD and House Extensions SPG documents for assessing the impact of proposals on the living conditions of adjoining occupants. The main issue is whether the proposal will have a detrimental impact on the privacy of the adjoining occupiers as a result of the additional window openings which are proposed, and the impact this will have on future occupiers and the occupiers of 5 Kennet Road. The additional windows on Kennet Road do not face directly towards other habitable room windows and will not result in any additional overlooking. There are existing windows on the north elevation of 3 Kennet Road, which face towards the side elevation of 5 Kennet Road, and this replicates the existing relationship of habitable room windows in close proximity to each other, and so there is no additional harm to privacy as a result of this proposal. The land between the buildings is proposed to be used for amenity purposes, and this strip of land can be used for that purpose at present, and so the proposal is not considered to be harmful to the living conditions of existing or future occupiers.
- 6.7 The garden space which is proposed to be used for the flats to the north and south of the buildings, the private amenity space proposed, is approximately 130 sq. metres, which is slightly below the level recommended in the Quality Design SPD, and an additional area to the front is also provided for amenity space, but given it's public location, and size it is unlikely to be used for amenity purposes. In assessing the previous appeal (APP/W0340/W/19/3243640) the Inspector considered that although there is shortfall of amenity space, the area proposed was able to provide a reasonable degree of privacy and meet the aspirations of the policy, as it followed the scale of local development it would not result in a cramped form of development. The same principle can be applied to the space which is currently proposed, and so an adequate level of amenity space is considered to be provided for the proposed flats.

### ***Flooding and Drainage Matters***

- 6.8 Policy CS16 says that the sequential approach in accordance with the NPPF will be applied strictly across the District. The site is within flood zones 1 and 2, however the application is proposing a change of use, and the Planning Practice Guidance specifically excludes minor development, including the proposed change of use, from the sequential test and exception test. Policy CS16 requires a Flood Risk Assessment for development within Floods Zone 2 or 3 and this was submitted with the application. Following an objection from the Drainage team about the location of ground floor sleeping accommodation, amended plans were submitted, which proposed first floor bedroom accommodation only. A condition has also been suggested which requires additional details to be submitted for a Flood Response Plan to address the response should a flood event occur, including safe access and egress and appropriate area of safe refuge, as well as including flood resistant and resilience measures, long term maintenance and management of the SUDs drainage measures, and confirmation from Thames Water that they accept the additional surface water from the site. With this condition in place the proposal will accord with policy CS16.

### ***Highways***

- 6.9 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for residential development. The application proposes a total of 6 spaces, and in accordance with policy P1 a total of 6.25 spaces should be provided. The Highways Officer has confirmed that it is difficult to object to such

a minor shortfall of spaces. There will be a loss of 1 on-street space as a result of the widened opening to the parking area, but no objection has been raised to this. The sight lines from the access to the parking may be obstructed time from on-street parking, however the Manual for Street accepts that this can occur in built up areas, and in circumstances where speeds are low, some encroachment may be possible, and it has been considered that this applies to this case. The level of parking which is proposed, together with the cycle storage and vehicle charging points are considered to be acceptable, and conditions can be added to the permission to ensure that they are provided before the development is occupied. The proposal is considered to accord with policies CS13 and P1.

## 7. Planning Balance and Conclusion

- 7.1 The application is proposing the change of use of two dwellings to 6 flats, within the settlement boundary of Newbury. The change of use will require minor alterations to the external appearance of the buildings, and the use of existing garden land as a parking area. The uses of land that are proposed are considered to be acceptable. The proposed alterations are not considered to be harmful to the living conditions of existing or future occupiers of neighbouring dwellings or the proposed dwellings, or to be harmful to highways safety. The application has included a flood risk assessment and the change of use to 6 flats will not increase flood risk elsewhere. The proposal is considered to accord with the relevant development plan policies, and the guidance contained within the NPPF and is recommended for approval.

## 8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **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 approved plans and documents listed below:

Location Plan Drawing No. 114 received on 27<sup>th</sup> May 2020;  
Proposed Site Plan Drawing No.111 Rev A received on 8<sup>th</sup> July 2020;  
Proposed Plans and Elevations Drawing No 113 Rev A received on 8<sup>th</sup> July 2020;  
and  
Flood Risk Assessment & Drainage Strategy prepared by SDS Consulting Ltd Ref 5342-RP01 received on 27<sup>th</sup> May 2020.

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

3. **Materials**

The materials to be used in the external finishes of the development hereby permitted shall match those on the existing development in colour, size and texture,

and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed 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 the Newbury Town Design Statement.

**4. Electric Vehicle Charging Points**

No dwelling shall be occupied until electric vehicle charging point of at least 22kw has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

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

**5. Construction Method Statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- h) A site set-up plan during the works

Thereafter all demolition and construction work shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as details of first operations are required to be approved and insufficient information was submitted with the application.

**6. Parking/turning in accordance with approved plans**

No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars 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, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD.



7. **Access construction prior to occupation**

No dwelling shall be occupied until the accesses have been constructed in accordance with the approved drawings.

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

8. **Cycle Parking**

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD.

9. **SUDs Drainage**

No occupation of the development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Ensure that all sleeping accommodation is located on the first floor.
- b) Include a standalone Flood Response Plan detailing the actions to be undertaken in the event of a flood event. These shall include safe access and egress from the site and appropriate areas of safe refuge;
- c) Include confirmation of the detailed flood resistant and resilient measures (i.e. levels and locations) to be employed within the proposed developments;
- d) Include details of how the SuDS measures will be maintained and managed after completion in a standalone Management and Maintenance Plan. These details shall specify the management company as, due to the shared areas, it would not be appropriate for the plot owners to manage any SuDS features;
- e) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- f) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow.

Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of flooding. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Sustainable Drainage Systems SPD (2018).

## ***Informatives***

1. **Proactive**

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. **CIL**

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)

3. **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.

4. **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.

5. **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

6. **Resident's Parking Permits**

Notwithstanding the provisions of the Human Rights Act 1998, occupiers of the development or part thereof hereby approved shall not by right become entitled to a residents parking permit.