

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	22/00648/FULD Newbury	6 th May 2022 ¹		Demolition of existing dwelling and erection of four dwellings 61 Russell Road, Newbury, RG14 5JX Bartlett Property Development
¹ Extension of time agreed with applicant until 10 th June 2022				

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00648/FULD>

Recommendation Summary: To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION.

Ward Member(s): Councillor Andy Moore,
Councillor Martha Vickers

Reason for Committee Determination: Member call in

Committee Site Visit: 06.06.2022

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1. Introduction

- 1.1 This application seeks planning permission for demolition of existing dwelling and erection of four dwellings.
- 1.2 The site lies within the defined settlement boundary of Newbury. Russell Road is a residential road comprising of predominately terraced dwellings. The dwellings have a homogeneous style, consistent spacing and shared palette of materials, the dwellings are set close to the road with rectangular garden amenity space to the rear. The application site is a corner plot with an existing detached bungalow, to the north of the site is a large apartment building separated from the application site by car parking.
- 1.3 The application is a resubmission of 21/02424/FULD which was refused and is currently at appeal. The current application submitted further highways information.

2. Planning History

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

Application	Proposal	Decision / Date
89/34599/ADD	Erection of brick screen wall to Russell Road	Approved / 12.05.1989
21/02424/FULD	Demolition of existing dwelling and erection of four dwellings	Refused / 17.12.2021

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 25th February at the site; the deadline for representations expired on 18th March 2022.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	No Objection
WBC Highways:	Objection – Does not comply with Policy P1 of the HSA DPD due to shortfall of parking spaces; this would exacerbate the likelihood of increased on-street parking which would be to the detriment of local highway safety.
SUDS:	No Response
Waste Management:	No Response
Canal and River Trust:	No Comment
Environment Agency:	No Response
Trees:	Conditional Approval
Ecology	No Response
Natural England:	No Comment
Public Protection:	Conditional Approval

Public representations

- 4.2 Representations have been received from 18 contributors, 12 of which object to the proposal and 6 of which support the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Objection
 - Overdevelopment
 - Increase vehicle movements
 - Parking impacts
 - Construction/demolition impacts – traffic, safety, pollution and noise
 - Out of character with local area
 - Elderly residents nearby which use mobility scooters on footpath which is regularly blocked, carers visits add to traffic movements in the area.

- Support
 - Design in keeping with character of local area
 - 2 parking spaces is ample
 - Sustainable location
 - Family dwellings encouraged over flats

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)
- House Extensions SPG (2004)
- Cycle as Motorcycle Advice and Standards for New Development (2014)
- Newbury Town Design Statement July (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highways Matters
- Flooding and Drainage
- Ecology

Principle of Development

6.2 The application site is located within the defined settlement boundary of Newbury. In accordance with Core Strategy Area Delivery Plan Policy 1 (ADDP1) and the principle guidance in the National Planning Policy Framework (NPPF) new residential development will be directed to the most sustainable locations and with preference on brownfield sites. The site is not classified as brownfield land, according to the NPPF's definition of previously developed land, however the general principle of development is acceptable, as the site is within the settlement boundary, though its impact upon the character of the area, impact on highway safety and access, and neighbouring amenity needs to be carefully accessed.

- 6.3 The previous application 21/02424/FULD was refused on grounds of overdevelopment/impact on character of area, inadequate residential garden amenity and inadequate residential parking; this application is currently at appeal. Whilst the current application is the same as the previously refused application further highways information has been submitted.

Character and Appearance

- 6.4 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are also relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development should contribute positively to local distinctiveness and sense of place. Development proposals would be expected to make efficient use of land whilst respecting the density, character and landscape of the surrounding area (amongst other considerations). Policy CS19 outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.5 Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' – West Berkshire Supplementary Planning Document and other local guidance documents.
- 6.6 Supplementary Planning Document Series: Quality Design (SPDQD) Part 2 offers guidance on how to preserve residential character by emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character.
- 6.7 Three of the proposed dwellings would have a garden amenity of around 30sqm which is well below the garden amenity standards set out in the SPDQD Part 2 states that 3 bedroom dwellings should have a garden amenity space of 100sqm, one of the dwellings would have a garden amenity of around 75sqm which is below the standards set out in the SPDQD Part 2 however is similar to that of the local area.
- 6.8 During the coronavirus pandemic lockdown it was highlighted that outdoor amenity space is a key part of physical and mental wellbeing. Therefore the current low quality amenity space is not considered to be acceptable.
- 6.9 Policy CS14 of the West Berkshire Core Strategy seeks high quality design to ensure development respects the character and appearance of the area and has a positive contribution to the quality of life. The proposed dwellings and associated parking would appear cramped within the development site and as an overdevelopment of the plot. Inadequate number of parking spaces have been provided leading to an objection from the highways officer due to a lack of off road parking leading to majority of residents having to park on the road. The two additional off road parking spaces would lead to further loss of amenity space which is already a concern as it is below the standards set out. Overall the lack of adequate amenity space and parking leads to a cramped overdeveloped layout which would have a negative impact on the character and appearance of the area.

- 6.10 Whilst the development would take influence from the existing street scene the number of dwellings proposed along with the sub-standard car parking provision and garden amenity level would all lead to a visually and physically overdeveloped and cramped site and as such would not be an appropriate.
- 6.11 The proposed development is contrary to policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document: Quality Design 2006, and the National Planning Policy Framework.

Neighbouring Amenity

- 6.12 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Advice on assessing the impact of the proposal on the living conditions of adjoining occupiers is contained within the Quality Design SPD, which also references the House Extensions SPG. Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 6.13 The proposed dwellings will be a row of 4 terraced dwellings detached from the existing terraced dwellings located to the east of the application site. There is a neighbouring dwelling located to the eastern boundary (59 Russell Road), the proposed dwellings will be located in line with the existing terraced dwellings.
- 6.14 The proposed dwellings will be a row of 4 terraced dwellings detached from the existing terraced dwellings located to the east of the application site. There is a neighbouring dwelling located to the eastern boundary (59 Russell Road), the proposed dwellings will be located in line with the existing terraced dwellings therefore the impact on 59 Russell Road will be similar to that of existing terraced dwellings which also have north facing windows. Given the existing relationship and the likelihood that there will be additional windows to the ground floor habitable rooms and the existing boundary treatment at the site; it is considered that on balance there will not be a significant impact on neighbouring amenity in terms of loss of daylight and overbearing.
- 6.15 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. The proposal will on balance not cause a significant loss of daylight to the neighbouring dwelling which and is therefore considered to be in accordance with the NPPF, Policy CS14 of the West Berkshire Core Strategy, Quality Design SPD and the House Extensions SPG.

Highways Matters

- 6.16 Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. Policy P1 of the Housing Site Allocations DPD sets out relevant parking standards. The NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.17 During the previous application the Council's Highways Officer was consulted and raised an objection to the application as the application site is located within Zone 2 of the Policy P1 Residential Parking Standards for New Development. Each 3-bed house within Zone 2 must be provided with a minimum of 2.5 off road car parking spaces. A minimum of 10 car parking spaces are required for this development; 8 are proposed.
- 6.18 No objection was raised, regarding the proposed access or regarding traffic levels. The issue previously and continues to be that the proposal does not comply with the Council's parking standards set out in Policy P1 of the Housing Site Allocations DPD.

- 6.19 The site is located within zone 2, and therefore requires 2.5 car parking spaces each. This is rounded to 3.0, if car parking is provided individually per dwelling as per the plans. Only 2.0 car parking spaces each have been provided. Therefore the proposal has a shortfall in car parking of 2.0 to 4.0 spaces.
- 6.20 The transport note suggests that the site proposal should be considered as an “exception” because it is accessible and is sustainable. It then discusses the current level of existing car ownership in this location from 2011 census data. However all of this was considered during the development of Policy P1 during 2015/16, along with car parking surveys that were undertaken across the district. All of this informed the level of parking standards, and the boundaries to the three different zones of car parking provision outlines above.
- 6.21 The application does not provide justification that would render this site exceptional beyond the sustainability and access criteria of other sites within Newbury parking zone 2. The Housing Site Allocations DPD including Policy P1 was considered at public inquiry during 2016, and was all found to be sound and fully adopted in May 2017.
- 6.22 It is the highways officers’ view, a robust and well researched set of standards that will be defended, especially considering the location. According to the Councils Principal Parking Officer, Ian Martinez “Parking in this area is in very high demand, especially in the evening. It is common for there to not be a single available space on the whole length of Russell Road”. This is supported by a number of site visits undertaken by the highways team, and by planning officers, with a number of photographs, showing heavily parked streets. Further photographs have also been submitted by some objectors. In addition, the above it is supported by the applicants own transport note which revealed that the on street car parking in the vicinity was utilised up to 105% excluding permit holders during a Thursday evening.
- 6.23 From the above, the highway officer rejects the claim that this proposal should be considered as an “exception” with regards to car parking provision. There is also much evidence on how congested this location is with regards to on street car parking. It is therefore considered essential by the Local highway Authority that the proposal complies with the Councils car parking standards. :
- 6.24 In consideration of these concerns the highways officer has recommended that the application is refused on the following grounds: That the proposal contains 8 parking spaces on site for the four 3 bed dwellings, which equates to a shortfall of 2 to 4 spaces as required under Policy P1 of the Housing Site Allocations DPD 2006- 2026. This shortfall would exacerbate the likelihood of increased on-street parking in the vicinity of the application site to the detriment of local highway safety.
- 6.25 It is therefore considered that the proposal would have a detrimental impact on highways safety and is not in compliance with the advice contained within the NPPF, and Planning Policy CS13 of the West Berkshire Core Strategy (2006 – 2026) and Policy P1 of the West Berkshire HSA DPD (2006-2026).

Flooding and Drainage

- 6.26 Policy CS16 requires that on all development sites surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods, to provide attenuation to greenfield run-off rates and volumes, and to provide other benefits where possible, such as water quality, biodiversity and amenity. The Sustainable Drainage Systems SPD, sets out further advice on suitable drainage systems, and the level of information which is required. The application site north eastern corner is located within flood zones 2 and 3 however no development is proposed to this corner of the site other than garden amenity space. The Council's drainage officer did not respond

however a drainage strategy has been provided and can be secured through appropriate condition, so that the development can accord with policy CS16.

Ecology

- 6.27 Policy CS17 says that biodiversity and geodiversity assets across the District will be conserved and enhanced. The application was submitted with an ecological impact assessment which indicated potential impacts and mitigation measures. The report suggested ecological enhancements which could be incorporated into the development to provide biodiversity enhancements; these can all be secured through appropriate conditions, so that the development can accord with policy CS17.

7. Planning Balance and Conclusion

- 7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 7.2 The proposal makes a contribution to wider economic roles of planning by providing additional mixture of housing development and construction of dwellings within the local area provide short and long term economic benefits.
- 7.3 Social roles however whilst providing additional housing the impact on lack of residential garden amenity for future occupiers and negative impact on highway safety are significant concerns which carry significant weight and lead to a negative impact on the character of the area and the social impact of future occupiers therefore would provide social benefits.
- 7.4 With regard to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and it is considered that the proposal would respect the prevailing pattern of development in terms of overall design however the cramped appearance of the site as well as increased number of cars and hardstanding would have a negative impact on the character and appearance of the area. Whilst there will be some biodiversity net gain measures this is not considered to outweigh the overall concerns therefore there will not be environmental benefits.
- 7.5 For the above reasons it is considered that the proposed development is not supported by the presumption in favour of sustainable development.
- 7.6 For the reasons given above it is considered that the proposal does not accord with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies C1 and P1 of the West Berkshire HSA DPD (2006-2006), Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan (1991-2006) Saved Policies (2007), Quality Design Supplementary Planning Document (2006), and the House Extensions Supplementary Planning Guidance (2004) and is therefore recommended for REFUSAL.

8. Full Recommendation

- 8.1 To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION subject to the reasons listed below.

Refusal Reasons

1.	<p>Overdevelopment</p> <p>Policy CS14 of the West Berkshire Core Strategy seeks high quality design to ensure development respects the character and appearance of the area and has a positive contribution to the quality of life. The proposed dwellings and associated parking would appear cramped within the development site and as an overdevelopment of the plot. Whilst the development would take influence from the existing street scene the number of dwellings proposed along with the sub-standard car parking provision and garden amenity level would all lead to a visually and physically overdeveloped and cramped site and as such would not be an appropriate. The proposed development is contrary to policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document: Quality Design 2006, and the National Planning Policy Framework.</p>
2.	<p>Garden Amenity</p> <p>According to the National Planning Policy Framework, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should ensure that developments will (amongst others) function well and add to the overall quality of the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions.</p> <p>Part 2 of the Council's adopted Quality Design Supplementary Planning Document series provides minimum size guidelines for residential development, with 100 square metres being the minimum size for the size of dwellings proposed. The division of the plot to create four dwellings will result in four substandard rear gardens, significantly below the minimum policy expectation. Having regard to the local design standards set out in the adopted SPD, the proposed development fails to achieve a high standard of design in terms of providing adequate private outdoor amenity space for occupants of both the new and retained dwellings. The application is therefore contrary to the NPPF, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Part 2 of the Council's adopted Quality Design SPD.</p>
3	<p>Parking</p> <p>The proposal contains 8 parking spaces on site for the four 3 bed dwellings, which equates to a shortfall of 2 to 4 spaces as required under policy P1 of the Housing Site Allocations DPD 2006-2026. This shortfall would exacerbate the likelihood of increased on-street parking in the vicinity of the application site to the detriment of local highway safety. The proposed works therefore fail to comply with the requirements of the National Planning Policy Framework and Policy P1 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) 2017.</p>

Informatives

1.	<p>Proactive Refusal</p> <p>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 positive way having regard to Development Plan policies and available guidance</p>
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	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.
2.	<p>CIL Refused</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>