

# Notice of Meeting

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## Western Area Planning Committee

**Wednesday, 5 February, 2014 at 6.30pm**  
in Council Chamber Council Offices  
Market Street Newbury

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Monday, 27 January 2014

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Elaine Walker on (01635) 519441 Email: [ewalker@westberks.gov.uk](mailto:ewalker@westberks.gov.uk)



**Agenda - Western Area Planning Committee to be held on Wednesday, 5 February 2014**  
(continued)

**To:** Councillors David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hower, Roger Hunneman, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)

**Substitutes:** Councillors Howard Bairstow, Billy Drummond, Adrian Edwards, Mike Johnston, Gwen Mason and Tony Vickers

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# Agenda

## Part I

Page No.

- (1) **Application No. and Parish: 13/02707/FULD, Greenham Parish Council.** 1 - 6

**Proposal:** Demolition of existing dwelling, and erection of 4 number dwellings with associated parking.  
**Location:** Land at 1 Dalby Crescent, Newbury.  
**Applicant:** Priory Land Limited.  
**Recommendation:** The Head of Planning and Countryside be authorised to **GRANT** planning permission, subject to the first completion of the required s106 obligation.

- (3) **Application No and Parish: 13/01937/FULMAJ, Newbury Town Council** 7 - 8

**Proposal:** Proposed Change of Use of offices (Class B1) to provide 10 Dwellings (Class C3)  
**Location:** Phoenix House, 50 And 52 Bartholomew Street, Newbury  
**Applicant:** J Curtis And Sons  
**Recommendation:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8.2) and the completion of a Section 106 legal agreement within two months of the date of Committee.  
OR  
If the s106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure, where expedient.

**Agenda - Western Area Planning Committee to be held on Wednesday, 5 February 2014**  
(continued)

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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## WESTERN AREA PLANNING COMMITTEE ON 5 FEBRUARY 2014

### UPDATE REPORT

<b>Item No:</b>	(1)	<b>Application No:</b>	13/02707/FULD	<b>Page No.</b>	11 - 22
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**Site:** 1 Dalby Crescent, Newbury

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<b>Planning Officer Presenting:</b>	Derek Carnegie
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<b>Member Presenting:</b>	N/A
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<b>Parish Representative speaking:</b>	Mr Tony Forward
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<b>Objector(s) speaking:</b>	Mr Colin Fletcher
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<b>Support(s) speaking:</b>	N/A
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<b>Applicant/Agent speaking:</b>	Mr Mike Chidzey Mr Tom Brockman
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<b>Ward Member(s):</b>	Councillor Swift-Hook Councillor Drummond
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#### **Update Information:**

The Highway Officer has suggested an additional condition:-

HIGH23 - Garages retained for vehicle parking

Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 1995, the garage on the site shall not be used for any purpose other than as garage accommodation, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage(s) is/are kept available for vehicle parking in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

For ease of reference a copy of the appeal decision on the previous application is attached to the update sheet.

Correction. In line 9 of para 6.1.6 of the officers report, the reduction in height of the ridge height of Plots 3 and 4 should read 1m, not 0.5m, i.e. 8m down to 7m.

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## Appeal Decision

Site visit made on 3 September 2013

**by Alan M Wood MSc FRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 September 2013**

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**Appeal Ref: APP/W0340/A/13/2195040**

**1 Dalby Crescent, Newbury, Berkshire, RG14 7JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Chidzey against the decision of West Berkshire Council.
  - The application Ref 12/00426/FULD, dated 20 February 2012, was refused by notice dated 13 December 2012.
  - The development proposed is the replacement of an existing dwelling with the construction of 6 new units and associated car parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Notwithstanding the description above, the proposal before me relates to only 4 dwellings and I have determined the appeal on that basis.

### Application for costs

3. An application for costs was made by Mr Chidzey against West Berkshire Council. This application is the subject of a separate Decision.

### Main Issues

4. The effect of the proposed development on: (a) the character and appearance of the surrounding area, (b) the living conditions of the neighbouring occupiers at No 3 in respect of loss of visual amenity and overshadowing, and (c) the existing services and infrastructure with regard to transport, education, public libraries, health care provision, open space and adult social care.

### Reasons

#### *Character and Appearance*

5. Policy CS14 of the West Berkshire Core Strategy (2012) [CS] requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It also seeks to ensure that new development makes efficient use of land whilst respecting the density and character of the surrounding area. Policy HSG.1 of the West Berkshire District Local Plan (2007) [LP] states that new housing development will normally be permitted within the identified boundaries of Newbury subject to having regard to a number of criteria.

6. The first criterion refers to the existing residential nature of the area surrounding the site. Dalby Crescent is a cul-de-sac comprising a mix of semi-detached bungalows and two storey semi-detached houses. The two properties at the head of the Crescent are detached dwellings. The proposed development would comprise a pair of semi-detached two storey houses (plots 3 and 4) and two detached, two storey dwellings (plots 1 and 2) sited broadly at right angles to the semi-detached dwellings. The proposal would not therefore be out of keeping with the surrounding development in terms of housing mix.
7. The proposed layout would create a row of three residential elements at the head of Dalby Crescent. The appeal site is situated in a prominent location as the land rises towards it. The semi-detached dwellings would face directly towards Dalby Crescent and would be sited fairly close to the carriageway whereas the surrounding dwellings are set further back from the road. Plot 4 would be particularly prominent in this respect. This factor in combination with the overall scale of plots 3 and 4 would in my judgement cause the dwellings to appear too prominent and over dominant in their relationship to the street scene. Accordingly they would not integrate well with or sit comfortably within the street scene. I acknowledge that the level of the land on which the proposed development would be sited would be lowered but this would not prevent plots 3 and 4 appearing as a discordant feature in this part of Dalby Crescent.
8. The proposed development would be evident in Greenham Road immediately to the rear of the appeal site. It would not however be unacceptably intrusive in its relationship to the wider views from Pyle Hill as only the upper parts of the dwellings would be visible. This is already the case for the existing bungalow and is consistent with the properties further along Greenham Road. This factor however would not ameliorate my concerns in terms of the frontage.
9. The second criterion seeks to protect any special features which give character not only to the site but the surrounding area. The existing dwelling has no exceptional characteristics. It is however set back from the head of the cul-de-sac and is therefore less prominent or visually intrusive than would be the case for plots 3 and 4. I do not take issue with the design of the proposed dwellings or that the density of development on the appeal site would be increased to 36 dwellings/ha. However the proposed layout at this density would result in an element of the proposal appearing out of keeping with the street scene.
10. In terms of the third criteria, the level of parking on the site would provide a ratio of 2.5 spaces per dwelling which would be fairly generous in this sustainable location. The proposal would not therefore result in an unacceptable level of on street parking, or local access difficulties. The final criteria pertinent to this case relates to the cumulative effects of infill development and its impact on residential amenity. I have addressed this matter below. I acknowledge that the proposed development would make more efficient use of the land but this should not be to the detriment of the character of the area.
11. Although the Council did not refer to Policies ADPP2 and CS4 of the CS in its decision notice, these policies were alluded to in the Council's statement. The former policy relates to local townscape and the improvement of local gateways. In this respect I have already referred above to the effect of the proposed development on the Greenham Road/Pyle Hill setting and have found no demonstrable harm. Policy CS4 relates to housing type and mix. The policy



also states that lower density developments below 30 dwellings/ha will be appropriate in areas of the District and the Council has indicated that this stricture is appropriate in this case. There is however no supporting evidence before me to demonstrate why, subject to an acceptable layout, a density above that figure would be necessarily harmful to the character of the area in this particular area of the District,.

12. Accordingly, I find that the proposed development would fail to respect the character and appearance of the surrounding area and thereby result in an unacceptable level of harm. It would therefore conflict with Policies CS14 and HG.1. These policies are broadly consistent with the National Planning Policy Framework (the Framework) which seeks to promote high quality design which responds to local character.

### *Living Conditions*

13. The Council has expressed concerns that the proposal would be overbearing and result in an unacceptable level of overshadowing in its relationship to No 3. I have however referred above to the reduction in ground levels at the appeal site which would form part of the proposed scheme. Plot 1 would be sited close to the side boundary with No 3. However, from the evidence before me, and my assessment at the site visit of the effect of the proposed changes in level, I am satisfied that they would significantly ameliorate any loss of residential amenity in terms of visual amenity and overshadowing which would be experienced by the occupiers of No 3. I note that the officer's committee report reached a similar finding in terms of residential amenity.
14. Consequently, the proposal would not unduly harm the living conditions of the residents of No 3 and would not therefore conflict with Policy HSG.1. The policy is consistent with the Framework in this regard as one of its core principles is to secure a good standard of amenity for existing and future occupants.

### *Services and Infrastructure*

15. The Community Infrastructure Levy Regulations state that regulation 122, which sets out the three tests of a planning obligation, will only apply where a relevant determination is made which results in planning permission being granted for the development. In light of my conclusion below, there is therefore no necessity for me to consider this matter.

### *Other Matters*

16. The Council and interested parties have expressed concerns with regard to flooding associated with regard to effect of lowering the ground level on the levels of ground water in this part of Dalby Crescent. I note however that the Council has suggested conditions relating to sustainable drainage arrangements. The occupier of No 3 has also raised the issue of the operations necessary to lower the ground in terms of the potential implications for the stability of boundary wall and the site. These matters however would be controlled by other legislation and/or civil law.

### **Conclusion**

17. I conclude that my finding in respect of character and appearance represents convincing reasons why permission should be withheld in this case. This is not

altered by my findings in relation to living conditions. For the reasons given above, the appeal does not succeed.

*Alan M Wood*

Inspector

## WESTERN AREA PLANNING COMMITTEE ON 5 FEBRUARY 2014

### UPDATE REPORT

**Item No:** (3)      **Application No:** 13/01937/FULD      **Page No.** 41 - 56

**Site:** Phoenix House, Bartholomew Street, Newbury

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**Planning Officer Presenting:** Mrs Isabel Johnson

**Member Presenting:**

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**Parish Representative speaking:** Councillor Phil Barnet

**Additional Speaker:** Anthony Pick – Newbury Society

**Objector(s) speaking:** N/A

**Support(s) speaking:** N/A

**Applicant/Agent speaking:** N/A

**Ward Member(s):** Councillor A Vickers  
Councillor G Mason

#### Update Information:

Queries raised by Cllr Vickers regarding:

##### 1.Absence of contribution towards public open space

No public open space contribution can be justified in this case because there is no net additional pressure in terms of people numbers. Figures are: occupation rate for B1 use: 96 people. Proposed residential use for 8 one bed units and 2 two bed units: 16.24 people.

##### 2.Minimal private amenity space

HSG13, CS14 and the SPD Quality Design provide guidance on the provision of private amenity space where appropriate. It is accepted that a town centre location such as this will have more limited opportunity for private amenity space. With the proposed mix of units, the space provided and some internal communal storage space also provided, the conversion of the office use is considered justified.

### 3. Parking in private car park

Highways have confirmed residents would be entitled to residents parking permits. Parking spaces as part of the planning application were not proposed and are not considered an overriding factor in the consideration of the scheme. Highway Officers have also made a number of evening visits and consider that on street and public car parking is available close to the site.

### 4. Pedestrian access link

A procedure, separate from a planning application is available to members in order to process and claim the introduction of a PROW. For instance, there is a link being claimed currently between Craven Road and St Davids Road.

No letters of representation received.

DC