

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/00152/FUL Newbury Town Council	26.03.2020. ¹	Demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works 1 and 3 Kennet Road, Newbury, RG14 5JA Four Acre Investments

¹ Extension of time agreed with applicant until 04/09/2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/00152/FUL>

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

Ward Members: Councillors 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 demolition of existing dwellings and erection of 2x semi-detached dwellings and 1x detached dwelling with associated works at the site 1 and 3 Kennet Road Newbury, RG14 5JA
- 1.2 The applications site currently has two semi detach buildings with amenity space. There is currently a log cabin within the garden to 1 Kennet Road. The site is within the settlement boundary of Newbury, adjacent to Newbury Conservation Area, and within flood zones 2 and 3.
- 1.3 As described the redevelopment will involve the demolition of the existing dwellings and the erection of 2No. semi-detached dwellings and 1No. detached dwelling. This therefore equates to a net gain of 1 dwelling.
- 1.4 The proposed detached dwelling is to be sited in the southern portion of the site essentially on the corner of Kennet Road and Craven Road. The proposed semi-detached dwellings will be sited on relatively the same footprint as the existing dwellings. Between the proposed properties will be a private parking courtyard accessed directly from Kennet Road.
- 1.5 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.
19/01078/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 16.07.2019. Dismissed at appeal

2. Procedural Matters

- 2.1 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.
- 2.2 Site notice displayed on 08.06.2020 at the front of the site the deadline for representations expired on 29.06.2020.
- 2.3 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). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

3. Consultation

Statutory and non-statutory consultation

- 3.1 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.

Newbury Town Council:	Objection/comment: overdevelopment; loss of on-street parking; overbearing; loss of light to neighbouring property
WBC Highways:	No objections subject to conditions
WBC Sustainable Drainage Team	No objections subject to conditions
WBC Conservation Officer	No objections
WBC Environmental Health officers	No response 17/08/2020.
Environments Agency	No objections subject to conditions
Natural England	No objections
Archaeology	No objections subject to conditions

Public representations

- 3.2 Representations have been received from seven contributors, one of which support, and six of which object to the proposal.
- 3.3 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 issues/points have been raised:
- Support a sensible proposal for 3 new family homes.
 - Support the proposal to deliver news home of modern energy efficient construction in comparison to the existing dwellings
 - The scheme is in keeping with the area and an improvement to the street scene.
 - The proposed development is much larger than the previous applications
 - The three storey height of plot 1 is an imposing structure set on what was previously an open aspect busy junction
 - The proposed demolition of the existing old cottages at 1 and 3 Kennet Road seems totally inappropriate - they should be refurbished to retain the history of

the site which was once West Mills Farmhouse dating back over 200 years; some of Newbury's oldest buildings.

- There would be a loss of unrestricted parking spaces to the detriment of the amenity of the area.
- The development would add further issues to traffic flow in the area to which is a narrow busy street with many cars park within it.
- The proposed development is oppressive and overbearing both in height and proximity to the boundary of neighbouring properties and is larger than the previously refused scheme.
- The proposed development would create a tunnel effect for neighbouring dwellings.
- Plot 1 would cast a shadow across neighbouring properties garden to the detriment of the garden's amenity.
- The proposed development is higher than those in the street scene.
- The raised ground floor levels will contribute to a loss of privacy
- Concerns in regards to the demolition works and how they may affect the structure of surrounding properties, history and character of the area.
- Objection to the ongoing disruption caused by the building work.
- The pictures make the plans look like an isolated housing estate amongst old character properties.
- It is believed that the proposed application would detrimentally impact the historical nature of Craven Road and further contribute to the traffic issues on the Kennet Road/Craven Cottage junction.
- The window positioning is too close and not in accordance with Council policy.

4. Planning Policy

4.1 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, CS13, CCS14, CS16, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS1, OVS5, OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.2 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)
- Planning Obligations SPD (2015)

5. Appraisal

5.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Impact on Neighbouring amenity
- Flooding and Drainage matters
- Highways matters
- Archaeology matters

Principle of development

5.2 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

- 5.3 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, and incorporate local features and be compatible with the existing brick colours and patterns.
- 5.4 The 1877 map does show the Farmhouse buildings which incorporates 1 and 2 Kennet Road and 34 Craven Road, and the surrounding land being developed by the 1898, with the garden land part of the site remains undeveloped, and as the site is to the present times. The key consideration from a building conservation perspective is the setting of designated heritage assets, i.e. nearby Grade II listed buildings to the east and the character and appearance of the adjoining Conservation Area to the east, currently defined by its open character, which the proposed development is considered to neither preserve nor enhance, causing harm to the significance of these heritage assets.
- 5.5 Appeal APP/W0340/W/19/3243640 set out an inspectors view on the site and the proposed development and feeds strongly into the consideration of the site. The appeal decision identified that *"The appeal site is a corner plot adjacent to the junction of Kennet Road and Craven Road. Historic plans show that the appeal site was originally part of Westmills Farm. The plot was subdivided and by 1898 the farmland had been redeveloped. This created the row of dwellings that run along Craven Road. The corner garden of the appeal site is enclosed by hedging and includes a large wooden outbuilding. Consequently, the site presents a gap in built form that is largely enclosed*

and offers limited views in or out. The site therefore makes a neutral contribution to the character and appearance of the area”

- 5.6 The proposed development would be three storey in height akin to adjacent buildings of similar height and similar forward projecting gable ends. The conservation officer reviewed his comments to this application in light of the appeal Appeal APP/W0340/W/19/3243640.
- 5.7 The appealed application was considered acceptable in conservation terms because the layout of the new building on the corner respected the existing street pattern of a fairly hard urban edge with short front gardens in a design reflecting local vernacular. The existing buildings at 1 Kennet Road and 34 Craven Road, although of historic merit, as the former West Fields Farmhouse, were considered anomalous in terms of the local street pattern.
- 5.8 The open space on the corner was considered essentially to comprise a gap in the street scene and not a conceived open space. Its development in the manner proposed was therefore considered acceptable, by complementing local vernacular, adding interest, addressing the corner and the street scene, and having a positive impact (where the corner plot was considered as neutral in terms of its setting on the adjoining conservation area and nearby listed buildings).
- 5.9 The conservation officer noted that his comments were balanced previously, as they are on this application. However bearing in mind the appeal Inspector’s view on the site and a similar proposal it was the Conservations Officers opinion that *“it would appear that the current proposals meet the parameters of street pattern and design appropriate to the local vernacular, albeit that numbers 1 and 3 Kennet Road are now proposed to be demolished and replaced.”*
- 5.10 The case officer has factored in both the support and objection from the consultation of this application and weighted comments from the previous appeal inspector on the site and the conservation officer. In terms of the design of the buildings they are considered high quality and will add to the local housing market of West Berkshire.
- 5.11 The Quality Design SPD states that dwellings of 3 bedrooms of more should have 100 square metres of private amenity space. The main garden area for Plot 1 provides around 85 square metres plus additional smaller sections of front garden. Plot 2 provides around 70 square metres plus additional smaller sections of front garden. Plot 3 provides around 77 square metres plus additional smaller sections of front garden. The previously considered application 19/01883/FULD refused the permission upon the lack of amenity space. The appeal Inspector (APP/W0340/W/19/3243640) however considered that despite the proposals falling below the threshold in terms of size that would all be rational and regular shaped gardens and would be significant benefits to future occupiers. The Inspector goes on to state *“Furthermore, both would gain a reasonable degree of privacy and generally meet the aspirations of the Council’s SPD to deliver good quality and private garden areas. Consequently, despite the minor deficiency of private space available for the retained dwelling, overall the proposal would achieve a quality design.”*
- 5.12 It is acknowledged that given the recent situation of lockdown that private amenity space is highly a regarded amenity. The space and privacy of these gardens outweigh the deficient size. It is considered on balance that the private amenity space is adequate for the three dwellings.
- 5.13 In regards to the character of the area the buildings are considered to be in keeping with the street scene in terms of height and design. The prominence of the design of the plot 1 ‘turns the corner’ of Kennet road and promotes a sense of place and space. The replacement of 1 and 3 Kennet road with a new build semi-detached building is considered to enhance the appearance of these run-down buildings in the street scene.

However there are noticeable discrepancies within the submitted documents that they could possibly be renovated rather than re built. However this proposal is not before us and therefore with no objection raised by the Conservation Officer the design and impact on the character of the area is considered acceptable.

5.14 The development is in accordance with CS14 of the development plan.

Impact on Neighbouring Amenity

5.15 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.

5.16 There have been objections raised about the design of the building and its impact on the living conditions of neighbouring properties, in terms of overshadowing and loss of privacy.

5.17 The design of the internal accommodation and windows is such that habitable room windows will not face 34 Craven Road at above ground floor level. On the ground floor of plot one there is a utility room with a north facing window. This is not considered a habitable room and it is at ground floor level. The window is not directly facing those of no.34 Craven road and as such provides little opportunity for direct overlooking. Additionally boundary treatments will obscure this view. The family dining room to the north of plot 1 have patio doors on the north and west elevations. These are at ground floor level and therefore boundary treatments will obscure views to other properties. It is accepted that the finished floor level is higher, but these windows are at angles to adjacent properties. It was noted on the case officer's site visit that adjacent properties have similar windows facing northwards. Guidance states that 21 metres is required between directly facing habitable rooms. Although 21 metres is guidance for directly facing windows it is not considered the windows in consideration here are directly facing. Therefore a lower distance can be considered. It is considered that they do still have sufficient separation by being just below the 21 metres and not directly facing. Given the very near town centre location some limited element of overlooking might be expected due to the density of the grain of suburban development.

5.18 Previous applications have not raised overlooking as an issue and this application is considered similarly in this light.

5.19 There were objections raised to both proposed dwellings having an unacceptable impact on 34 Craven Road, due to the overbearing impact of the proposal. The building is to the south of 34 Craven Road, and there would be some additional overshadowing to the garden on 34. Whilst part of the building is close to the boundary with the driveway access, the building is set back from the garden area of 34 Craven Road. The separation distance is such that it will not have an overbearing impact on the amenity area for 34 Craven Road. Additionally number 36 Craven road has a similar built form relationship to the proposed development here.

5.20 The proposed development is not considered to give rise to issues of impact to neighbouring amenity from overbearing, overlooking or overshadowing. This view is given balancing all the considerations of distances, window positions, location and previous decisions.

Flooding and Drainage

- 5.21 The application site is within Flood Zone 3 and Policy CS16 says that in areas with a history of flooding development will only be accepted if it is demonstrated that it is appropriate in that location, and that there are no suitable and available sites at a lower flood risk. It goes on to say that where development has to be located in flood risk area that it should be safe and will not increase the flood risk elsewhere. Both the Environment Agency and the Lead Local Flood Authority raise no objection subject to conditions in regards to the impact to the proposed development. However, CS16 dictates that the sequential test needs to be passed. This test aims to demonstrate that the site subject to this planning permission is an appropriate location in terms of flood risk and that there are no other suitable sites at a lower flood risk that should be built upon first.
- 5.22 The applicants agreed that a sequential test was needed. As a first point of the sequential test a search area should be agreed upon. The LPA's position is that this dwelling could be located across the district. Any settlement boundary could in the settlement hierarchy would in principle accept a dwelling. In the open countryside C 1 would support appropriate infill, such as a net of one dwelling. It is therefore considered that a district wide approach should be the starting point. A recent appeal decision APP/W0340/W/19/3240289 stated that an appropriate starting point was district wide search area and that in this appeal no case was made that the dwelling would meet an identified local need. The agent for this application firstly proposed a search area of Newbury but this was rejected by the LPA officers due to being too constrained and the development could affectively be place anywhere in the district settlement boundaries and not just in Newbury. The agent for the application then increase their suggested search areas to urban settlements as listed in ADPP1 i.e. Newbury, Thatcham, and the eastern urban areas. Again your officers were not satisfied by this proposal given the net of one dwelling would not address a local need that dictates not taking a district wide approach to the sequential test. A sequential test was carried out by the applicant on the understanding that it may be found inadequate given the disagreement on the grounds of the search area not being agreed.
- 5.23 The sequential test was submitted and assessed by officers. Officer's full assessment of the submitted sequential test can be found within the appendices of this report. The conclusion of the report is as follows The LPA has reviewed the submitted sequential test and finds that the development does not pass the sequential test. The following reasons summarise this opinion
- 5.24 The sequential test search area is limited to just the Urban areas of the district, the LPA is of the opinion that the search area should district wide. The Sequential test submitted is therefore inadequate in scope to fully assess sites that might be sequentially more favourable to build upon in terms of flooding.
- 5.25 The assessment of the sequential test misses sites that are actively being marketed (at the time of writing the document) to which meet the criteria set out in the submitted sequential test and are considered reasonably available by the Local Planning Authority.
- 5.26 The submitted sequential test discounts sites that the Local Planning Authority considered to be reasonably available.
- 5.27 The submitted sequential test discounts sites due to them falling with Flood Zone 2 or a critical drainage area to which are areas of lesser flood risk and therefore sequentially preferably to develop prior to this site.
- 5.28 The development is therefore not considered to pass the sequential and therefore does not accord with CS16 of the development plan.

Highways Matters

- 5.29 Policy CS13 refers to development which has an impact on the highways network, and policy P1 sets out the parking requirements for residential development. There were a number of representations which raised concern about the loss of on-street parking as available road space is removed, parking to serve the development, and the proximity of the access to the Kennet Road/Craven Road junction.
- 5.30 The Highways Officer refers to the Transport Statement (TS) prepared by Transport Planning Associates (TPA) submitted as part of this application. They have reviewed the submissions along with objection letters from the wider public. This proposal was subject to previous planning application including 19/01883/FULD. With this previous application, following amended plans no objection was raised by highways
- 5.31 An entirely different plan and layout has now been submitted. The proposal is now for three dwellings split between two locations, with two on the north of the site and one to the south. The northern block consists of two four bedroom units (Plots 2 and Plot 3) with the southern block consisting of a single five bedroom property. No concerns regarding traffic generation are raised by the Highways Officer.
- 5.32 There already is an existing access serving number 1, but the much wider access will result in the loss of one on street car parking space. The provision of the access to the north of the site will result in the loss of a further on street car parking space. This is allocation where according to the TS on page 9' there are relatively high levels of parking stress in the local area, with the parking stress being estimated as 81.9%.
- 5.33 Sight lines for the car parking spaces are shown in Appendix D of the TS. For much of the time the access sight lines will be obstructed by on street car parking. However paragraph 7.8.5 of the Manual for Streets states that "*parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable*". This should therefore be acceptable in this case.
- 5.34 The layout will need to comply with parking standards set in the Housing Site Allocations DPD Policy P1 2017 and Cycle and Motorcycle Advice and Standards for New Development 2014. A total of six parking spaces will be provided on the site, with each dwelling being provided with two parking spaces. This complies with the DPD. The TS argues on page 13 that with this car parking provision, four existing parking permits (for Parking Zone W1) allocated to 1 and 3 Kennet Road will be returned. However with one off street car parking spaces provided for number 1, it would only be three. Nevertheless, it would seem that even with the loss of the two on street car parking spaces, there is still an overall reduction in the on street parking demand from the proposal.
- 5.35 Amended plans were requested by the highways officer for cycle parking and electric charging points but given the application is being refused for other reasons it was seen as added expense for the applicant when it might not change the outcome of the application. Additionally it is considered that these could be handled by a pre commencement condition. The development is therefore considered in accordance with CS13 subject to conditions.

Archaeology Matters

- 5.36 The archaeologist has raised that further information provide through a programmed of archaeological work would be required if approval was given. This can be secured by planning condition.

6. Planning Balance and Conclusion

- 6.1 The application proposes a net gain of one dwelling and rebuilding of two dwellings in a sustainable location near to the town centre of Newbury. The development proposes an acceptable design in terms of its impact on the character of the area and adjacent conservation area. The impact on neighbouring amenity is considered to be acceptable when all considerations are balanced. The amenity space is considered on balance acceptable despite not meeting guidance levels on space. The LPA's officers have not raised objections to the impact of the development upon the surrounding highways.
- 6.2 However, the development is proposed to be built in flood zone 3. National policy seeks to avoid building new developments in flood zone 3 so future occupants avoid the turmoil of having their home flooded or at risk of flooding. As such national and local policy dictates that we should seek to exhaust sites of lower flood risk prior to resorting to building on areas where there is a risk of flooding. The LPA is not satisfied that the proposal passes the flooding sequential test and therefore there is a clear conflict with the development plan. The benefits of the application and other areas whereby the development accords with the development plan does not outweigh this conflict. Conditions cannot be suggested to overcome this conflict. The development is therefore recommended for REFUSAL.

7. Full Recommendation

- 7.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1. **Not passing the flooding sequential test**

The application site is within Flood Zone 3 and Policy CS16 says that in areas with a history of flooding development will only be accepted if it is demonstrated that it is appropriate in that location, and that there are no suitable and available sites at a lower flood risk. It goes on to say that where development has to be located in flood risk area that it should be safe and will not increase the flood risk elsewhere.

The sequential test was submitted and assessed by officers. Officer's full assessment of the submitted sequential test can be found within the appendices of this report. The conclusion of the report is as follows The LPA has reviewed the submitted sequential test and finds that the development does not pass the sequential test. The following reasons summarise this opinion

The sequential test search area is limited to just the Urban areas of the district, the LPA is of the opinion that the search area should district wide. The Sequential test submitted is therefore inadequate in scope to fully assess sites that might be sequentially more favourable to build upon in terms of flooding.

The assessment of the sequential test misses sites that are actively being marketed (at the time of writing the document) to which meet the criteria set out in the submitted sequential test and are considered reasonably available by the Local Planning Authority.

The submitted sequential test discounts sites that the Local Planning Authority considered to be reasonably available. The submitted sequential test discounts sites

due to them falling with Flood Zone 2 or a critical drainage area to which are areas of lesser flood risk and therefore sequentially preferably to develop prior to this site.

The development is therefore not considered to pass the sequential and therefore does not accord with CS16 of the West Berkshire Core Strategy (2006-2026) and paragraphs 157 to 161 of the National Planning Policy Framework 2019.