

Notice of Meeting

Eastern Area Planning Committee

Wednesday, 6 November, 2013 at 6.30pm
in the Calcot Centre, Highview (off Royal Avenue), Calcot

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: Tuesday, 29 October 2013

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre 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

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Stephen Chard on (01635) 519462 Email: schard@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 6 November 2013
(continued)

To: Councillors Peter Argyle, Pamela Bale, Brian Bedwell (Vice-Chairman), Richard Crumly, Sheila Ellison, Alan Law, Royce Longton, Alan Macro, Geoff Mayes, Tim Metcalfe, Graham Pask and Quentin Webb (Chairman)

Substitutes: Councillors Jeff Brooks, Roger Croft, Manohar Gopal, Tony Linden, Mollie Lock, Irene Neill, David Rendel and Keith Woodhams

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
2. **Minutes** 1 - 6
To approve as a correct record the Minutes of the meeting of this Committee held on 16 October 2013.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
 - (1) **Application No. & Parish: 13/01934/FULD - Land to the rear of 9-15 High View, Calcot** 7 - 26
Proposal: Terrace of 3 x 3 bedroom and 1 x 2 bedroom houses, external works, car parking and access road. Replacement car parking off site.
Location: Land to the rear of 9-15 High View, Calcot, Reading.
Applicant: Sovereign Housing Association Ltd.
Recommendation: To delegate to the Head of Planning and Countryside to grant planning permission subject to the schedule of conditions (Section 8.1) and subject to the completion of a legal agreement by 5 December 2013.
OR
If the legal agreement is not completed by the 5 December 2013 to delegate to the Head of Planning

Agenda - Eastern Area Planning Committee to be held on Wednesday, 6 November 2013
(continued)

and Countryside to refuse planning permission given the failure of the application to mitigate the impact of the development on the local infrastructure as set out in Section 8.2.

- (2) **Application No. & Parish: 13/01832/FUL - 37 King Street, Mortimer Common** 27 - 38
- Proposal:** Change of use from retail A1 shop/office to mixed use of retail and sui generis (dog grooming).
- Location:** 37 King Street, Mortimer Common, Berkshire, RG7 3RS.
- Applicant:** Mr and Mrs Antony Morris.
- Recommendation:** To delegate to the Head of Planning and Countryside to grant planning permission.

Items for Information

5. **Appeal Decisions relating to Eastern Area Planning** 39 - 40
Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.

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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EASTERN AREA PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD ON
WEDNESDAY, 16 OCTOBER 2013**

Councillors Present: Peter Argyle, Pamela Bale, Brian Bedwell (Vice-Chairman), Richard Crumly, Alan Law, Royce Longton, Alan Macro, Geoff Mayes, Tim Metcalfe, Irene Neill, Graham Pask and Quentin Webb (Chairman)

Also Present: Sarah Clarke (Team Leader - Solicitor), Gareth Dowding (Senior Engineer), Charlene Myers (Democratic Services Officer) and David Pearson (Team Leader - Development Control)

PART I

40. Minutes

The Minutes of the meeting held on 25 September 2013 were approved as a true and correct record and signed by the Chairman.

41. Declarations of Interest

Councillor Geoff Mayes declared an interest in Agenda Item 4(1), but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

42. Minutes

The Minutes of the meeting held on 25 September 2013 were approved as a true and correct record and signed by the Chairman.

43. Declarations of Interest

Councillor Geoff Mayes declared an interest in Agenda Item 4(1), but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

44. Schedule of Planning Applications

**44(1) Application No. & Parish:13/01612/HOUSE - 55 The Avenue,
Mortimer Common**

(Councillor Geoff Mayes declared a personal interest in Agenda item 4(1) by virtue of the fact that he knew the objector. As his interest was personal and not prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/01612/HOUSE in respect of a single storey front addition to the garage together with a new pitched roof over the existing garage.

In accordance with the Council's Constitution, Councillor M Dennett, Parish Council representative and Mr Roger Jones, objector, addressed the Committee on this application.

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Councillor M Dennett in addressing the Committee raised the following points:

- The Parish Council objected to the original plan as in their opinion it constituted over development of the site and would result in an extension forward of the building line.
- The revised plan still sought to increase the overall footprint of the development which would set a precedent in the area.
- The amended roof design was an improvement based on the previous design but the extension would still be forward of the building line.
- They were concerned that the proposed plans resulted in a loss of the parking space to the front of the site due to the extended garage.

Mr Roger Jones in addressing the Committee raised the following points:

- He had occupied number 53 The Avenue since 1955.
- The original development plans would result in a loss of sunlight in his garden; the revised plan sought to lessen the impact upon neighbouring amenity but still failed to fully alleviate his concern.
- The garage wall was on the property boundary of number 53 The Avenue, not number 52 as stated during the site visit. Development of number 52 had to take place on the applicant's site; therefore it was difficult to see how the contractor would access the garage wall without entrance via number 53.
- The footings and overall structure of the garage would need to be considered prior to development and incorporate an assessment made by a building surveyor of impact on his property.
- The amended proposal remained over development
- In response to questions asked, Mr Jones advised that he preferred the proposed design with a hipped roof line. Mr Jones stated that the gable would reflect the design already to the front of the property but felt that it would still appear overbearing.

Councillor Mayes, Speaking as Ward Member, raised the following points:

- The revised plan sought to improve the appearance of the development but this remained questionable in his view.
- The development of the garage could prove problematic and required the expertise of a building surveyor.
- The development would set a precedent in the area.
- The north side boundary belonged to 53 The Avenue.

Councillor Richard Crumly apologised for not being able to attend the site visit and explained that he felt the revised plan improved the appearance of the property. Councillor Crumly stated that he could not see a planning reason to refuse the application.

Councillor Graham Pask apologised for not being able to attend the site visit and stated that the application in front of the Committee should be considered on its own merit. Councillor Pask explained that based on the position of the building and minimal impact upon neighbouring amenity, he could not see a planning reason to refuse the application and therefore he proposed acceptance of Officer's recommendation.

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Councillor Brian Bedwell conveyed his disappointment that the Committee was unable to hear from the applicant and stated that building inspectors would need to be careful during construction with regard to the concerns of the neighbour.

Councillor Irene Neil explained that number 55 was set lower than number 53 and further back, therefore, the front extension would have minimal impact on neighbouring amenity.

Councillor Alan Law echoed comments from the Committee and seconded Councillor Pask's proposal to accept Officer's recommendation.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the receipt of a suitable block plan by November 16th 2013 and subject to the conditions set out in the agenda with condition 2 to be updated to include the receipt of a satisfactory block plan.

Conditions

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026) should it not be started within a reasonable time.

2. The development hereby permitted shall be carried out in accordance with drawing title numbers; Ground Floor Plan, 1961.G.2. (PART) A, 1961.G.4 A, 1961.G.5 A, 1961.G.6 A, 1961.G.7 A, and 1961.G. 8 A; received on 11th October 2013 and Block Plan; received on 23rd October 2013.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

3. The materials to be used in the development shall match those on the existing development to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

4. Irrespective of the provisions of the current Town and Country Planning (General Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in the north elevation of the roof hereby approved without the prior approval in writing of the Local Planning Authority.

Reason: To prevent overlooking of adjoining properties and in the interests of the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

5. Irrespective of the provisions of the current Town and Country Planning (General Development) Order 1995 (or any subsequent revision) The existing garage and the extension to it hereby approved shall be retained for vehicle parking.

Reason: To ensure that the garage is 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), 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).

45. Application No. & Parish: 13/01936/HOUSE - 2 Church View, Beenham, Reading

(Prior to the item being considered Councillor Quentin Webb advised Members that the Planning Service received a letter from Mr Tony Newcombe from 3 Church View. The letter invited Members to visit the neighbouring property, during the site visit, in order that they could consider the impact upon neighbouring amenity. David Pearson was unaware of the request as a result the group had not visited neighbouring properties. The Committee heard that David Pearson and Councillor Webb visited 3 Church View and k supplementary photographs had subsequently been taken of the property from the position of the neighbouring garden. The Committee agreed that they had sufficient information in order to consider the application in full and determined that they would proceed with the item).

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 13/01936/HOUSE in respect of a proposed roof space conversion and associated internal alternations, including a dormer window, roof light and sun pipe.

In accordance with the Council's Constitution, Mr Tony Newcombe, objector and Mr Neil and Mrs Liz Wilkinson, applicant, addressed the Committee on this application.

Mr Tony Newcombe in addressing the Committee raised the following points:

- He occupied number 3 Church View.
- The proposed extension was very large in comparison it's current size. The overall size of the development would be overbearing and impact negatively on neighbouring amenities. It would be very close to the boundary and the two properties were only 5m apart.
- West Berkshire Planning Guidance stated that dormers should be seen as a means of providing light and ventilation to an existing roof space and not as a means of increasing floor space for a dwelling.
- The increased height of the neighbouring roof line would affect the access to evening sunlight which entered the neighbouring garden from the west.
- Development works would be intrusive and obstruct his privacy.
- He was deprived of a fair hearing due to the oversight of the Planning Team, and requested that the item be deferred until such time when Members could visit his property and observe the impact .of the proposal.

In response to questions asked, Mr Newcombe confirmed that he occupied the property to the east of number 2 Church View and that the increased height of the roof line would impact the natural light available in his study, bedroom, bathroom, kitchen and living room.

Mr and Mrs Wilkinson in addressing the Committee raised the following points

- They had worked with officers to address the reasons for refusal of their previous application. The amended plans reduced the width of the dormer which addressed concerns that the development was excessive.
- The size of the dormer on the east side of the property had to provide sufficient space for wheelchair access.
- Planning permission had been granted for other dormers of similar design on neighbouring properties..
- Windows would be used for ventilation purposes only and glazed glass inserted in order that neighbours privacy was not compromised

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In answer to questions raised, Mr Wilkinson confirmed that the plan included the use of windows to the front and rear of the dormer as shown on the original plans.

It was noted that Mr Newcombe felt he had been deprived of a fair hearing. Sarah Clarke advised Members that from a legal perspective the Committee was entitled to make a decision, with the use of the supplementary photographs if required, as they had sufficient information on which to base a judgement, notwithstanding that the alleged oversight by the Planning team.

In response to questions raised, David Pearson advised that applicants were encouraged not to seek additional living space through the use of extending the roof as it could result in large and unattractive structures. David Pearson reminded the Committee that the application was finely balanced and Members would need to assess the impact on neighbouring properties as a key issue.

Councillor Royce Longton raised the concern that the Committee was unable to sufficiently assess the neighbouring impact without a visit to the site and therefore requested that the item be deferred.

Councillor Pask highlighted that similar developments existed in the immediate area; however, due to the position of the neighbouring garden, he was uncomfortable with the proposed developed at number 3 Church View.

Councillor Law explained that the dormer appeared unattractive to some people, but other properties in the area had them in place. He was concerned that the proposed windows on the dormer would result in overlooking but acknowledged that the application included obscure glazed windows. Councillor Law concluded that if the item was refused then it was likely that the decision would be challenged at appeal.

Councillor Bedwell echoed the concern highlighted by Members that he too had not assessed the potential impact from the neighbouring garden. Councillor Crumly felt the proposal was unattractive and overbearing, resulting in a loss of neighbouring amenity and therefore he proposed refusal of Officers' recommendation.

Councillor Pask felt similar development to neighbouring properties had set a precedent in the area, but that if the application was considered in isolation then the impact upon neighbouring amenity was evident. Councillor Pask seconded the proposal to refuse Officers' recommendation.

RESOLVED that the Head of Planning and Countryside be authorised to REFUSE planning permission subject for the following reason:

1. The proposed dormer is poorly designed and will result in an unattractive, long and bulky addition to the roof of No. 2 Church View, Beenham. No. 2 Church View lies only 4 - 5.5M from the rear elevation of No. 3 and the proposed dormer will have a significant and unacceptable visual and overbearing impact on the amenity of that property. Accordingly due to its poor design and unacceptable impact the proposal is contrary to the requirement for high quality design, which should seek to protect and enhance the amenity of neighbouring properties, contained in Policy CS14 of the West Berkshire Core Strategy (2006-2026) Section 7 of the National Planning Policy Framework (March 2012), West Berkshire Council's Supplementary Planning Document Quality Design - West Berkshire Part 1 Achieving Design Quality (June 2006), West Berkshire Council's Supplementary Planning Guidance - House Extensions (July 2004) and the Beenham Parish Design Statement - July 2004.

INFORMATIVE (13/01936/HOUSE):

- 1 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a

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positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

46. Appeal Decisions relating to Eastern Area Planning

Members noted the outcome of appeal decisions relating to the Eastern Area.

47. Site visits

A date of 30 October 2013 at 9.00am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 6 November 2013.

Agenda Item 4.(1)

Item No	Application No. and Parish	Proposal, Location and Applicant
(1)	13/01934/FULD Tilehurst Parish Council	Terrace of 3 x 3 bedroom and 1 x 2 bedroom houses, external works, car parking and access road. Replacement car parking off-site. Land To The Rear Of 9 - 15 High View, Calcot, Reading. Sovereign Housing Association LTD.

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01934/FULD>

Recommendation Summary:

To **DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1) and subject to the completion of a legal agreement by 5th December 2013.

OR

If the legal agreement is not completed by the 5th December 2013 to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** given the failure of the application to mitigate the impact of the development on the local Infrastructure as set out in section 8.2.

Ward Members:

Councillor Bedwell
Councillor Argyle
Councillor Gopal

Reason for Committee Determination:

Level of Objection (14 Letters of objection and petition with 47 signatures)

Committee Site Visit:

30th October 2013

Contact Officer Details

Name:	Samantha Kremzer
Job Title:	Planning Officer
Tel No:	(01635) 519111
E-mail Address:	skremzer@westberks.gov.uk

1. Site History

- 10/00124/FULD - Three 3 bedroom houses and one 2 bedroom house terraces together with external works, car parking and access road. Replacement car parking spaces off site. Refused. 17.03.2010
- 10/01441/FULD - Three 3 bedroom houses and one 2 bedroom house terraces together with external works, car parking and access road. Replacement car parking spaces off site. Approved. 14.10.2010

2. Publicity of Application

Site Notice Expired: 17th October 2013
Neighbour Notification Expired: 30th September 2013

3. Consultations and Representations

Parish Council: No objections, subject S106 contributions.

Highways: A transport statement was submitted with the previous planning application with an updated schedule. The existing use of the site is a series of garage blocks. An exercise was undertaken during 2010 that revealed how many of the garages are in use and how many replacement car parking spaces were required. Seven car parking spaces are therefore proposed along the southern side of Highview, which is still considered acceptable. The parking area is within the red line that enables any conditions to be applied to secure their provision.

A new turning head for refuse vehicles is to be provided and will be adopted as public highway under Section 38 of the Highways Act 1980.

The footway fronting number 2 High View should link in with the new turning head with a dropped kerb if required.

The layout and car parking provision of two spaces per unit is acceptable.

SuDS: No objections. There is not much in the way of drainage information submitted, soakaways are mentioned in the text as a means of site drainage; the Design and Access Statement also mentions SuDS paving to the parking spaces;

Detail for the proposals (detailed plans, run-off and capacity calcs, ground investigation / permeability tests) can be conditioned if necessary.

Environmental Health:

No objections, the following concerns can be dealt with by conditions:

- Noise and dust from the demolition of the garages and from the construction of the new properties
- Potential of contamination from previous use of site as garages

Ecology:

No objections.

Waste:

No objection. The swept path has demonstrate that the refuse collection vehicles (the longest being 11.2 metres) can turn in the proposed area.

Thames Water:

No objection with regard to water infrastructure.

Objection Letters:

14 Letters of objection and a petition with 47 signatures

- The buildings are not in keeping with the character of the suburban area;
- Overdevelopment of the area and loss of an open space;
- Due to the slope of the site there are currently wide views enjoyed by residents and the public, that will be lost;
- Impact upon neighbours amenity in terms of:
 - Loss of privacy and overlooking;
 - Loss of light and overshadowing;
- There is currently no anti-social behaviour around the site, but there will be a potential for anti-social behaviour with rear access' to the new houses;
- The current parking situation on High View and Royal Avenue is poor and there is existing high demand for garages within the area;
- There will be an impact upon local wildlife habitats around the site;
- There is asbestos in the garage roofs;
- West Berkshire already has sufficient sites allocated to meet there 5 year housing land supply;
- Previous approval (10/01441/FULD) was nullified;
- New houses will impact upon neighbours property values;

Alternative use for the site suggested: allotments or retirement bungalows.

4 Planning Policy

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026, July 2012 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
 - By Design: urban design in the planning system: towards better practice (DETR/CABE)
 - The Draft National Planning Practice Guidance (NPPG)
- 4.3 The policies within the West Berkshire Core Strategy (2006-2016) July 2012 attract full weight. The following policies are relevant to this application:
- Area Delivery Plan Policy 1 Spatial Strategy;
 - Area Delivery Plan Policy 4 Eastern Area;
 - CS 1 Delivering New homes and Retaining the Housing Stock;
 - CS 4 Housing Type and Mix;
 - CS 5 Infrastructure requirements;
 - CS 13 Transport;
 - CS 14 Design Principles;
 - CS 15 Sustainable Construction and Energy Efficiency;
 - CS 17 Biodiversity and Geodiversity;
 - CS 19 Historic Environment and Landscape Character;
- 4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The following saved policies from the Local Plan are relevant to this application:
- HSG1: The Identification of Settlements for Planning Purposes;
 - TRANS 1 : Meeting the Transport Needs for New Development;
- 4.5 In addition, the following locally adopted policy documents are relevant to this application:
- Supplementary Planning Document, Delivering Investment from Sustainable Development (adopted 2013)
 - Supplementary Planning Document, Quality Design (June 2006)

5. Description of Development

- 5.1 The application is for erection of a terrace consisting of three x 3 bed dwellings and one x 2 bed dwelling together with car parking and access roads. The site is currently occupied by garage blocks to the rear of 9-15 High View, Calcot.
- 5.2 Seven replacement car parking spaces are also proposed to replace the garages which are currently in use.

- 5.3 Previous application 10/01441/FULD was approved under delegated powers (15.10.10) for an identical scheme, the permission was never 'nullified' as claimed by objectors but was not implemented within the standard three year period and has now lapsed.

6. Consideration of the Proposal

The main issues raised by the proposal are:

- 6.1 The principle of development;
- 6.2 The impact on the character of the area;
- 6.3 Impact on the highways and parking;
- 6.4 The impact on neighbouring amenity;
- 6.5 SuDS/ land drainage;
- 6.6 Ecology;
- 6.7 Contamination;
- 6.8 Developer contributions;
- 6.9 Other matters raised;
- 6.10 Assessment of sustainability;

6.1 Principle of development

- 6.1.1 The application site is located within the settlement boundary of Calcot, in a residential area as defined in Local Plan Policy HSG1. Core Strategy Policy ADPP1 considers Calcot as an "Urban Area", where the focus of the majority of development will be. Within settlement boundaries there is a presumption in favour of development, subject to criteria set out within the relevant development plan policies.
- 6.1.2 Objectors have stated that "The housing land supply (2012) states there is already more than sufficient supply of housing land to meet the 5 year requirement" however it should be noted that, as a site with an outstanding permission in March 2011, application 10/01441/FULD would have been included in the housing land available calculation. In addition paragraph 5.7 of the Core Strategy states that windfall development will contribute towards meeting the overall housing land requirements when permitted.
- 6.1.3 The applicants commissioned a parking survey in 2010 and have supplied an updated to this. The updated survey indicates that 5 spaces will be required to replace garages which are used. Your officer understands that only those living locally were considered and garages which were rented by those not living in the local area were not considered to need alternative places for car parking. As these 5 spaces are to be replaced by 7 parking spaces on the south side of High View the principle of the loss of the garages and their replacement by four dwellings is acceptable.
- 6.1.4 The principle of development is therefore acceptable, subject to its compliance with other planning policies and material planning considerations.

6.2 Impact on the character of the area

- 6.2.1 The NPPF looks for good quality development which has regard to the amenity of surrounding land users as well as Policy CS14 of the Core Strategy which seeks, amongst other things, to make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area.
- 6.2.2 The application site lies within an existing dense mid 20th Century residential estate. Development in the vicinity is a mixture of small to medium sized semi-detached housing and rows of terraced housing and bungalows. The area is well served by amenities, being within 200 metres of a local recreation ground, 500 metres of a supermarket and having several schools nearby, as well as having good access by public transport to local employment centres.
- 6.2.3 To the east of the site is a residential care home which, is at a lower level and screened from the site by substantial hedging. To the north are the dwellings in Royal Avenue and to the west other two storey dwellings in High View. To the south is a row of bungalows accessed from High View. The site is concrete and contains single story flat roofed garage blocks which are of no particular architectural merit.
- 6.2.4 The four houses are designed with half brick and half render and a slate tiled roof. The land falls away to the east so the terrace is stepped down slightly between plots 1 and 2 and between plots 3 and plot 4. There are small gables in the roof above the first floor windows, reducing the ridge and eaves height. The design and choice of materials is considered acceptable and to be in keeping with the varied style of surrounding houses, mostly built in the mid 20th century.
- 6.2.5 Although small, the size of the gardens are considered comparable to the bungalows to the south and smaller sites within the wider Calcot area. Policy CS4 notes that developments should make efficient use of land, with greater intensity of development at places with good public transport accessibility, it notes that in areas outside town centres, new residential development will predominantly consist of family sized housing which should achieve densities of between 30 and 50 dwellings per hectare. The proposal equates to 34 dwellings per hectare and is considered an appropriate density for the character of the area.

6.3 Impact on the highways and parking

- 6.3.1 The existing use of the site is a garage block. During the previous application (10/01441/FULD) it was agreed that the provision of seven new parking spaces alongside High View was adequate to cater for those garages which were still in use, the updated transport statement has been assessed and is still considered to be acceptable in highways terms.
- 6.3.2 A swept path drawing for waste vehicles has been provided and the Highways and Waste Officers now consider this to be acceptable in highways terms.

6.4 Impact on neighbouring amenity

- 6.4.1 The Core Principles of the NPPF state that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and Policy CS14 considers development should make a positive contribution to the

quality of life. As such amenity is an important issue to consider. The application site is bounded on a number of sides by residential dwellings and there are a number of properties that could be affected by development at this site.

- 6.4.2 **Sunlight & Daylight:** There is a change in levels across the site, both north to south and to a less extent east to west and the proposed dwellings will be set approximately 1.2m lower than the dwellings to the north (Royal Avenue).
- 6.4.3 In terms of any loss of daylight, the proposal has been assessed in accordance with "BRE Site Layout planning for daylight and sunlight: a guide to good practice". The relevant test on existing buildings (at 2.2) is that in the section drawn perpendicular to the existing window wall, the new development subtends an angle greater than 25 degrees to the horizontal measured from a point at the level of the lowest window. If this angle is less than 25 degrees for the whole of the development then it is unlikely to have a substantial effect on the diffuse daylight enjoyed by the existing building.
- 6.4.4 The horizontal baseline was taken at 1 metre above ground level for this assessment, from which point the angle to the proposed ridge is 10 degrees from Royal Avenue and 17 degrees from 9-15 High View. This is less than the critical 25 degrees, and therefore the development is considered acceptable in this respect.
- 6.4.5 In terms of any loss of sunlight, the BRE guidance (at 3.2) states that obstruction to sunlight may become an issue if (1) some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building, and (2) in the section drawn perpendicular to the existing window wall, the new development subtends an angle greater than 25 degrees to the horizontal measured from a point 2 metres above the ground (floor level). The dwellings at Royal Avenue are less than the critical 25 degrees, and therefore the development is considered acceptable in this respect.
- 6.4.6 **Overlooking / privacy:** The issue of overlooking and loss of privacy has been considered from each of the neighbouring properties:
- 6.4.7 North, Royal Avenue: Due to the topography of the site the proposed dwellings are slightly lower than the dwellings in Royal Avenue, the first floor rear windows are now approximately 24 metres from the rear windows of the dwellings in Royal Avenue (plot 1) rising to 27 metres (plot 4). The Quality Design SPG (part 2) states that 21 metres is the accepted minimum window to window distance for first floor facing windows and in this suburban setting this distance is considered acceptable.
- 6.4.8 East and West: No windows are proposed in either of the side elevations. There are concerns regarding the overlooking of the rear of No2 High View as the proposed terrace is set much further back than the existing dwellings in High View. However, Plot 1 has been turned slightly and the closes window which could reduce the privacy of No 2 Highview is a bathroom window which can be conditioned to be obscure glazed.
- 6.4.9 South, 9 – 15 High View: To the south of the site is a row of bungalows which sit below the level of the proposed terrace. The bungalows are approximately 22 metres from the terrace. In front of the terrace is a proposed parking area for the four dwellings. This is to be screened by a tree and landscape barrier which will

reduce the impact and possible noise and disturbance of the parking area from the rear gardens of the bungalows.

6.4.10 **Overbearing:** The small gables in the roof above the first floor windows result in a eaves height of between 4 and 4.5 meters, when considered in relation to the distances from the boundaries it is not considered to be overbearing on the surrounding neighbours to the north and south.

6.4.11 Although the gabled end elevation of the proposed dwellings will be only 1 metre from the boundary to the west (2 High View) the new dwellings will be located approximately halfway down the garden and the relative low eaves and ridge hedge of the proposal are not considered to have a sufficiently detrimental impact upon amenity to warrant refusal of the application.

6.4.12 **Noise and disturbance:** Given its residential location, Environmental Health officers have raised concerns over potential disturbance to the surrounding neighbours during demolition and construction. However they considered conditions relating to hours of work and dust can overcome this.

6.4.13 In terms of the impact on amenity of neighbouring properties the proposed new dwellings are considered to be acceptable.

6.5 SuDS/Land drainage

6.5.1 The SuDS officer has commented on the proposed plans and has requested details of the disposal of the site's surface water, this can be secured by condition.

6.6 Ecology,

6.6.1 The Council's Ecologist has assessed the site in relation to the impact upon local wildlife and has raised no objections to the proposed new dwellings.

6.7 Contamination

6.7.1 Environmental Health Officers has recommended a condition to ensure that risks from contamination to the future users of the land and neighbours are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and neighbours.

6.8 Developer contributions

6.8.1 If this application is approved by committee the applicants have indicated they are willing to enter into a legal agreement to mitigate the impact of the development on local infrastructure and services. This is in accordance with Policy CS5 and the Council's SPD "Delivering Investment from Sustainable Development".

6.9 Other matters raised

6.9.1 The applicant has confirmed the dwellings can achieve Code for Sustainable Homes Level 4. This is in accordance with Policy CS15

6.9.2 Other issues raised by objectors, such as property value and loss of views to the neighbouring dwellings are not planning considerations.

6.10 Presumption in favour of sustainable development

6.10.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development being achieved with consideration being given to economic, social and environmental sustainability aspects of the proposal.

6.10.2 Providing new housing in sustainable locations has a clear social benefit which supports strong, vibrant and healthy communities. The NPPF clearly seeks to significantly boost the supply of housing and the application site is considered to be a suitable location for small scale windfall housing development. As such, it is considered that the proposal would have social benefits which weigh in favour of granting planning permission.

6.10.3 In terms of the economic role of planning, sustainable growth is supported, including the provision of infrastructure. The applicant will enter into a legal agreement with the Council to ensure the infrastructure, services and amenities made necessary by this development will be provided by way of developer contributions. It is also considered that the development would have short term economic benefits during the construction phase which weigh in favour of granting permission.

6.10.4 Contributing to protecting and enhancing our natural built environment is fundamental to fulfilling the environmental role of planning. The impact on the character and appearance of the surrounding area has been assessed and found to be acceptable and the addition of 4 dwellings in this location is not considered to have a harmful impact on its surroundings. As such, there are no environmental reasons to justify refusing planning permission.

6.10.5 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.

7. Conclusion

7.1 Having taken account of all of the relevant policy considerations and the other material considerations referred to above, and having regard to the reasons to support the proposal, the proposed development is recommended for approval subject to the conditions listed below and the completion of a S106 agreement.

8. Recommendation

DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1) and subject to the completion of a legal agreement by 5th December 2013.

8.1 Schedule of conditions

1. Full planning permission time limit

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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. Standard approved plans

The development hereby permitted shall be carried out in accordance with drawings titled 1304/1a, 1304/2f, 1304/3e, 1302/6a, 134/7d and ITB5016-GA-003B received on 6 September 2013 and 1304/4d received on 15 October 2013.

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

3. Samples of materials

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials are of a quality appropriate to the nature of the development, the site and its surroundings. This condition is imposed to comply with the National Planning Policy Framework (March 2012), Policy CS 14 of the West Berkshire Core Strategy 2006-2026.

4 P.D Rights restriction

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no development which would otherwise be permitted by Schedule 2, Part 1 Classes A-E inclusive of that Order shall be carried out, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: To prevent the overdevelopment of the site and the amenity of adjoining properties, and in the interests of respecting the character and appearance of the surrounding area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5 Obscure glazing, No side windows

The first floor bathroom window in plot 1 shall be fitted with obscure glass before the dwellings hereby permitted are brought into use, and the obscure glazing shall be permanently retained in position thereafter.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no windows shall be constructed at first floor level on the east and west elevations of the dwellings hereby permitted without planning permission being granted by the Local Planning

Authority in respect of an application made for that purpose.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026)

6 Levels

No development shall take place until details of the floor levels and surrounding ground levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the dwelling and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy 2006-2026.

7 Code for Sustainable Homes

The dwelling hereby permitted shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). The dwelling shall not be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

8 Fencing and enclosures

No development shall take place until details of all fencing and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a schedule of materials and drawings demonstrating the layout and appearance of the fencing and other means of enclosure. The dwelling hereby permitted shall not be occupied until the fencing and other means of enclosure have been erected in accordance with the approved details.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy 2006-2016.

9 Hard Surfacing

No development shall take place until details of the external hard surfaced areas of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a schedule of materials, means of

treatment, and drawings demonstrating the layout of the hard surfaced areas. The dwelling hereby permitted shall not be occupied until the hard surfaced areas have been constructed in accordance with the approved details.

Reason: In the interests of visual amenity and surface water drainage, in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

10 Landscaping

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules 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 landscape scheme within the first planting season following first occupation of the development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework (March 2012) and Policy CS18 of West Berkshire Core Strategy July 2012.

11 Parking/turning in accord with plans (YHA24)

The development shall not be brought into use until the turning areas, vehicle parking for the proposed dwellings and the seven replacement parking spaces have 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 (March 2012), 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 Cycle parking (YHA35)

The development shall not be brought into use until sheds for the cycle parking have 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 (March

2012), 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).

13 Access construction (YHA5A)

The development shall not be brought into use until the access and turning head has been constructed in accordance with the approved drawing(s).

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

14 Refuse facilities (YD9)

No development shall commence until details of provision for the storage of refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter refuse shall be stored in accordance with these approved details.

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

15 Hours of work condition

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers, in accordance with the guidance within the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026) July 2012.

16 Dust

No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: To safeguard the living conditions of adjacent occupiers, in accordance with the guidance within the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026) July 2012.

17 Contaminated Land

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until part 1 to 4 of condition 17 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

Part 1. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Part 2. Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part 4. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local

Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years (to be agreed with the LPA), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19. Suds

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- g) Ensure any permeable areas are constructed on a permeable sub-base

- material such as Type 3 or reduced fines Type 1 material as appropriate;
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
 - i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are occupied. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

Informatives:

1 Approval Objections/Support 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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2 Informative – 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.

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, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

6 Thames 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.

OR

- 8.2 If the legal agreement is not completed by the 5th December 2013 to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reason:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to the National Planning Policy Framework and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.

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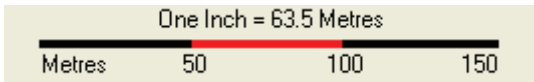


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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	24 October 2013
SLA Number	100015913

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Agenda Item 4.(2)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	13/01832/FUL Mortimer Parish Council	24 th October 2013	Change of use from retail A1 shop/office to mixed use of retail and sui generis (dog grooming). 37 King Street, Mortimer Common, Berkshire, RG7 3RS. Mr and Mrs Antony Morris.

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01832/FUL>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION**

Ward Members: Councillor Geoff Mayes
Councillor Mollie Lock

Reason for Committee determination: Letters of representation - 12 letters of objection received, and 131 letters of support.

Committee Site Visit: 30th October 2013

Contact Officer Details

Name: Andy Heron
Job Title: Planning Officer
Tel No: (01635) 519111
Email: aheron@westberks.gov.uk

1. PLANNING HISTORY

- 90/49051/CERTP** Certificate of lawfulness for an existing use as a retail shop and offices with flat above – open storage – storage for 10 vehicles plus open storage and sale of liquid petroleum gas – vehicle workshop (with inspection pit). 4 bed attached cottage. Refused, 23rd January 1997.
- 97/51090/CERTP** Certificate of lawful use for an existing use as retail shop/offices with flat above, open storage – storage for 10 vehicles plus open storage and sale of Liquid petroleum gas, vehicle workshop (with inspection pit), and 4 bed attached cottage. Approved, 3rd February 1998.
- 11/01917/FUL** Change of use from office to B2. Refused 2nd September 2011.
- 13/01911/FUL** Retrospective change of use from a workshop for the maintenance of motor vehicles owned and/or operated by the lawful occupiers of the site only to a sui generis use to provide servicing and maintenance to vehicles owned by the public. Withdrawn 1st October 2013.
- 13/01891/ADV** Non illuminated fascia sign. Approved 24th October 2013.

2. PUBLICITY

Original Site Notice Expired: 20th October 2013
Neighbour Notification Expired: 26th September 2013

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

Mortimer Parish Council: No objections. The Parish Council raise no objections to this application but would like to see the planning status for the whole site defined.

Highways: According to the application form the net tradable area of A1 space is 21.6 sqm as per existing, with a further 9.88 sqm lost which is part of the retail element but not tradable area.

Given the A1 use is existing, I would raise no objections to this element of the proposal.

8.32 sqm B1a and 26.25 sqm B8 use are to be lost, with 2.2 sqm B8 retained, and an additional 44.45 sqm floor area for the proposed dog grooming business.

The information below clarifies that dogs will be left at the site by appointment, and collected after the grooming has been undertaken. There would not therefore be a high number of customer vehicles

waiting at the site for prolonged periods. It would simply be for drop off and collection. This enables staggered customer movements.

It is probable that the number of trips to the site will increase as a result of this element of the application. There is the possibility of increased movements at peak periods if dog owners drop their dogs off at the start of the day, on their way to work for example, and collect them on the way home. I am unsure how likely this is, or whether owners will arrive at the site at their allotted appointment time. As the proposal is for the existing business to be relocated from Burghfield, any movements would not be completely new movements onto the highway network.

There is some on-street car parking that occurs in front of the building on King Street. In respect of the allocated parking to the rear of the site I would request that one space be staff parking as identified, but that the remaining two parking spaces are kept free for customers of the dog grooming business and that they be signed as such.

In terms of the car parking, I believe it would be difficult to refuse this proposal on these grounds. Some on-street car parking does occur in this location and it would be difficult to state that this application would result in a situation that would be to the detriment of highway safety and the free-flow of traffic, particularly as customers would be dropping off and collecting only, rather than staying at the site for a prolonged period. In addition, customers should arrive at varying times throughout the day. Both of these aspects will reduce the demand for parking at one given time.

Taking all of the above into consideration, I would raise no highway objections to this application.

Environmental Health: No objections.

3.2 Representations

Total: 143 Object: 12 Support: 131

Summary of comments:

- Letters of support: Supporting comments: improvement to the local economy, requirement for dog grooming business and supplies in the local area, reduction in traffic.
- Letters of objection: Objection concerns: Noise implications, parking implications, pollution, harm to neighbouring amenity, overdevelopment.

4. PLANNING POLICY

- 4.1 The statutory development plan comprises policies in the West Berkshire Core Strategy 2006 – 2026, July 2012 and those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
 - By Design: urban design in the planning system: towards better practice (DETR/CABE)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- ADPP1: Spatial Strategy
 - ADPP6: The East Kennet Valley
 - CS9: Location and Type of Business Development
 - CS13: Transport
 - CS14: Design Principles
 - CS19: Historic Environment and Landscape Character
- 4.4 The following policies from the West Berkshire District Local Plan, Saved Policies 2007 are relevant to this application:
- OVS5: Environmental Nuisance and Pollution Control
 - OVS6: Noise Pollution
 - SHOP5: The Encouragement of Local and Village Shops
- 4.5 In addition, the following locally adopted policy document is relevant to this application:
- Stratfield Mortimer Village Design Statement (November 2007)

5. DESCRIPTION OF DEVELOPMENT

- 5.1 The site is a vacant property situated in King Street in Mortimer. The surrounding area is predominantly residential; it is located within the settlement boundary of Mortimer. Although vacant the permitted use for the property is A1 retail use. The application proposal seeks planning consent for the change of use from A1 retail use to sui generis use for a dog grooming parlour with ancillary A1 retail use to sell dog supplies such as food, toys, and clothing. The applicant currently operates in Burghfield and wishes to relocate their business to Mortimer.
- 5.2 The planning application does not propose to change the external appearance of the property; internal alterations are the only physical change as a result of this planning application with the exception of parking safety signs and markings for customers and staff. The A1 retail use will cover an area of 21.6 square meters; access will be via the existing northern front entrance. The sui generis dog grooming use will cover an area of 44.5 square metres with a separate access via the existing front entrance. 3 car parking bays are located to the rear yard for customers and staff. Vehicular access will be via the existing gateway to the north of the site. Parking signs are proposed to be erected to inform customers of the parking to the rear.

- 5.3 Within the yard to the rear of no. 37 King Street is a vehicle car mechanics business, and a car washing business, along with an area used for material storage. These uses do not currently benefit from planning permission. It is important to note that a retrospective planning application was under consideration with regards to the car mechanics business however this has now been withdrawn pending submission of a further planning application.
- 5.4 The business proposes to employ two full time members of staff and one part time member of staff. The business is intended to operate 8:30 am until 6:00pm Monday to Saturday.
- 5.5 The number of dogs attended to at one time would be between 1-7. The dog grooming business will operate via an appointment system only. The dogs would enter via the rear entrance and be washed and dried. After a dog has been groomed it will be moved to the front area of the building and held in a dog cage ready for collection by their owner. The owners will then collect their dog via the front entrance. It is expected that the average number of dogs groomed per day will be 7.

6. APPRAISAL

The main issues for consideration in the determination of this application are:

- Principle of the development
- The impact on the character and appearance of the area
- The impact upon neighbouring amenity
- Traffic implications
- The presumption in favour of sustainable development

6.1 Principle of the development

- 6.1.1 The site is located within Mortimer which is designated as a rural service centre in the district settlement hierarchy contained within planning policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026. This states that the area benefits from a range of services and reasonable public transport provision.
- 6.1.2 Policy CS9 of the Core Strategy seeks to manage the scale, type and intensification of business development. A range of types and sizes of employment sites and premises will be encouraged throughout the district to meet the needs of the local economy. The Council promotes the intensification, redevelopment and upgrade of existing, vacant and derelict employment sites and premises for business development providing proposals are in keeping with the surrounding environment, do not conflict with existing uses and promote sustainable transport.
- 6.1.3 The site is located within a defined settlement boundary. It is therefore concluded that there is a presumption in favour of development within this location. It is considered that the development complies with the criteria contained within policy CS14 of the Core Strategy. The development proposes minimal alterations; however, these alterations show an acceptable level of design.
- 6.1.4 Policy SHOP5 of the West Berkshire Local Plan Saved Policies 2007 encourages proposals for the provision and retention of local shops within existing residential areas.

- 6.1.5 As such the principle of development is acceptable subject to assessment against the policies within the Core Strategy and the saved policies within the Local Plan.

6.2 Character and appearance

- 6.2.1 The site is situated within a predominantly residential area within Mortimer. King Street is a long straight road with Victorian low density housing of mixed design set back from the highway. Three new dwellings are located directly to the north of the site.
- 6.2.2 There are few changes proposed to the appearance of the building and the surrounding site. The only changes proposed concern signs for parking to instruct customers of the formal parking to the rear of the site, and the proposed vehicle parking bays. The rear of the site is hard surfaced, although no car parking is currently marked out.
- 6.2.3 The site has historically served as a business serving the community; it is therefore not considered to create a harmful impact upon the character and appearance of the surrounding area.
- 6.2.4 For the reasons explained above the development is considered to preserve the character and appearance of the surrounding area in accordance with the guidance within the NPPF and Policies CS14 and CS19 of the Core Strategy, July 2012.

6.3 Impact upon neighbouring amenity

Loss of sunlight and daylight

- 6.3.1 As explained above the proposed development does not involve any proposed external changes. A loss in sunlight and daylight to the amenity of neighbouring occupants would not occur in this instance.

Overbearing

- 6.3.5 The application concerns a material change of use with no proposed external changes other than signage for parking to inform customers of the parking to the rear.
- 6.3.6 An overbearing impact towards neighbouring amenity will not be created in this instance.

Loss in privacy

- 6.3.7 A loss in privacy is not considered to occur. No additional openings are proposed whilst the customer parking is located to the rear service yard away from neighbouring occupants.
- 6.3.8 A loss in privacy will not occur as a result of the proposed development.

Noise

- 6.3.7 Neighbouring residents have raised concerns with regards to the impact of noise arising from the development. The applicants have responded to local concerns stating that dogs will be accommodated and treated inside the building as soon as they arrive. No dogs will be kept outside and doors will be shut for safety with air conditioning used to cool the dogs and staff.
- 6.3.8 The Council's Environmental Health Service have been consulted with regards to noise impact, raising no objections to the proposal. It is not considered to result in a harmful impact with respect to noise.

Pollution

- 6.3.9 The applicants have confirmed that washing water will be removed from the premises via the existing sewage system. Waste will be removed each night. The Council's Environmental Health Service have reviewed the proposal raising no concerns.
- 6.3.10 The development will not give rise to an unacceptable pollution of the environment. Measures are proposed to minimise the adverse impact on the environment and loss in amenity. It has been demonstrated that adequate storage and disposal of waste will be ensured, whilst any potential pollution impacts will be contained internally. A condition will be recommended for the hours of use to operate 08:30 – 18:00 Monday to Saturday to reduce any potential impact towards neighbouring amenity.
- 6.3.11 It is considered that pollution will not be created by the proposed use. The proposal accords with planning policy OVS5 of the West Berkshire Local Plan Saved Policies 2007, and neighbouring amenity will therefore be preserved.
- 6.3.12 In view of the above the proposed development is not considered to create a detrimental impact towards neighbouring amenity. The proposal accords with planning policy CS14 of the West Berkshire Core Strategy 2006 – 2026 July 2012, OVS5 and OVS6 of the West Berkshire Local Plan Saved Policies 2007, and the advice contained within the NPPF.

6.4 Traffic implications

- 6.4.1 Concern has been by a number of objections with regards to the traffic implications and possible congestion occurring as a result of customers parking on King Street.
- 6.4.2 The application proposes a total of three formal parking bays to be located in the rear service yard. Two car parking spaces are intended for use by customers with one for staff. The parking area will be accessed from the north of the site via the existing gate that will be kept open during business hours via King Street. Customers will be informed of the parking via signage. A 300mm x 300mm sign will be located on the front of the shop to the left hand side of the main entrance door, stating; 'customer parking at rear'. To the rear additional signage will be located on the rear wall of the building for each parking space. The rear signs will measure 200mm x 200mm stating, 'dog grooming customer's park at their own risk'. All signs will be designed with a white background with black lettering. Additional plans have

been included within the planning application (reference: parking signs received 14th October 2013).

- 6.4.3 The applicants have forwarded a letter to the Local Planning Authority to confirm that permission has been obtained from the owner Mr Jewell for the gates to remain open during business hours. This letter was received on 21st October 2013. The applicants have also confirmed that they will have a key to open and lock the access gates, along with the occupant of the flat above who benefits from one parking space to the rear. Confirmation has also been received from the applicants stating that the adjoining cottage to the south has two car parking spaces on its driveway.
- 6.4.4 It is important to note that the applicants have stated that two 'customer parking bays' will be located to the front of the property on the pavement directly to the west of the building. It is stated that these will be used as drop off points for customers depositing and collecting their dogs. This area is outside of the site boundary, the Council's Highway Service have been unable to assess the impact of parking within this area stating that the three car parking bays to the rear are adequate for the proposed business.
- 6.4.5 The Council's Highway service have been consulted with regards to the proposed development raising no objections subject to a condition to erect the parking signage and to maintain the customer parking to the rear. The proposed development is considered to comply with planning policy CS13 and CS14 of the West Berkshire Core Strategy 2006 – 2026 and TRANS1 of the West Berkshire District Local Plan Saved Policies 2007. The site is located within a rural service centre at a site that has historically been used as a retail unit. Planning policy ADPP1 states that Mortimer benefits from a range of services and reasonable public transport provision. It is therefore considered that the three parking spaces provided are acceptable to meet the needs of the development in this location.

6.5 Sustainable Development

- 6.5.1 When considering development proposals, the Council is required to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. To achieve this the LPA have worked proactively with the applicants to find solutions which means the proposal can be approved.
- 6.5.2 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed change of use to a dog grooming and retail business will improve the local economy by bringing a currently vacant property back into use. The environmental considerations have been assessed in terms of the impact on the character and appearance of the area and for the reasons given above are considered acceptable. Social considerations overlap those of environmental whilst offering an additional service to local pet owners. As these have been found acceptable the development is considered to constitute sustainable development.

7. CONCLUSION

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, having regard to the strong reasons to support the development proposed it is considered to be acceptable and a conditional approval is justifiable for the following reasons;
- 7.2 The proposal will not unduly harm the character and appearance of the surrounding area, nor the neighbouring amenity. It is recommended that the application be approved.
- 7.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP6, CS9, CS13, CS14, and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy OVS5, OVS6, and SHOP5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, and the National Planning Policy Framework.

8. FULL RECOMMENDATION

DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

8.1 Schedule of conditions

1. **Full planning permission time limit**

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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. **Standard approved plans**

The development hereby permitted shall be carried out in accordance with drawing numbers 30722-18, 130717-2A, 130717-4A received on 12th August and 29th August, and amended plans drawing number Parking signs, and 0118-933-2319 received 14th October 2013, and 21st October 2013.

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

3. **Parking**

The use hereby approved shall not commence until the signage has been erected in accordance with the approved details. The spaces must thereafter be kept available for customer parking at all times.

Reason: To ensure the parking is kept available for customer parking at all times in order to reduce the occurrence of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire

4. **Hours of use**

The dog grooming and retail business shall not operate outside the following hours:

8:30am to 6:00pm Mondays to Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

Informatives:

1. **Decision to grant permission**

The decision to grant planning permission has been taken because the development is in accordance with the development plan and would not have a detrimental impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

2. **Sustainable**

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.

13/01832/FUL

37 King Street, Mortimer Common

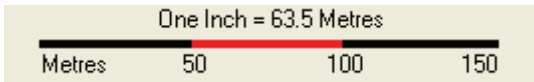


Map Centre Coordinates : 465390.15 , 164871.07

Scale : 1:2500

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	24 October 2013
SLA Number	100015913

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Agenda Item 5.

APPEAL DECISIONS EASTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
HOLYBROOK 13/01101 Pins Ref 2203317	14 Calbourne Drive, Calcot Mr M Turner	Single storey side and rear extension	Delegated Refusal	Dismissed 11.10.13
MIDGHAM 13/00318 Pins Ref 2200386	Vista, Birds Lane, Midgham Mr and Mrs Holdway	Erection of a bungalow	Delegated Refusal	Dismissed 23.10.13

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