

Item No	Application and Parish	No.	Proposal, Location and Applicant
(1)	13/02236/OUTD Woolhampton Parish Council		Construction of new house. Demolition of garage. Matters to be considered: Access and Layout. Brook Lawn, Bath Road, Woolhampton, Reading Jonathan Humphrey

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02236/OUTD>

Recommendation Summary: To **DELEGATE** to the Head of Planning and countryside to **REFUSE PLANNING PERMISSION** for the reasons set out in section 8: impact on road safety and failure to mitigate the impact of the development on infrastructure.

Ward Members: Councillor Neill

Reason for Committee Determination: Call in given that previous applications at the site have been determined by the Eastern Area Planning Committee.

Committee Site Visit: 20th November 2013

Contact Officer Details

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1. Site History

01/00744/FUL

Erection of semi-detached mews cottages

Withdrawn 17th September 2001

01/02253/FUL

Erection of 4 bed dwelling

Approved 5th March 2002

02/01197/FUL

Detached dwelling with integral garage

Approved 2nd September 2002

05/01873/FULD

Proposed erection of 2 dwellings with associated parking and amenity. Demolition of existing garage serving Brook Lawn to form side entrance

Refused 13th October 2005

05/02030/LBC

Proposed demolition of existing garage to form access to site for 2 family dwellings with parking and amenity.

Approved 17th November 2005

05/02833/FULD

Erection of 2 dwellings with associated parking and amenity. Demolition of existing garage serving Brooklawn to form site entrance.

Refused 13th February 2006. This application was refused given the impact on the character of the area and visibility at the proposed access.

06/00510/FULD

Erection of 1 dwelling with associated parking and amenity. New garage to rear of Brook Lawn.

Refused 28th April 2006.

This application was refused given the impact on highway safety at the access onto station road. The concerns raised under this scheme related specifically to a wall at the access which would obscure visibility at the access. It is understood that this wall has now been lowered to 0.6m prior to the submission of this application. Other concerns related to trees.

07/00296/FULD

Erection of 2 detached dwellings

Refused 23rd May 2007.

This application was refused given the impact on the character of the area and the design of the scheme and the impact of traffic from two new dwellings on Hornbeam as the access was to run past these properties.

08/01740/OUTD

Erection of 2 houses in lower part of Brook Lawn rear garden. Some matters reserved – access and layout.

Refused 30th October 2008. Dismissed at appeal on 28th July 2009. This application was refused and subsequently dismissed at appeal for the following reasons:

- Two dwellings would harm the open spacious character of the area.

- Impact on trees

The proposed vehicular access for this scheme was different to that which is now proposed.

2. Publicity of Application

Press Notice Expired: Not required
Site Notice Expired: 15th October 2013

3. Consultations and Representations

Woolhampton Parish Council: No objections raised

Midgham Parish Council: No objections

Highways: Objection raised for the following reason: The proposed visibility splay onto Station Road is outside of the control of the applicant, the Highway Authority is therefore unable to ensure that this splay is kept clear of obstructions at all times. The proposed development would therefore result in the increased use of an access which is sub-standard in respect of visibility which and would be to the detriment of pedestrian and highway safety. The proposal is therefore contrary to Policy CS13 of the West Berkshire District Core Strategy 2006-2026.

Conservation: Under application ref. 08/01740/OUTD the Planning Inspector felt that the development would be sufficiently far away from Brook Lawn, tucked into the bottom of the garden and more associated with its immediate surroundings than the buildings fronting Bath Road. He concluded that a reduction in the curtilage of Brook Lawn and the erection of 2 houses on the site would not harm the setting of the listed buildings fronting Bath Road.

Archaeology: There will be no major impact on any features of archaeological significance.

Public protection: No objections

Trees: No objections subject to conditions relating to landscaping, tree protection, & arboricultural supervision.

Ecology: No objections subject to conditions

Natural England: No objections

Public Rights of Way: Unlike previous applications the proposed access does not cross Footpath Woolhampton 7 so no objections are raised. Screening of the development from the footpath will be important.

Thames Water:	There are public sewers crossing the site close to the development. The applicant is advised to contact Thames Water to discuss this. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground water courses or a suitable sewer. No objections are raised and an informative is recommended regarding water pressure.
Environment Agency:	The site is within Flood Zone 2. Reference is made to the consultation matrix and the Environment Agency's standing advice and the sequential test which the Local Planning Authority must apply.
Drainage:	<p>Original comments: The submitted flood risk assessment has not taken into account the flooding history in the surrounding area (particularly July 2007) when, according to records, many properties close to the site suffered major flooding. The stream flowing through the site over-topped its banks immediately upstream of the site boundary (and quite likely within the site boundary too) and this was a factor in some of the flood flows experienced in Woolhampton in 2007. It has also overtopped its bank several times since. From experience, groundwater levels in Woolhampton can often be very high preventing the effective use of some SuDS measures. An objection is raised for these reasons.</p> <p>Amended information: An amended flood risk assessment and sequential test has been submitted. Informal comments have been provided on this submission and a condition has been suggested. A formal response is still pending. Full details of the response will be provided within the update report.</p>
Neighbour letters:	<p>5 letters of objection. The concerns raised relate to:</p> <ul style="list-style-type: none"> - Waste water pipes are unable to accommodate existing or further development. - Flooding within the gardens of neighbouring properties. - Loss of trees – contrary to the village plan. - Impact on the setting of the listed building. - Sub-standard visibility at the access to the site, sight lines obscured by parked vehicles. - Concerns for safety at the access. - Ecological impact. - Impact on the character of the area, concerns for reduction in the size of the curtilage. - Impact on neighbours, cars passing close to Hornbeam. Loss of rural outlook.

Neighbour letters continued:

2 letters of support:

- Visibility splays are adequate,
- The proposal for a septic tank would reduce pressure on the sewage system.
- No objections to a single dwelling only.

Section 106 Contributions

Given the outline nature of the application the number of bedrooms proposed have not been specified within the application. As such the contributions sought have been calculated on the basis of a 3 bedroom dwelling. Were this to change at reserved matters stage a supplemental legal agreement would be sought. On this basis the following contributions are necessary to mitigate the harm of the development in accordance with Policy CS5 of the West Berkshire Core Strategy 2006-2026, July 2012 and Supplementary Planning Document 'Delivering Investment from Sustainable Development.'

Transport: £3,300

Education: £800.83

Open Space: £1177

Libraries: £307

Health Care: £0

Adult Social Care: £729

Waste Management: £56.20

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)
- 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 6: The East Kennet Valley
 - CS1: Delivering New homes and Retaining the housing Stock
 - CS 4: Housing Type and Mix
 - CS 13: Transport
 - CS 14: Design Principles
 - 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:

HSG.1: The Identification of Settlements for Planning Purposes.

4.5 In addition, the following locally adopted policy documents are relevant to this application:

- SPD 4/04: 'Delivering Investment from Sustainable Development.'
- Supplementary Planning Document Quality Design (June 2006)
 - Part 1 Achieving Quality Design
- Woolhampton Parish Plan

5. Description of Development:

5.1 This application seeks outline planning permission for the construction of a single detached property in the rear garden of Brook Lawn. Matters of access and layout are for consideration only at this stage. No design details are available at this stage. Such matters were reserved under the previous submission, however the Inspector did not raise a concern with this.

5.2 The proposal seeks the demolition of an existing single garage to allow for an extension to the existing driveway off of Station Road. This access already serves two properties, Brook Lawn and Hornbeam (referred to as Brook Cottage on the site plan.) Two parking spaces are to be provided off the new driveway to serve Brook Lawn while parking is available within the cartilage of the new property. The property will sit fairly centrally within the plot with an area of parking to the front and side.

5.3 The application has been accompanied by a flood risk assessment and sequential test statement.

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 setting of Brook Lawn a Grade II listed property.
- 6.4 The Impact on Neighbouring Amenity
- 6.5 Highways Matters
- 6.6 Impact on Trees
- 6.7 Flood Risk and Surface Water Drainage
- 6.8 Other matters
- 6.9 Presumption in favour of sustainable development

6.1 Principle of development

6.1.1 The application site comprises the rear garden of Brook Lawn, a grade II listed building. The site is located within the settlement boundary of Woolhampton, as established by Policy HSG.1 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007. The settlement boundary runs parallel to the southern boundary of the application site. Area Delivery Plan Policy 1: Spatial Strategy seeks to locate new development in accordance with the settlement hierarchy focusing

new development towards areas which are deemed to be most sustainable. Woolhampton is defined as a service village.

- 6.1.2 The principle of development is acceptable in accordance with Policy HSG.1 of the Local Plan which establishes a number of criteria against which to assess proposals for new residential development. In this instance criteria (i) relates to the existing residential nature of the area surrounding the site and criteria (v) relates to the cumulative impacts of infill development. The importance of good design is reflected throughout the NPPF and supported by Policy CS14 of the West Berkshire Core Strategy 2006-2026, July 2012 which seeks to ensure that new development is respectful of the local character and also seeks to ensure the preservation of the historic environment. The impact of the proposal on the setting of the listed building is considered below.

6.2 Impact on the Character of the Area:

- 6.2.1 The application site is approximately 0.19 hectares and consists of the domestic garden of Brook Lawn. The garden is generally laid to lawn but also contains many mature trees particularly along the boundaries of the site, some of which are protected by a tree preservation order. Footpath Woolhampton 7 wraps around the southern and western site boundaries. The mature vegetation on the site is considered to be a distinctive part of the site's character. Within the immediate vicinity of the site the arrangement of properties is informal comprising a mix of styles and types of houses. To the north west of the application site the properties form part of a continuous frontage along Bath Road with long rear gardens backing onto more open land.
- 6.2.2 The application site is in a sensitive location with regard to the setting of the listed building, the mature vegetation within the site and the semi-rural character of the area on the edge of the settlement of Woolhampton. In accordance with the guidance within the NPPF and Core Strategy policies it is essential to ensure that new development respects the physical constraints of the site itself and the character and appearance of the surrounding area. The plot to dwelling ratio proposed is generous thus retaining a large proportion of the existing trees on site and a sense of spaciousness. Notwithstanding the tree canopies and planting the proposals provide for ample amenity space, a concern raised under previous submissions.
- 6.2.3 Views from the south and the footpath which wraps around the edge of the site are limited given the dense vegetation cover, particularly within the summer months. Notwithstanding this during the winter the site will appear more visible. By reason of the size of the footprint of the building and its position within the site it is considered that an appropriately designed building could be accommodated without harm to the semi-rural character of the area. For this reason the proposal is considered to be in keeping with the character of the area and as such the proposal complies with the guidance within the NPPF with regards to good design, Policy HSG.1 of the Local Plan and Policies ADPP1 and CS14 of the Core Strategy and the guidance within SPD Quality Design and the Woolhampton Parish Plan.

6.3 The impact on the setting of the listed building:

- 6.3.1 The proposal would involve a significant reduction in the size of the curtilage of Brook Lawn, which has historically already been reduced as a result of the approval of the dwelling to the east of the current application site, Hornbeam Cottage. However, the remaining garden is considered to be an acceptable size which would not be out of keeping with the garden areas of other dwellings along Bath Road. It should be noted that under application 08/01740/OUTD the Inspector concluded that the garden serving Brook Lawn would be an acceptable size sufficient to maintain its presence as the dominant building.
- 6.3.2 As a result of the scale of the development and the proximity of the development to the boundary of the site it is not considered that the proposed development would have a detrimental impact on the listed building nor its setting. As such the proposal complies with the advice within the NPPF and Policy CS14 of the Core Strategy 2006-2026, July 2012 with respect to the conservation of the historic environment.

6.4 The impact on neighbouring amenity:

- 6.4.1 The application site lies within a residential area. To the north-east of the proposed dwellings lies the property known as 'Hornbeam Cottage' and to the east of the site lies 'Brookside'.
- 6.4.2 The siting of the proposed dwelling is not considered to have an overbearing or unneighbourly impact on the amenity of neighbouring occupiers. The detailed design of the property is reserved at this stage, however it is considered that any matters relating to overlooking could be designed out and addressed later in the design process. Concern has been raised for the loss of a rural outlook from the neighbouring property, however the right to a view is not a material planning consideration.
- 6.4.3 Concern has also been raised for an increase in vehicle movements past the windows in the front elevation of Hornbeam Cottage. It is acknowledged that this constituted a refusal reason under application 07/00296/FULD given the increase in the number of movements associated with two additional dwellings. This proposal seeks permission for a single dwelling only and for this reason it is not considered that the movements associated with this use would have an un-neighbourly impact sufficient to warrant a refusal.

6.5 Impact on Highways:

- 6.5.1 The new dwelling will be accessed from an existing access off of Station Road. This access already serves two existing dwellings, Brook Lawn and Hornbeam. The planning application will see an increase in the number of dwellings served from this access and will therefore result in intensification in the use of the access. It is therefore the duty of the highway authority to ensure that highway safety is maintained and that current guidance is complied with.
- 6.5.2 In accordance with *Manual for Streets*, visibility splays of 2.4 metres x 43 metres clear above a height of 0.6 metres should be provided onto a road subject to a 30 mph speed limit.

6.5.3 As part of this application, an automatic traffic counter was set up between 8th–14th July 2013 to establish 85 percentile vehicle speeds. The dry weather results were as follows (Point 8 of the Visibility Statement submitted):

- 22.5 mph northbound
- 22.9 mph southbound

As stated at point 10 of the Visibility Statement a wet weather factor of -2.5 can be applied making the wet weather 85th percentile speeds as:

- 20.0 mph northbound
- 20.4 mph southbound

6.5.4 In accordance with *Manual for Streets*, a 25 metre visibility splay is required in a southerly direction, with just under 26 metres required in a northerly direction.

6.5.5 According to point 17 of the Visibility Statement the following visibility splays are achievable:

2 metres x 32.5 metres southwards

2 metres x 33 metres to the centre of Station Road.A4 Bath Road junction.

6.5.6 To the south, the visibility splay crosses third party land and so cannot be conditioned to be kept clear of obstructions above a height of 0.6 metres. Although reference has been made that a wall of greater height would require planning permission and that any trees/shrubs planted here would contravene Section 141 of the Highways Act 1980, this does not overcome the fundamental issue that the applicant has no control over this land. At point 18 of the Visibility Statement it is stated: *"The third party land over which the southern sight line passes is a small tapered slither of the Forge Cottage driveway, which will always be clear of any obstruction in order to facilitate vehicular access to that property."* However, the land owner could legitimately park a vehicle such as a caravan, camper van, or van in this location which would obstruct visibility. This land is outside of the application site and as such it is not possible to condition that this remains free from any obstruction. This could lead to vehicles edging out onto the footway and into the carriageway to achieve the required visibility. This would be to the detriment of pedestrian and highway safety and the free-flow of traffic in this location.

6.5.7 The applicants have advised that previously permission has been granted for a dwelling within the garden of Brooklawn the most recent being in 2002. There is however, no extant permission for a dwelling at this site and for this reason current guidelines and policy requirements must be applied.

6.5.8 It is for this reason that this application has been recommended for refusal by the Highway Authority as set out below;

The proposed visibility splay onto Station Road is outside of the control of the applicant, the Highway Authority is therefore unable to ensure that this splay is kept clear of obstructions at all times. The proposed development would result in the increased use of an access which is sub-standard in respect of visibility which would adversely affect road safety, and would be to the detriment of pedestrian and highway safety, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026.

6.6 Impact on Trees:

- 6.6.1 Under previous applications at this site concern has been raised for the impact on trees. The application has been supported by a preliminary arboricultural method statement by Sylva Consultancy Ref: 1368/AMS dated 29th August 2013 which includes a tree survey, a brief arboricultural impact assessment and arboricultural method statement for the construction of the access and other hard surfaces and also includes a tree protection plan.
- 6.6.2 The report clearly identifies that 3 trees are to be lost to facilitate the development, these are 1, B grade tree T8 Alder and 2, C grade trees T4 Sycamore & T9 Rowan, and 3 groups G1 Western Red cedar (conifer) C grade and G2 Yew again C grade. Whilst the loss of all these trees is regrettable, C grade trees are of limited value and in accordance with the BS5837 guidance can be removed as they are trees of low quality. The loss of the B grade tree, T8 Alder, is undesirable given that it is to be removed to facilitate the development, however the site contains a number of boundary trees which are to be retained so the loss of T8 in the middle of the site will not have a detrimental impact on the wider landscape area.
- 6.6.3 Overall the scheme is considered to be acceptable and the trees to be lost can be mitigated as part of the landscaping for the site. The site will require the retention of the arboricultural consultant to oversee the tree works, installation of the protective fencing and construction of the access and parking area, but subject to conditions being attached to any proposed consent for the site no objections are raised.

6.7 Flood Risk and surface water drainage:

- 6.7.1 Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding. The guidance requires such applications to be supported by a flood risk assessment and sequential test.
- 6.7.2 Policy CS16 of the Core Strategy states that the sequential approach in accordance with the NPPF will be strictly applied across the district. Development within areas of flood risk will only be accepted if it is demonstrated that it is appropriate at that location and that there are no suitable and available alternative sites at a lower flood risk. The application site is within Flood Zone 2. In accordance with advice from the Environment Agency new dwellings in such areas can be acceptable subject to appropriate mitigation measures.
- 6.7.3 A number of letters of objection have been received during the course of the application expressing concern for flooding within the gardens of a number of neighbouring properties. The flood risk assessment originally submitted was not considered to be sufficient to meet the requirements of Policy CS16 and following discussions regarding the drainage requirements for the site an amended assessment has been submitted. Full comments from the drainage officer are pending and the updated comments will be provided in the update sheet.

6.8 Other matters:

- 6.8.1 Given the outline nature of the application under which matters of appearance are reserved there is no requirement for the application to be accompanied by a pre-assessment estimator to demonstrate that code level 4 can be achieved at this stage.

6.9 Presumption in favour of sustainable development:

- 6.9.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. 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.
- 6.9.2 Providing new housing in sustainable locations is a clear social benefit which supports strong, vibrant and healthy communities. The NPPF clearly seeks to significantly boost the supply of housing. As such, it is considered that the proposal would have clear and demonstrable social benefits which weigh in favour of granting planning permission.
- 6.9.3 In terms of the economic role of planning, the proposal would provide employment for a limited period during the construction of the property.
- 6.9.4 The protection and enhancement of the natural, built and historic environment is fundamental to fulfilling the environmental role of planning. The impact on the character and appearance of the area and the setting of the listed building has been assessed as part of this application and it is considered that the proposal would respect the prevailing pattern of development. As such, it is considered that there are no environmental reasons to justify refusing planning permission.
- 6.9.5 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 Located within the settlement boundary of Woolhampton the principle of a new dwelling is considered to be acceptable. As demonstrated above the proposal is not considered to impact on the setting of Brook Lawn, a grade II listed property, and subject to an appropriate design is it considered that a new dwelling could be sited without an adverse impact on the character of the area.
- 7.2 During the course of the application an amended flood risk assessment and sequential test has been submitted. Comments on this are still pending.
- 7.3 The proposed visibility splay onto Station Road is outside of the application site and outside of the control of the applicant. The Highway Authority is therefore unable to ensure that this splay is kept clear of obstructions at all times. The proposed development would result in the increased use of an access which is sub-standard in respect of visibility which would be to the detriment of pedestrian and

highway safety, contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026.

- 7.4 In light of the above concerns a section 106 agreement has not been completed and as such 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 guidance within the National Planning Policy Framework, Policy CS5 of the West Berkshire Core Strategy 2006-2026, July 2012 as well as adopted Supplementary Planning Document 4/04 - Delivering Investment from Sustainable Development.
- 7.5 Having taken account all of the relevant policy considerations and the other material considerations referred to above, it is considered for the reasons set out above that there are strong reasons to refuse the proposed development.

8. Recommendation

- 8.1 To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** permission for the following reasons:

1. The proposed visibility splay onto Station Road is outside of the application site and outside of the control of the applicant. The Highway Authority is therefore unable to ensure that this splay is kept clear of obstructions at all times. The proposed development would result in the increased use of an access which is sub-standard in respect of visibility and would be detrimental to pedestrian and highway safety. The proposal is therefore contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and the guidance in Manual for Streets 2007.

2. 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 guidance within the National Planning Policy Framework, Policy CS5 of the West Berkshire Core Strategy 2006-2026, July 2012 as well as adopted Supplementary Planning Document 4/04 - Delivering Investment from Sustainable Development.