

# Notice of Meeting



Scan here to access the public documents for this meeting

## Western Area Planning Committee Wednesday 27 June 2018 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

### 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.

### Further information for members of the public

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

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

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

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



**Agenda - Western Area Planning Committee to be held on Wednesday, 27 June 2018**  
*(continued)*

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

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

Any queries relating to the Committee should be directed to Jo Reeves on (01635) 519486 Email: [joanna.reeves@westberks.gov.uk](mailto:joanna.reeves@westberks.gov.uk)

Date of despatch of Agenda: Tuesday 19 June 2018



**Agenda - Western Area Planning Committee to be held on Wednesday, 27 June 2018**  
(continued)

- To:** Councillors Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Billy Drummond, Adrian Edwards, Paul Hower, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing
- Substitutes:** Councillors Jeremy Bartlett, Jeanette Clifford, Mike Johnston and Gordon Lundie
- 

# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes**  
To approve as a correct record the Minutes of the meeting of this Committee held on 6 June 2018.
  3. **Minutes of Previous Meeting** 7 - 26
  4. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  5. **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. and Parish: 18/00861/HOUSE - Cherry Hinton, Hampstead Norreys** 27 - 34
- Proposal:** Single storey rear extension, two storey side extension
- Location:** Cherry Hinton, Hampstead Norreys
- Applicant:** Mr Lee Clarke
- Recommendation:** **The Head of Development and Planning be authorised to GRANT planning permission.**



**Agenda - Western Area Planning Committee to be held on Wednesday, 27 June 2018**  
(continued)

- (2) **Application No. and Parish: 18/00837/FULEXT - Land at former Oakes Bros site, Station Yard, Hungerford.** 35 - 50
- Proposal:** Erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop.
- Location:** Land at former Oakes Bros site, Station Yard, Hungerford.
- Applicant:** Oakes Bros Limited.
- Recommendation:** **The Head of Development and Planning be authorised to GRANT planning permission. Subject to the completion of a s106 obligation.**

**Items for Information**

6. **Appeal Decisions relating to Western Area Planning Committee** 51 - 64  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Western 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.



## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### WESTERN AREA PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY, 6 JUNE 2018

**Councillors Present:** Jeff Beck, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

**Also Present:** Michael Butler (Principal Planning Officer), Joe Dray (Principal Officer - Environmental Quality), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer) and Matthew Shepherd (Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth, Councillor Billy Drummond and Councillor Virginia von Celsing

#### PART I

##### 6. Minutes

The Minutes of the meeting held on 16 May 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Page 7:** The Chairman asked that it be noted that he had received Councillor Dennis Benneyworth apologies, prior to the meeting.

##### 7. Declarations of Interest

Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared an interest in Agenda Items 4(1-5), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

##### 8. Schedule of Planning Applications

###### (1) Application No. and Parish: 17/03232/FUL, Newbury Manor Hotel, London Road, Newbury

*(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Items 4(15) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Beck had been lobbied on all five applications and Councillor Pick had discussed the application with residents during a site visit outside of the formally arranged appointment.)*

1. As all five applications related to the same site, under Rule 7.13.6 of the Constitution, the Chairman varied the order of the representations so that the applications were presented and discussed as a whole. The decisions would then be taken consecutively.

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

2. The Chairman suspended the operation of Rule 7.13.4 (Time Allowed) of the Constitution to allow speakers to present for ten minutes.
3. Therefore, the Committee considered reports on (Agenda Item 4(1-5)) concerning Planning Applications:
  - 1) 17/03232/FUL in respect of Section 73 - Application for variation of Condition (2) Approved Plans of Planning Permission 17/01171/FUL
  - 2) 17/03233/LBC Section 73 - Application for variation of Condition (2) Approved Plans of Planning Permission 17/01172/LBC
  - 3) 17/03223/FUL – Erection of plant room and substation
  - 4) 17/03237/COMIND - Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, wall-mounted condenser unit and roof-mounted extract
  - 5) 17/03238/LBC2 - Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, wall-mounted condenser unit and roof-mounted extract
4. In accordance with the Council's Constitution, Mr Edward Sharp and Ms Rebecca Richards, objector, and Ms Tiffany Renwick and Mr Euan Brown, applicant/agent, addressed the Committee on this application.
5. Matthew Shepherds introduced the reports to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the reports detailed that the proposals were acceptable and conditional approvals were justifiable, subject to the first completion of a section 106 planning obligation. Officers on balance recommended the Committee grant all five planning permissions.
6. The Chairman invited the Highways Officer to expound on the proposed car parking arrangements. Paul Goddard confirmed that he had no concerns with Agenda Items 4(1-3) and that the focus was on the car parking provision for the restaurant (Agenda Items 4(4-5)). A previous application had been withdrawn for the site as there was concern over the level of car parking. This application provided an additional 54 spaces, totalling 129 across the whole site to serve the hotel and the restaurant. Highway Officers had evaluated the parking plan and found it to be acceptable. There would be 25 staff on site who would mostly travel by car. The hotel provided 49 bedrooms and on the rare occasions that these would all be occupied, there would be 64 remaining spaces. The restaurant could cater for 162 covers, therefore an average of 2.5 spaces per cover should be sufficient as it was expected that most customers would travel as a group, rather than as individuals. Traffic around the site would increase, but this would be at off-peak times.
7. The Chairman invited the Environmental Health Officer to discuss the acoustic assessments that had been carried out on the site. Joe Dray confirmed that:
  - Condenser - There were concerns about the level of back ground noise from the condenser. The assessment suggested that the day time noise level would be one decibel lower than the average night time level. This would be unusual, where road traffic was the main noise. He recommended that further tests should be carried out.
  - Restaurant - The noise assessment for the restaurant was based on no amplified music being produced. If music were to be played, this would cause an issue.
  - External seating – the assessment was initially based on one person per table, which was not a true reflection of how the space would be used. Officers had asked for the

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

assessment to be revisited with more realistic modelling. The amended assessment looked at a worst case scenario of all the tables being occupied.

- Acoustic screening – the end of the terrace was exposed, therefore more protection for this area was needed.
  - Deliveries and disposal – further assessment was requested. The assessment predicted that the noise from deliveries would be lower than the ambient noise. The applicant wished to restrict deliveries between 0900-1800 hours, to reduce the impact of noise on their neighbours. They would also install a glass-buster machine. This would mean that noise from glass disposal would mostly be contained within the bar area. The glass would be crushed and stored in large plastic containers which would then be emptied less frequently into waste containers outside the building.
  - Car parking – the ground had been used for car parking, however the provision of a restaurant would intensify the use and therefore the noise. A further assessment was requested. Officers had concerns about the traffic flow data that was used for the assessment, but considered that the noise would not be substantial. The assessment looked at the worst case scenario and Officers considered the noise level was acceptable.
  - Plant and machinery – this had been recorded at five decibels. The intermittent and tonal nature of the noise was accounted for by BS4142. However, Officers asked for this to be re-assessed for night time, background levels, which found that the noise would be audible. Officers asked that the enclosure for the plant be redesigned to reduce the level of background noise.
  - Cumulative noise – this had not been assessed as the applicant considered it as inappropriate.
8. The Chairman asked Officers to talk through the block plan of the site, so that the positions of the applications were clear to the Committee.
9. Ms Richards and Mr Sharp, in addressing the Committee raised the following points:
- Mr Sharp explained that they were representing 22 inhabitants of the six houses next to the proposed restaurant. For the last 18 months they had observed the noise levels and the ecology of the area and believed the noise impact would be a nuisance when sleeping and at the weekends.
  - The residents of no. 48 had lived there for 18 years and they had, at times, needed to close their windows to shut out the noise and had their sleep disturbed by car doors being slammed, loud conversations in the car park and noise as people checked out of the hotel. According to the noise level assessment, this could be categorised as low level disturbance (level three out of five). Residents predicted that this development would raise the noise to the fourth level, where they would have difficulty getting to sleep and suffer sleep deprivation. There would only be seven and a half hours between closing and opening hours. When clean-up and set-up activities were included, there would be very few quiet hours on the site.
  - Sources of noise included: people standing, talking in the break out areas; car doors slamming; people talking in the car park and motorbike exhausts. The removal of the greenery from the boundary would expose the houses to more noise and less privacy.
  - Ms Richards considered the noise impact assessment to be flawed, as the cumulative impact of noise across the site should have been taken into account.

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

- The noise from the car park had been understated. In 2015 there had been 50 car parking spaces. This would increase to 129 if the proposal was approved. There had been no noise impact assessment following the expansion in the number of bedrooms.
  - The application was contradictory as the noise assessment was only for the restaurant area and did not include the rest of the site. There were discrepancies in the supplementary documents, which raised the question in confidence in the whole proposal.
  - Ms Richards asked the Committee to imagine hosting a party for 50 people in their home and the noise as their guests entered and left. If the application were approved, it would be the equivalent of 150 guests and it would not just be for one evening, but every day. That was what it would be like for the neighbours.
  - The West Berkshire Local Plan stated that there should be minimal adverse impact and loss of amenity.
  - The proposed restaurant was five metres from their home. The removal of the boundary screening to enable parking had removed their privacy.
  - The residents had suggested changes to the plans which they felt would mitigate the concerns and officers had included these in the update report.
  - Mr Sharp continued that the ecology report had failed to find bats and water voles on the site. However, he had photographic evidence of the existence of voles and had seen bats in the area. He expressed concern over the accuracy of the ecology assessment.
  - There was an existing restaurant on the site called the River Bar that was further away from the neighbours. The residents of no. 48 confirmed that they had not been impacted by this when it had been in operation.
  - He rejected the noise assessment conclusion. He believed there would be real, significant disturbance to sleep. The modelling was inaccurate as it had not considered cooking odours, smokers on the terrace and in smoking zones, the loss of privacy from the removal of the boundary trees, and possible trespassing on the amenity land of no. 56.
  - The residents were very supportive of the refurbishment of the site, but this plan brought the restaurant ten times closer to their homes and increased its size. The impact of noise, odour and loss of privacy could not be mitigated if the development was brought closer to their homes.
  - The Committee had the power to decide and what they decided the residents would have to experience every day.
10. Councillor Paul Bryant asked the objectors to confirm that it was the applications relating to Mill Waters Cottage that they objected to and not the changes to conditions on the rest of the site. Mr Sharp confirmed that this was the case.
  11. Councillor Anthony Pick inquired if the residents had been consulted about the new proposals by the developer. Mr Sharp confirmed that they had not. Councillor Pick further queried if the objectors felt that the acoustic fence would have a mitigating affect. Mr Sharp explained that the fence would reduce the noise of diners on the terrace, but not if they chose to move onto the grass area.
  12. Councillor Adrian Edwards asked if the objectors opposed music on the site in all circumstances. Mr Sharp ventured that he would not oppose music that could be



## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

contained within the restaurant, but that any sound spillage out onto the terrace area would disturb resident's sleep. Ms Richards agreed that if the bi-fold doors were open music would spill out into the open space.

13. Councillor Pick sought clarification as to the distance of Mr Sharp's house from the development. Mr Sharp confirmed that it was sited five metres from the edge of the restaurant.
14. Councillor Clive Hooker asked Mr Sharp to describe the current greenery on the boundary. Mr Sharp observed that the trees extended to five metres high, in places and were quite deep. This provided noise damping and privacy. Should the greenery be removed, there would only be a wooden fence remaining.
15. Mr Brown and Ms Renwick, in addressing the Committee raised the following points:
  - Mr Brown wanted to make a few key points.
  - The agent had been involved with the site for three years and the hotel had been closed for two years. When it was brought back into use it would create 85 jobs.
  - It was a significant investment for the client and the use of the site as a hotel was well established.
  - The applicant had worked closely with officers to address environmental concerns, and believed that the remaining issues could be mitigated through conditions.
  - With regards to the cumulative noise assessment, they considered that as the hotel was already established it was only relevant to look at what additional noise would be created by the restaurant.
  - They had carried out a public consultation in 2016 and had invited neighbours to the event.
  - Ms Renwick was representing the applicant. She understood the duty they had to be a good neighbour. The company also ran the Coppa Club at Sonning. The intention was to make as little impact as possible on local residents, who they hoped would become loyal and valued customers. This desire was reflected in the restricted delivery times, opening hours and the use of the glass-buster.
16. Councillor Jeff Beck asserted that he was extremely disappointed that the closest residents had not been consulted. Mr Brown noted that the residents had been invited to the event on 18 July 2016. Councillor Beck observed that the plan had changed over the last two years. Ms Richards explained that the restaurant plan had not changed since the event.
17. Councillor Beck referred to the update sheet for Agenda Item 4(4) where it stated that the location for the Variable Refrigerant Volume (VRV) condenser had not yet been finalised and enquired if there was going to be a further application. Mr Brown explained that there had been a lack of clarity on the number and location of the units needed for the kitchen and the dining room and the final siting had not yet been agreed. The plan was indicative.
18. Councillor Beck further inquired as to the use of the exiting River Bar building. Ms Renwick assured the meeting that there were currently no plans to use the building as a restaurant as it would not provide enough capacity and was in need of refurbishment.
19. Councillor Bryant wanted to get it clear in his mind that there would be a single restaurant for the whole site. Ms Renwick advised that there was an event space to

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

the north west of the site. However, this only finished and served food that was prepared in the restaurant, for events such as weddings and conferences.

20. Councillor Bryant further queried the landscaping of the boundary between the residential properties and the restaurant, where car parking and motorbike bays would be close up against the boundary. He asked if there was any flexibility in the boundary treatment. Mr Brown explained that the increase in parking had been on the advice of Highways Officers and that to accommodate the additional spaces, the greenery would have to be removed.
21. Councillor Hilary Cole noted the concerns of Joe Dray and the objectors and queried they the applicant felt it was not appropriate to consider the cumulative noise on the site. She also wondered why they had not brought an expert to the meeting who could be questioned by the Committee.
22. Mr Brown answered that as the Environmental Health Officer was content that the noise issue had been addressed, it had not been thought necessary to bring an expert and that perhaps this had been an oversight.
23. Councillor Cole observed that the officers concerns might have been addressed, however the Committee might take a different view. Councillors needed the full facts in order to make a decision.
24. Councillor Pick sought clarification on the ownership of the land to be used for car parking, as it was leased. Ms Renwick advised that this was a permanent arrangement. He further asked about music, odours and light emanating from the restaurant and. Ms Renwick confirmed that music would be focused into the restaurant to prevent accidental creep into the outside areas. The restaurant would be vented out over the seating area. Mr Brown explained that the boundary fence would shield the neighbours from car headlights. The parking area would have to be lit for health and safety reasons. Ms Renwick added that the restaurant could ensure reduction in light pollution as soon as it had stopped serving customers.
25. Councillor Garth Simpson enquired as to how often the bi-fold doors would be operated. Ms Renwick explained that they would only be fully open in fine weather.
26. Councillor Edwards noted that in the update report for this item, the objectors had suggested moving the motorbike bays to the north west of the site. Mr Brown confirmed that the bays could be moved and the green boundary retained, if Highways Officers were content with the resultant loss of car parking spaces.
27. Councillor James Cole conjectured that the noise and traffic from the events area would accumulate with those of the restaurant. He was unsure why the applicant was differentiating between the events and the restaurant. Ms Renwick explained that wedding guests would be in the event space and therefore not using the restaurant. The hotel block was situated between the event space and the restaurant.
28. Councillor Hilary Cole was concerned that the vegetation was to be removed from the boundary and whether the acoustic fence was appropriate and the new treatment would be sympathetic to the Site of Special Scientific Interest (SSSi) and Special Areas of Conservation (SAC) of the river Lambourn. Ms Renwick replied that they had attempted to maximise the number of parking spaces, but would have preferred to retain the planting.
29. Councillor Pick noted that the objectors had suggested an area to the east of the kitchen to be set aside for staff to smoke and that the restaurant should be a no smoking zone. Ms Renwick explained that the terrace would be a no smoking zone,

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

but that it would be unreasonable to expect the whole of the restaurant area to be a no-smoking zone.

30. Councillor Paul Hewer asked whether customers would be able to smoke on the grass area by the river. Ms Renwick replied that she had not observed this behaviour in the past.
31. Councillor Beck asked for clarification as to whether the restaurant would reduce the number of covers it provided if an event was taking place. Mr Brown explained that in his experience, when the event space was booked out, the guests either booked rooms in the hotel or occupied the parking spaces. This naturally led to a reduction in the number of covers in the restaurant as customers simply could not get on site.
32. Councillor Hooker questioned how seriously the applicant and the architect had taken into consideration the impact of this plan on their neighbours. The number of conditions attached to the application suggested that there should have been more thought before the plan was submitted.
33. The Chairman asked the Planning Officers to comment on the applications. Michael Butler advised the Committee that, notwithstanding the proposed conditions, the applications should be considered on their merits and not what might be amended. Conditions had to be reasonable and enforceable. Should Members consider the scheme to be an over development, then they should refuse it. He reminded the Committee that if they were minded to grant permission, it would not be a personal permission. The applicant could sell the site and the permission onto another developer.
34. The National Planning Policy Framework (NPPF) paragraph 123, stated that planning policy and decisions aimed to avoid significant impact on health. Through the applied conditions, officers considered the impact acceptable, however Members might think differently. The plan would create some noise for the neighbours. The Committee should also be aware of the fall-back position of the extant permission on the site, which could be implemented. For every application, officers had to balance various factors. In this case, they had decided that the balance was in favour of the scheme and that it would be a valuable facility for the town. However the Committee might hold a different view.
35. Councillor Beck, in addressing the Committee as Ward Member raised the following points:
  - He asserted that he and the residents were very much in favour of the renovation of the site. It would be of great use to the community. He hoped that the applicant and agent did not regard their concerns as a vendetta.
  - He drew the Committee's attention to page 46, point 5.4 of the agenda where it was stated that officers considered the proposed extension, "on balance, not to impact the Neighbouring amenity to an unacceptable extent". Councillor Beck reflected that this was a subjective statement. The main area of concern for himself and the residents was the proposed changes to the area around Mill Waters Cottage.
  - The Newbury Society had asked if there could be a conditions added for monitoring heritage aspects. It was understood that there was not a case for a full-blown archaeological survey, however they would like a watching brief due to the significance of the historic mill.
  - He queried the apparent missing text from the Environmental Health statement on page 72 of the agenda.

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

- With regard to the Tree Officer's statement on page 73 of the agenda, he noted that the requested information had not been forthcoming.
  - He noted condition 6. BS4142 Requirement Noise Restriction on page 79-80 of the agenda and asked that the distance of the extension from the main body of the hotel not be used as a 'cop-out'. Consideration should be given to the impact of the noise on the residents.
  - There had been no details given for the boundary treatment and acoustic fencing. It was impossible for Members to decide without all the information available. At the site visit he was appalled that the green barrier would be removed. He observed that this would also affect the hotel and the atmosphere and visual aspect for the guests as there would be considerable exposure of the houses and flats.
  - The Conservation statement on page 87 of the agenda stated that the proposed vent on the roof was acceptable as it would not be seen from ground level. However, the site was overlooked by flats who would clearly be able to see the vent.
  - The Newbury Society was concerned about the effect of the development on the residents.
  - The Environmental Health officer had been led a bit of a dance, however his queries had been largely satisfied through the applied conditions.
  - In conclusion, he was concerned that there were so many uncertainties with the scheme that the applicant should go back to the drawing board and take a lot more account of the impact on the neighbours.
36. The Chairman invited the Committee to question officers.
37. Councillor Bryant commented that the problem of the boundary treatment had occurred due to the demand for more parking spaces. He asked for officers views on the balance between a good boundary treatment and whether this was worth the loss of a few parking spaces. Paul Goddard replied that he had carefully considered the application. Highways officers had pushed hard for car parking spaces. If Members were minded to increase the landscaping, this would result in the loss of six spaces. His advice was that this would not change his support of the application. However, this would require an adjustment to the layout and therefore the plans would need to be resubmitted.
38. Councillor Bryant queried whether the adjustments could be made through conditions for the current plan. Michael Butler explained that should the plans be changed in Committee, they might inadvertently impact a different resident who would have no opportunity to have their view heard. The application before the Committee was the one under consideration. If Members were not content with the scheme, they should refuse it.
39. Councillor Pick observed that the objectors had made powerful remarks regarding the potential disturbance from car doors and conversations in the car park and had commented that not all noise had been taken into account. Joe Dray explained that it was notoriously difficult to assess noise levels as it was dependent on how people behaved. He acknowledged that the assessment had been modelled from the standard and had not included any rowdy behaviour.
40. Matthew Shepherd noted that the area next to the hotel could be used as the car park for the restaurant. It was currently being used for this function and had an entrance and surface laid out for this purpose.

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

41. Councillor Pick further noted that a great emphasis had been put on noise, but that he had had difficulties in finding mitigation for the impact of odours and light pollution. Matthew Shepherd explained that this was covered under condition 6 as it was contained within OVS 5 and OVS6. Councillor Pick asked if further conditions could qualify the amount of music allowable. Matthew Shepherd considered the existing conditions to be strong enough.
42. Councillor Hilary Cole noted that there were significant trees on the site. She asked what weight had been given to their protection and to the fact that Mill Waters cottage was so close to the SSSI and the SAC. She queried why this had not been taken into account when the boundary treatment had been considered. It was not satisfactory in such a sensitive area.
43. Matthew Shepherd noted that the Tree Officer's concerns had been satisfied by the applied conditions. He had also taken into consideration that there were extant permissions on the site, what was a reasonable request, and that the Tree Officer had not wanted to raise an objection.
44. Councillor Simpson noted that Commercial Odour had been mentioned on page 122 of the agenda. He observed that the prevailing winds were unstable and would send the vented air up into the direction of the flats. He asked if this could be adjusted through conditions.
45. Joe Dray explained that the venting might cause an issue due to its appearance, however he would expect the air to be relatively odour free due to the carbon filters used by a commercial kitchen.
46. *(The Chairman adjourned the meeting for a five minute comfort break under Rule 7.6.2 (Motions Which May Be Moved Without Notice) of the Constitution.)*
47. The Chairman invited the Committee to debate on the three areas of the hotel, the plant room and the cottage.
48. Councillor Hilary Cole noted that it was self-evident that Agenda items 4(1-3) held no issues and that the particular unease was over Items 4 and 5. She was concerned that the application required twenty-six conditions to make it acceptable. This was too many and she could not see how they could be policed and enforced effectively. The presence of the SSSI and SAC and the impact on the trees meant that the Committee would be derelict in their duty if they did not consider the boundary treatment. She was not convinced that the applicant and agent had done all they could to mitigate the impact of the proposed development.
49. Councillor James Cole supported Councillor Hilary Cole's view. He had come to the meeting thinking that the plan could be adjusted through conditions. However, he now believed that Members should not approve the Mill Waters Cottage applications. The Chairman asked for reasons for refusal for Agenda Items 4(4-5).
50. Michael Butler suggested that reasons for refusal could be regarding adverse impact on the neighbours from noise and odour (NPPF paragraph123) and impact to the boundary and trees (CS18 and CS19 of the West Berkshire Core Strategy). He also noted that these reasons for refusal could not be applied to application 17/03238/LBC2 as this related to listed building permissions. He advised Members that they should approve Agenda Item 4(5), in the knowledge that no development could take place without the approval of 17/03237/COMIND.
51. Councillor Pick noted that the application had been submitted before concerns had been adequately addressed. He was surprised that such a complex application had come forward. He recognised that some effort had been made but it was not

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

sufficient. He hoped that eventually concerns about odour, light and noise would be addressed. He was unhappy about the removal of the current screening and thought that issues about the motorbike bay should be addressed. He felt that Agenda Items 4(4-5) required more work to make them acceptable.

52. Councillor Bryant believed that this could be made into an acceptable scheme if the adverse effect on the residents was addressed. He thought that loss of a few car parking spaces would not make the scheme unacceptable. He noted that officers had advised that a fresh application was needed and he would err on the side of a resubmission.
53. The Chairman ensured that the debate had been concluded and invited Members to make their proposals.
54. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03232/FUL. This was seconded by Councillor Pick.
55. The Chairman invited the Committee to vote and the motion was passed unanimously.

**RESOLVED that** the Head of Development and Planning be authorised to **grant** planning permission, subject to the following conditions:

### Conditions

#### 1. Commencement date 3 Years from previous approval

The development hereby permitted shall be begun before the expiration of three years (29th April 2019) from the date of the initial permission 16/01171/FUL which was given on the 29th April 2016.

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).

#### 2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved drawings

Drawing title "Proposed Elevations (Sheet 1 of 2)" Drawing number P-03.01 -. Date stamped 27th November 2017.

Drawing title "Proposed Elevations (Sheet 2 of 2)". Drawing number P-03.02-. Date stamped 27th November 2017.

Drawing title "Ground Floor Plan". Drawing number P-02.01-. Date stamped 27th November 2017.

Drawing title "First Floor Plan". Drawing number P-02.02-. Date stamped 27th November 2017.

Drawing title "Second Floor Plan". Drawing number P-02.03-. Date stamped 27th November 2017.

Drawing title "Roof Plan". Drawing number P-02.04-. Date stamped 27th November 2017.

Drawing title "Hotel Extension Surface Water Drainage Strategy". Drawing no. 36034/4001/002 Rev B. Date received 01/09/2016

Drawing title "Proposed Site Plan". Drawing number 01. Date received 16/05/2016

Drawing title "Ground Floor Plan Demolition". Drawing number J-284\_DD\_P2\_A21\_00. Date received 16/05/2016

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

Drawing title "Sections". Drawing number J-284\_DD\_P2\_A21\_06. Date received 16/05/2016

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

### **3. Details of Spoil use to be submitted to and approved by the Local Planning Authority**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS17 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **4. Submission of Construction Ecology Management Plan**

No development shall take place until a Construction Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. Natural England shall be consulted upon the details submitted in the interest of the SAC/SSSI. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) Measures to ensure no sediment or polluted runoff enters the river when undertaking activities such as wheel washing, refuelling of machinery, storing materials etc.
- (i) Measure to ensure best practice and Environmental standards will be adhered to where practically possible

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and the safeguarding of the SAC/SSSI. This condition is imposed in accordance with the National Planning Policy Framework (March 2012),

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 5. Parking in accordance with plans

The development shall not be brought into use until the vehicle parking and/or turning space 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).

### 6. Cycle Parking

The development hereby permitted shall not be occupied until 10 covered and secure cycle parking spaces have been provided. These cycle parking spaces shall be retained for this purpose at all times.

The development hereby permitted shall not be occupied until 2 motorcycle parking spaces have been provided. These motorcycle parking spaces shall be retained for this purpose at all times.

Reason: To ensure that there is adequate motorcycle parking within the site. 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).

### 7. Hours of Construction Work

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: In the interests of the amenities of neighbouring occupiers. In accordance with CS14 of the West Berkshire Core Strategy (2006-2026) and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### 8. Landscape Management Plan in accordance with details submitted

The Landscaping, Landscape Management for a minimum period of 5 years shall be in accordance with the details submitted to the Local Planning Authority under application 17/00865/COND1 to which details in relation to condition 8 were discharge in accordance with the below listed documents;

- Drawing 149/LA/PP/00/01 Rev A. Landscape Planting Plan and
- Document 149 Newbury Manor Landscape Management Plan Rev A.

These documents were submitted on the 15th June 2017 via email from the agent and contain satisfactory details. The development shall be carried out in accordance with this details irrespective of the details provided in this application.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the National Planning Policy Framework (March 2012), Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.



## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

### 9. Arboricultural Methods in accordance with details submitted

The development shall be carried out in accordance with the document titled Arboricultural Method Statement 149/AMS/9.13, containing information in regards to the sites Arboriculture method, tree survey, and tree protection plan produced by Astley Partnership Ltd prescribes the measures relating to tree protection, method of work to minimise the impact on the trees and Arboricultural supervision of the site, submitted to and discharged under application 17/00865/COND1. Confirmation that the Arboricultural Consultants would be used to ensure the Arboricultural Supervision of the site was carried out in line with the details contained within the document 149/AMS/9.13 was received in an email the agent dated 06/06/2017. The development shall be carried out in accordance with this details irrespective of the details provided in this application.

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 objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### 10. Protective Fencing in accordance with details submitted

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan 1504-01. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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 objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### 11. Sustainable Drainage Methods in accordance with details submitted

The development hereby permitted shall not be brought into use until the sustainable drainage measures identified in Drawing title "Hotel Extension Surface Water Drainage Strategy". Drawing no. 36034/4001/002 Rev B. Date received 01/09/2016 and drainage note TN001 (Rev A) have been provided in accordance with the approved details. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable 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 Supplementary Planning Document Quality Design - Part 4 Sustainable Design Techniques (June 2006).

### (2) Application No. and Parish: 17/03233/LBC, Newbury Manor Hotel, London Road, Newbury

1. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03233/LBC. This was seconded by Councillor Pick.
2. The Chairman invited the Committee to vote and the motion was passed unanimously.

**RESOLVED** that the Head of Development and Planning be authorised to **grant** planning permission, subject to the following conditions:

#### Conditions

1. Commencement date 3 Years from previous approval

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

The development hereby permitted shall be begun before the expiration of three years (29th April 2019) from the date of the initial permission 16/01171/FUL which was given on the 29th April 2016.

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).

### 2. Approved Plans

This listed building consent relates only to work described on the drawings/and/or/in the documents identified below:

Drawing title "Proposed Elevations (Sheet 1 of 2)" Drawing number P-03.01 -. Date stamped 27th November 2017.

Drawing title "Proposed Elevations (Sheet 2 of 2)". Drawing number P-03.02-. Date stamped 27th November 2017.

Drawing title "Ground Floor Plan". Drawing number P-02.01-. Date stamped 27th November 2017.

Drawing title "First Floor Plan". Drawing number P-02.02-. Date stamped 27th November 2017.

Drawing title "Second Floor Plan". Drawing number P-02.03-. Date stamped 27th November 2017.

Drawing title "Roof Plan". Drawing number P-02.04-. Date stamped 27th November 2017.

Drawing title "Hotel Extension Surface Water Drainage Strategy". Drawing no. 36034/4001/002 Rev B. Date received 01/09/2016

Drawing title "Proposed Site Plan". Drawing number 01. Date received 16/05/2016

Drawing title "Ground Floor Plan Demolition". Drawing number J-284\_DD\_P2\_A21\_00. Date received 16/05/2016

Drawing title "Sections". Drawing number J-284\_DD\_P2\_A21\_06. Date received 16/05/2016

No work shall be carried out other than in accordance with the above drawings and documents.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

### 3. Materials

Materials to be used externally shall be as approved under application 17/00866/COND1, which were set out in the email from Dennis Smith sent on the 21st August):

#### Facing Brick

Manufacturer - Imperial Bricks

Range - Reclamation Shire Blend.

#### Roof Tiles

Manufacturer - Dreadnought

Range - Smooth Red

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

### 4. Details of windows and Glazing/external doors

Details of all new windows/areas of glazing/external doors shall be as approved under application 17/00866/COND1 as shown on drawing numbers C.001 A which is an amended plan showing the revised doors on the south-west elevation; it was attached to the email from the applicant dated the 25th July 2017 saved under application 17/00866/COND1. In addition drawing no. C002 (showing the remaining elevations) is as originally submitted and has not been amended.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### 5. Making good retained works

All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match original/adjacent work with regard to the methods used and to materials, colours, textures and profiles.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### 6. Rainwater Goods

Notwithstanding what is shown on the approved drawings or other approved documents, unless otherwise agreed in writing by the Local Planning Authority, all new rainwater goods shall be cast iron, painted to match existing, and any existing metal rainwater goods and accessories shall not be removed or modified without the prior written approval of the Local Planning Authority on an application made for that purpose.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### (3) Application No. and Parish: 17/03223/FUL, Newbury Manor Hotel, London Road, Newbury

1. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03223/FUL. This was seconded by Councillor Pick.
2. Councillor Beck asked the Committee to consider taking into account the Newbury Society request for a watching brief and requested an additional evaluation to ensure that the level of noise was acceptable. Councillor Hilary Cole referred to the Archaeology statement on page 72 of the agenda which stated that, "previous construction will have disturbed any features of archaeological significance". She therefore felt this negated the need for a watching brief. Members voted against the inclusion of Councillor Beck's additions.
3. The Chairman invited the Committee to vote on Councillor Cole's proposal and the motion was passed unanimously.

**RESOLVED** that the Head of Development and Planning be authorised to **grant** planning permission 17/03223/FUL, subject to the following conditions/for the following reasons:

#### Conditions

1. Full planning permission time limit

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

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).

### 2. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing title "Proposed Plant Room+ Sub-Station Block Plan.". Drawing number PB.01 A. Date stamped 11th December 2017.
- Drawing title "Proposed Plant Room+ Sub-Station Site Plan". Drawing number PP.01 A. Date stamped 11th December 2017.
- Drawing title "Proposed Plant Room+ Sub- Station Location Plan". Drawing number PL.01 B. Date stamped 11th December 2017.
- Drawing title "Plant Room- Plans Elevations & Sections". Drawing number PP.01 -. Date stamped 11th December 2017.
- Drawing title Substation Technical Storage (No drawing title present). Drawing number ESM.0000.A3.0055.DWG Rev A. Date stamped 11th December 2017.

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

### 3. Materials to be submitted

No development shall take place until a schedule of all materials and finishes visible to the external of the building have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### 4. Tree protection scheme

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working day's notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

**Note:** The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

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

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### 5. Arboricultural Method Statement

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: to ensure the protection of trees identified for retention at the site in accordance with the objectives of the National Planning Policy (March 2012) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 6. BS4142 Requirement Noise Restriction

Noise resulting from the use of this plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142, at a point one metre external to the nearest noise sensitive premises.

Reason: In the interests of the amenities of people living in the area in accordance with the objectives of the National Planning Policy (March 2012) and Policies CS14 of the West Berkshire Core Strategy 2006-2026 and OVS.5 and OVS.6 of the West Berkshire Local Plan (1991-2006) (Saved 2007).

### (4) Application No. and Parish: 17/03237/COMIND, Mill Waters Cottage at Newbury Manor Hotel, London Road, Newbury

1. Councillor Hilary Cole proposed to reject officer's recommendation and to refuse planning permission 17/03237/COMIND. This was seconded by Councillor Pick.
2. The Chairman invited the Committee to vote and the motion was passed unanimously.

**RESOLVED** that the Head of Development and Planning be authorised to **refuse** planning permission for the following reasons:

#### Reasons:

#### 1. Neighbouring Amenity

The development would have an unacceptably harmful impact upon the neighbouring amenity of adjoining dwellings within Two Rivers Way, Newbury. The location of the plant and extraction machinery is directed towards neighbouring property, without sufficient justification that the level of noise and odour will be mitigated.

The development is accordingly contrary to policies OVS5 and OVS6 of the West Berkshire Local Plan Policies 1991-2006 (Saved 2007) and policy CS14 of the West Berkshire Local Plan (2006-2026) which seeks to ensure a high level of quality of design and a positive contribution to the wider locality and quality of life in West Berkshire. Additionally the development would be contrary to Paragraph 123 of the National Planning Policy (2012) which seeks to avoid noise that gives rise to adverse impact on health and quality of life as a result of new development.

#### 2. Harm to Trees on the Site

The proposed development by virtue of its size and setting will result in an unacceptable level of damage to trees within the Newbury Conservation Area of which this site forms a part. The proposal will neither preserve nor enhance the

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

landscape character of the area as a result. The development will have a significant and unacceptable level of harm to the eastern boundary of the site through the removal of large amounts of landscaping screening and trees. In addition, this level of tree removal and impact would have an adverse impact on the setting of the River Lambourn which is an SSSI and SAC protected under European legislation.

The development is accordingly contrary to Policies CS17, CS18 and CS19 of the West Berkshire Local Plan (2006-2026). The latter seeks to preserve the local distinctiveness and character and the sensitivity of areas to change. Additionally CS18 seeks green infrastructure to be protected and enhanced. The development would also fail to comply with para. 118 of the National Planning Policy Framework which seeks to ensure biodiversity of sites is conserved and enhanced.

### (5) **Application No. and Parish: 17/03238/LBC2, Mill Waters Cottage at Newbury Manor Hotel, London Road, Newbury**

1. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03238/LBC2. This was seconded by Councillor Pick.
2. The Chairman invited the Committee to vote and the motion was passed. Councillors Pick and Edwards abstained and asked for this to be recorded in the minutes.

**RESOLVED** that the Head of Development and Planning be authorised to **grant** planning permission, subject to the following conditions:

#### **Conditions:**

##### **1. Time Limit on Planning Permission**

The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

##### **2. Approved Drawings**

This listed building consent relates only to work described on the drawings identified below:

- Drawing title "Proposed Restaurant Elevations- Sheet 1". Drawing number RP.05. Date stamped 28th November 2017
- Drawing title "Proposed Restaurant Elevations- Sheet 2". Drawing number RP.06. Date stamped 2nd May 2018
- Drawing title "Proposed Restaurant Sections". Drawing number RP.07. Date stamped 28th November 2017
- Drawing title "Proposed Restaurant Ground Floor Plan". Drawing number RP.02 A. Date stamped 2nd May 2018
- Drawing title "Proposed Restaurant First Floor Plan". Drawing number RP.03. Date stamped 28th November 2017.
- Drawing title "Proposed Restaurant Roof Plan". Drawing number RP.04. Date stamped 28th November 2017.
- Landscaping plan: Overlay and mark up of Landscape planting plans of the approved hotel plan and current restaurant plan dated 27.03.18

## WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES

- Drawing title "Proposed Restaurant Site Plan". Drawing number RP.01 C. Date stamped 16th March 2018
- Drawing title "Proposed Restaurant Block Plan". Drawing number RB.01 A. Date stamped 28th November 2017.
- Drawing title "Proposed Restaurant Location Plan". Drawing number RL.01 A. Date stamped 28th November 2017
- Drawing title "Kitchen Ventilation". Drawing number CCN-01. Date stamped 28th November 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-02. Date stamped 28th November 2018.

No work shall be carried out other than in accordance with the above drawings and documents.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

### **3. Schedule of Materials**

No development shall take place until samples and an accompanying schedule of all materials and finishes visible external to the building have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **4. Facing Brickwork Making good shall match**

All new facing brickwork, including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **5. Making good and repair to retained fabric**

All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match original/adjacent work with regard to the methods used and to materials, colours, textures and profiles.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026)

### **6. Rainwater Goods**

Notwithstanding what is shown on the approved drawings or other approved documents, unless otherwise agreed in writing by the Local Planning Authority, all new rainwater goods shall be cast iron, painted to match existing, and any existing metal rainwater goods and accessories shall not be removed or modified without the prior written approval of the Local Planning Authority on an application made for that purpose.

**WESTERN AREA PLANNING COMMITTEE - 6 JUNE 2018 - MINUTES**

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

**7. Window Details**

No development shall take place until details of all new windows/areas of glazing/external doors, including materials and finishes, at a minimum scale of 1:20 and 1:2, have been submitted to and approved in writing by the Local Planning Authority. The windows/areas of glazing/external doors shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

**9. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 9.15 pm)*

**CHAIRMAN** .....

**Date of Signature** .....



# Agenda Item 5.(1)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	18/00861/HOUSE Hampstead Norreys	17 May 2018	Single storey rear extension, two storey side extension  Cherry Hinton, Hampstead Norreys  Mr Lee Clarke

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00861/HOUSE>

**Recommendation Summary:**            **The Head of Development and Planning be authorised to GRANT planning permission.**

**Ward Member(s):**                        Councillor Virginia Von Celsing

**Reason for Committee determination:**            More than 10 letters of objection

**Committee Site Visit:**                        21 June 2018

## Contact Officer Details

**Name:**                                        Liz Moffat  
**Job Title:**                                    Assistant Planning Officer  
**Tel No:**                                        (01635) 519111  
**E-mail Address:**                            [elizabeth.moffat@westberks.gov.uk](mailto:elizabeth.moffat@westberks.gov.uk)

## 1. Site History -

353/62 – House and garage APPROVED 1962

## 2. Publicity of Application

Site Notice Expired: 09.05.18

## 3. Consultations and Representations

**Parish Council:** Objection: Serious concerns for overshadowing/loss of light to Flint House and 1 & 2 Church Street, particularly 1 Church St. Not visually appropriate in a conservation area.

**Highways:** No highways objections. Parking can be achieved and the existing access is unchanged. Due to the close proximity of the school and the junction at Water Street/Newbury Street/Church Street deliveries must be made outside of peak times on the highway network and morning and afternoon school pick up times - this must be specified within the Construction Method Statement.

**Conservation Officer:** Due to limited resources over the next few months I am unable to provide comments on householder applications which do not impact a listed building

**Environmental Health** No objections

**Correspondence:** 17 letters of objection regarding the two storey element – concerns raised re. overshadowing, imposing, dominant, terraced effect, loss of light, overlooking, overdevelopment, out of keeping in a conservation area, potential hazard to highway safety. Amended plans: further correspondence to state that amendments do not address concerns.

## 4. Policy Considerations

4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 (WBCS) and the saved policies in 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)

4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- CS13: Transport
- CS14: Design Principles
- CS19: 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. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:-

- HSG1: The Identification of Settlements for Planning Purposes

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

- Supplementary Planning Document, Quality Design (June 2006)
- Supplementary Planning Guidance, House Extensions (July 2004)

## 5. Description of Development

5.1. The site lies within the settlement boundary of Hampstead Norreys and its Conservation Area, as well as the AONB. The application site is a 3 bed detached property dating from the 1960s which was built to the rear of a pair of period cottages in Church Street, prior to the erection of Flint House which lies on the corner of Church Street and Newbury Hill. The detached garage has since been linked to the house by a utility room. Permission is sought to add a small single storey extension along the rear of the property to enlarge the kitchen and dining room. It is proposed to demolish the garage and utility and to add a two storey side extension providing a garage and en-suite bedroom above. This will come forward of the existing front elevation to the eastern side, in line with the gable projection on the opposite end.

5.2. The facing brickwork at ground floor level and the roof tiles will match the existing however painted render is proposed for the porch area and at first floor level.

## 6. Consideration of the Proposal

The main issues raised by this development are:

- 6.1. The principle of development
- 6.2. The design and impact on the character of the area
- 6.3. The impact on the living conditions of the neighbouring properties
- 6.4. The impact on highways and parking

### 6.1. The principle of development

6.1.1 The application site lies within the settlement boundary of Hampstead Norreys. Within settlement boundaries there is a presumption in favour of new residential development subject to criteria set out within relevant development plan policies. In particular, policy HSG1 seeks to ensure that any new development is appropriate in terms of scale, relationship to the character of the area and does not impact general amenity including street parking. Any development must be appropriate in terms of scale, relationship to the character of the area and does not impact upon general amenity.

### 6.2. The design and impact on the character of the area

6.2.1 Through the provisions of the NPPF the government outlines the importance of the design of the built environment. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy CS19 seeks to ensure the conservation and enhancement of the built and natural environment.

6.2.2 The site is located within the AONB. The NPPF provides AONBs the highest level of protection. Policy ADPP5 of the core strategy states that 'development will conserve and

enhance the local distinctiveness, sense of place and setting of the AONB'. Cherry Hinton is set within a group of residential properties and not immediately adjacent to any open countryside. The proposals are not therefore considered to have a harmful impact upon the landscape quality of the AONB.

- 6.2.3 Cherry Hinton also lies within the Hampstead Norreys Conservation Area. It is set back from the highway with the back garden measuring approximately 100 square metres which is smaller than the area to the front which is largely used for parking. Ground levels rise from east to west such that Cherry Hinton is set slightly higher than the neighbouring properties to the east and lower than Elwood to the west, which is set further back within its plot. The properties on the opposite side of Newbury Hill are set closer to the highway. The impression is of a village location of relatively low density development with glimpses of the surrounding countryside.
- 6.2.4 The rear extension is considered acceptable as it is a small extension which could be built within permitted development rights. The side extension will be no closer to the eastern boundary than the existing garage, but it will be set further forward, in line with the rear elevation of the neighbouring garage. Given that Cherry Hinton is at a slightly higher level, concern was raised that the original proposal was not sufficiently subservient to the original dwelling and would result in a dominant built form, appearing overbearing to the occupants of No.1 Church Street who have a small courtyard area as their private amenity area. Amended plans have been received reducing the height of the extension so that it is now set down from the existing roof. The first floor element has been reduced in size so that it is set further away from the eastern boundary than the garage and the en-suite window on the rear elevation will be a dormer window. The overall design is considered in keeping with the existing house. The proposed extent of built form on site would not significantly reduce the private amenity space.
- 6.2.5 On balance the revised scheme is not considered to dominate the main dwelling. Given that it is well set back from the road, it would not be more prominent in the street scene. Neither is it considered to result in a terracing effect given the ground levels and that Elwood to the west is orientated away from Cherry Hinton. As such the proposals are not considered to have a visual prominence that is harmful to the character of the area, including the conservation area.

### 6.3 The impact on the amenities of the neighbouring properties

- 6.3.1 Planning Policies CS 14 and CS 19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. Supplementary Planning Guidance on House Extensions outlines the factors to consider with regard to impact on neighbouring properties.
- 6.3.2 It is considered that the primary impact of the development would be to the neighbours to the eastern side, particularly Nos. 1 and 2 Church Street. The revised scheme for the two storey addition is considered to be an improvement and will be less overbearing. As such, the impact on the private amenity area to the rear of these neighbours would not be sufficiently harmful to warrant refusal. A condition is recommended to ensure that the en-suite window to the rear is obscure glazed and that no openings can be added within the side elevation of the proposal. As such there is not considered to be an increase in direct overlooking of adjacent dwellings as a result of the proposal and is in accordance with development plan policies on amenity.

#### 6.4 The impact on highways and parking

- 6.4.1 Highways have recommended a condition requiring a Construction Method Statement to ensure deliveries do not have a detrimental impact on the local primary school which is within 100 metres of the application site.

### 7. **Community Infrastructure Levy**

- 7.1 The increase in internal floor space of the proposed house extension is less than 100m<sup>2</sup>. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, house extensions of less than 100m<sup>2</sup> are not liable to pay the Community Infrastructure Levy.

The NPPF 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. Being a house extension the scheme has limited economic and social considerations. The environmental considerations have been assessed in terms of design, amenity and impact on the character of the area. As these have been found acceptable the development is considered to constitute sustainable development.

### 8. **Conclusion**

- 8.1. Having taken account of all relevant policy considerations and the material considerations referred to above, it is considered that, on balance, the development proposed is acceptable and conditional approval is justifiable for the following reasons: It is not considered that this proposal would demonstrably harm the amenity of adjoining residential properties and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and 19 of West Berkshire Core Strategy 2006-2026 which requires that all development demonstrates high quality and sustainable design that respects the character and appearance of the area and safeguards the amenities of adjoining occupiers.

### 9. **Full Recommendation**

- 9.1 The Head of Development and Planning be authorised to **GRANT** permission subject to the following conditions:-

1. The development of the extension 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 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawing 206-02 Rev A received on 22 May 2018, 206-03A received on 25 April 2018 and the site location plan received on 22 March 2018.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

3. The materials to be used in this development shall be as specified on the plans or the application forms.

Reason: In the interests of amenity in accordance with Policies CS14 and CS19 of West Berkshire Core Strategy 2006-2026.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) Time of deliveries
- (e) Measures to control the emission of dust and dirt during demolition/construction
- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. No demolition or construction works shall take place outside the following hours:

- 8:00am to 6:00pm Mondays to Fridays;
- 8:30am to 1:00pm Saturdays;
- nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS14 of the West Berkshire Core Strategy (2006-2026).

6. The new en-suite window at first floor level shall be fitted with obscure glass before the extension hereby approved is occupied and the obscure glazing shall thereafter be retained in position to the satisfaction of the Local Planning Authority. Irrespective of the provisions of the current Town and Country Planning (General Development) Order 2015 (or any subsequent revision), no further openings shall be inserted in the side elevations of the development.

Reason: To prevent overlooking of adjoining properties and in the interests of the amenity of neighbouring properties in accordance with the National Planning Policy Framework 2012 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

DC



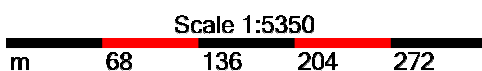
Map Centre Coordinates :

Scale : 1:5349

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	14 June 2018
<b>SLA Number</b>	0100024151



This page is intentionally left blank



# Agenda Item 5.(2)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	18/00837 /FULEXT Hungerford Town Council.	18 <sup>th</sup> June 2018.	Erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop. Land at former Oakes Bros site, Station Yard, Hungerford. Oakes Bros Limited.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00837/FULEXT>

<b>Member(s):</b>	Councillor Hewer Councillor Podger
<b>Reason for Committee determination:</b>	Councillor Hewer has called the application in whatever the officer recommendation. In addition the application is a departure.
<b>Committee Site Visit:</b>	21 <sup>st</sup> June 2018.
<b>Recommendation.</b>	<b>The Head of Development and Planning be authorised to GRANT planning permission. Subject to the completion of a s106 obligation.</b>

<b>Contact Officer Details</b>	
<b>Name:</b>	Michael Butler
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:michael.butler@westberks.gov.uk">michael.butler@westberks.gov.uk</a>

## 1. Site History

12/02732/FUL. Change of use from industrial to temporary car park for 96 vehicles. Expired February 2016 but remains in use. Officer comment – not considered expedient to enforce. Application 16/00787/FULD. Erection of 8 dwellings on car park. Refused but allowed at appeal on 28 July 2017. [NB - not on application site but in Station Yard]. 17/01833/fulext. Erection of 30 dwellings on the site with associated parking and landscaping. Refused September 2017.

## 2. Publicity of Application

Site notice displayed 11<sup>th</sup> April 2018. Expiry 2<sup>nd</sup> May 2018. Advertised as departure 19<sup>th</sup> April 2018.

## 3. Consultations and Representations

<b>Hungerford Town Council</b>	Strongly supported.
<b>Highways</b>	Whilst further clarification is required on detailed points including pedestrian routes, the application only now involves the loss of 3 network rail car parking spaces so on balance now acceptable. The loss of the 96 private car park is still regrettable however, in the interests of sustainability. The on-site parking for the 30 flats is accepted.
<b>Education</b>	CIL will be sufficient to offset any additional impact from new residents on local schools.
<b>SuDS</b>	Following drainage testing on the site it is considered that conditional permission is now acceptable.
<b>Planning Policy</b>	Objection. The scheme is residential and so as the site lies on a protected employment site under policy CS9, the development is contrary to this policy. In addition the Council has in excess of a 5 year housing land supply. No objection to the coffee shop.
<b>Housing</b>	Support. This is a brown field site in the town where the Council would expect 30% of the units to be for affordable purposes i.e. 9 in number - s106 required to achieve this.
<b>Environmental Health</b>	Two principal issues correspond to the site. The first is noise [from the rail line, the Tavern, and the coffee shop] the second is possible land contamination. These can both be resolved by appropriate conditions.
<b>Network Rail</b>	Initially objected to the loss of car parking. Now note the loss is just 3 car parking spaces, This is arising and is subject to control by NR. In addition the Council must take into account noise arising from the Railway Line and Yard.

<b>Tree Officer</b>	No objections. Conditional permission. Impact on local tree accepted as is the proposed landscape scheme.
<b>Environment Agency</b>	No objections. Conditional permission.
<b>Fire and Rescue Service</b>	No further hydrants needed.
<b>Thames Water</b>	Conditional permission is recommended. Regarding waste drainage, and no piling. [Pre conditions].
<b>Waste Services</b>	Suitable waste collection/storage facilities are available on the site as is access recently demonstrated by the appeal on the Yard further to the east for 8 dwellings. Conditional permission.
<b>Conservation</b>	The application site lies outside but adjacent the town conservation area. The proposed elevations are generally considered to be acceptable, although there will be some impact on the “ambulance” site to the east should the extant permitted scheme for 6 flats be built out on that site. Impact on Railway Tavern to the west is accepted. No objections.
<b>Natural England</b>	No objection re. any impact on SSSI or protected species. However, as the site lies in the AONB, the advice in paras 115 and 116 of the NPPF must be taken into account.
<b>Archaeology.</b>	No objections to the site itself being developed but the historical context of the two adjacent non listed but historic buildings i.e. the Railway Tavern and the Old Police Station should be taken into account.
<b>Public Rights of Way</b>	No objections.
<b>Transport Policy</b>	No response received.
<b>Great Western Railway</b>	Strongly objects to the application. Will result in the loss of a very valuable car park serving the rail station. Services will be enhanced in 2019 so to reduce car parking at this location is unacceptable.
<b>Public Representations</b>	4 letters of objection received. Seriously concerned about the loss of over 90 parking spaces at the Rail Station. The loss will have an immediate impact on Hungerford viability and commuters and in addition increase local on street parking. Safety will be an issue as well, plus impact on existing local coffee shop, and other retail uses in the town centre.

#### **4. Policy Considerations**

National Planning Policy Framework 2012.  
National Planning Practice Guidance 2014.  
West Berkshire Core Strategy 2006 to 2026.  
Policies ADPP5, CS6, CS9, CS14, CS19.  
West Berkshire District Local Plan 1991 to 2006. Policy OVS6.

#### **5 Description of development.**

- 5.1. The application site comprises an existing temporary car park operated by the applicants on a private commercial basis. It has capacity for up to 96 vehicles and is well used during the working week for local employees and commuters. The site itself is 0.3 ha in extent and roughly square in shape. It lies in the Station Yard employment area immediately to the south of the railway station, and to the east of the Railway Tavern. It lies to the north of the former Police Station and Crofton House a scheme of flats. To the east of the application site lies the former ambulance station which has an extant permission for 6 flats. The site itself lies adjacent to, but not in the Town Conservation Area, and also lies in the North Wessex Downs AONB, which washes over the identified settlement boundary of Hungerford as identified under policy C1 in the now adopted HSADPD of May 2017. Finally, the site lies in a protected employment area [PEA] under policy CS9 in the Core Strategy.
- 5.2. Members will have noted from the site visit that the levels in the area have a considerable height difference: the land to the south is some 5/6 m higher than that on the car park itself, with some significant trees on the existing southern boundary.
- 5.3. The applicant is proposing to redevelop the site for 30 flats [9 of which are to be affordable] over a maximum of 5 floors. It is proposed that 15 will be one bed roomed and 15 will be 2 bed roomed. There is to be associated landscaping, with a new ground floor coffee shop on the eastern frontage. On the ground floor will be 33 parking spaces [undercroft]. On each of the next 3 floors there will be 10 flats, 2 of which will be duplex, so creating a 5<sup>th</sup> floor to the east – flats 21 and 22. There will be communal bin storage and cycle storage provided, with vehicle access obtained via Station Yard onto Station Road to the west. There will be some external amenity space of 893m<sup>2</sup> in addition. It is also proposed to erect a new coffee shop on the site frontage. Finally 18 existing network rail parking spaces will be retained across the site frontage, entailing a net loss of 3 spaces, in addition to the 96 lost on the existing private car park.
- 5.4. In terms of elevational treatment, the proposal has an “interesting” curved roof form with a varied palette of external facing materials including brickwork, vertical timber cladding, metal cladding panels, and render, the precise nature and colour of which will be agreed at discharge of conditions stage should the application be approved. The maximum height of the building when taken from the north perimeter will be 16m and the full frontage width of 40m. The depth of the site is 45m bringing the site forward building line further to the north than existing built form in the vicinity. Finally the application would comprise a net density of circa 100 dwellings per ha if built out.
- 5.5. The Council, on 29<sup>th</sup> September 2016, wrote to the applicant’s agent in regard to a pre application enquiry on the site for 31 flats under reference 16/00026/pre app. In addition under the Environmental Impact Assessment Regulations of 2017, the Council informed the applicants on the 6<sup>th</sup> June 2018, that no Environmental Statement was required to be submitted with the application. Members will also need to be aware that the application was advertised as a departure from the Development Plan on the 19<sup>th</sup> April 2018, as it comprises a non-employment generating use on a protected employment area as designated under policy CS9 in the CS. Finally the Committee may recall that in September

last year a similar but not identical application was considered and refused –that application was not appealed.

## **6. Consideration of the application.**

The application will be considered under the following issues:-

Design, massing and scale  
Planning policy position  
Access and car parking and  
Other issues.

### **6.1. Design, massing and scale.**

- 6.1.1. As noted above the application site lies immediately to the north and east of the town conservation area. Accordingly, any new development here should fully respect the setting and value of that conservation area, without detriment, if it is to accord with policy CS19 in the Core Strategy and the advice on respecting designated heritage assets as noted in the NPPF. Para 137 of the latter notes that proposals that enhance or better reveal the significance of such areas should be treated favourably. In addition, CS19 replicates this advice in principle. Firstly, it is recognised that whilst the existing car park forms a highly useful function in the local context of pressured parking capacity, its visual appearance is relatively very poor and does little to enhance the conservation area; it merely provides a feeling of openness in an otherwise built up area. On the other hand it is concluded by officers that the introduction of this new built form will obviously remove this open character, but given the proposed design and massing will not harm the overall balance and setting of the local urban context and indeed will potentially improve that visual appearance. Whilst design is of course a subjective matter to a degree, and the case officer appreciates that a contemporary appearance is not to all tastes, the degree of both horizontal and vertical articulation through the use of varying materials and roof form over 5 floors, is on balance, attractive and so satisfactory in the local context and street scene.
- 6.1.2. Clearly the nature of the area will change considerably should the scheme proceed, but the area is already/will become more built up with the advent of the 8 dwellings to the east, which in itself is a dense scheme, although not of the same height. It is the physical relationship with adjoining buildings around the site which the Committee is required to carefully address, to see if the scheme is acceptable. Officers, including the Council conservation officer has accepted that this relationship is satisfactory, given the levels difference and the separation afforded by the new amenity space to the houses to the south, and the good separation to the Railway Tavern to the west; this is helped by the set down to 3 floors only of the scheme on the western side.
- 6.1.3. Some have commented upon the forward building line of the new scheme particularly in relation to the St Johns Ambulance Scheme to the east - by 14m. This is substantial. However, should this current application be approved it is quite conceivable that a fresh application for the latter can be considered in its new context: the planning history is a material consideration but does not carry so much weight as an implemented scheme. In addition the forward building line of the current scheme, accords with the Railway Tavern to the west.
- 6.1.4. Accordingly, having regard to the advice in the NPPF, the advice in policy CS19, and the surrounding visual context, it is considered in terms of impact on the conservation area, the massing and scale is acceptable as is the design. However, the Council also needs to examine if the application is a major development in the AONB albeit in the settlement. If it were to be taken as major then the advice in para 116 of the NPPF would apply and exceptional reasons would be needed to permit the application. Officers have determined that it is NOT major development and thus the tests in para 115 applies: i.e. great weight

needs to be given to any visual impact which might arise. It is “fortunate” that the application site is bounded by built form to all sides and has a very mature tree screen to the north in addition. Any wider visual impact on the AONB is thus minimal, and so the thrust of policy ADPP5 is met. This is important in relation to the advice identified in the consultation response from Natural England. In addition, it is important to note that the Council in defending a housing planning appeal at Kintbury recently, concluded that a 32 dwelling scheme was not major for the purposes of para 116 in the NPPF.

## 6.2. Planning Policy

- 6.2.1 Hungerford is defined as a Rural Service Centre in the Council Core Strategy. Policy ADPP1 notes that most development will be within these settlements, in conjunction with the urban areas and service villages. In addition, under bullet point 4 in policy ADPP5 relating to the AONB, it is noted that Hungerford will be the prime location for new housing. Next, policy CS1 relates to the delivery of new homes. This application site corresponds to the first bullet point, being brown field lying in a settlement. The location is obviously highly sustainable. Next policy CS4 examines the type of housing to be delivered. More dense schemes can be delivered in town centres and this site is one such type. The density at about 100 dwph is considerable, but the policy does allow for densities in excess of 50. This in turn makes efficient use of urban land. Policy CS6 seeks to ensure that affordable housing is delivered. If this application were to be approved it would need to combine 9 units as affordable to comply with this policy. The next policy is certainly the most contentious for both officers and the Committee to consider. CS9 seeks to conserve employment land over the Plan period, such that the Council is not placed in a position where fresh allocations of employment land are made on green field sites, in order to supply enough jobs for an increasing population. It is clear that the planning policy objection is based on this very point.
- 6.2.2 Officers, in advising the Committee are required to take into account other factors which might sway this policy position. The first is that the site has been marketed for some considerable time for employment purposes to no avail. The only material interest according to the submitted marketing report has been for housing. Secondly para 22 in the NPPF makes it clear that planning authorities should avoid the long term protection of employment sites where there is little prospect of a site being used for that purpose. Thirdly, a recent appeal decision at Station Yard for the approval of 8 dwellings on land to the east of the application site was published in July last year. [16/00787/fuld refers]. The Inspector at that appeal specifically mentions the advice in para 22 in his letter, in para 7, and thought the site would remain undeveloped in the future, so making no meaningful contribution to the towns economy. The test for the Council is whether this recent and relevant appeal decision should be brought to bear on this application site—which is for a much larger scheme. On balance, given the Governments continuing advocacy of pressing for more homes, especially in sustainable locations, the application is not recommended for rejection on the basis of policy CS9, This officer recommendation is **ONLY made on the basis that the specific PEA at Station yard should not continue to be protected**; it does not relate to other employment areas in the Town such as Charnham Park which continue to serve a very valuable economic function.
- 6.2.3 Next, policy CS11 considers the hierarchy of centres in the District. Hungerford is identified as a Town Centre second down in the overall range. Policies seek to sustain the vitality and viability of such centres. The inclusion of the coffee shop in the scheme is considered to be a useful adjunct to the application, which will assist such diversification and be helpful in social terms. It is considered to accord with CS11 on this basis. Policy CS13 considers access and transport, which will be examined later in this report. Policy CS14 considers design which has already been examined. Policy CS17 considers ecological and biodiversity issues: the applicants have submitted a phase 1 ecological assessment, which has concluded that no species or sites of special ecological value relate to the application

site. Policy CS19 considers the historic environment, which has been examined earlier in the section on design.

- 6.2.4 Officers now conclude that the application scheme conforms to all policies in the Core Strategy, apart from CS9 for the reasons identified. Members are reminded in this context that should they conclude in approving the application, it will have to be taken to District Planning Committee since it would comprise a departure from the Development Plan.

### 6.3. Access and parking

- 6.3.1 The applicants' highway consultants have projected traffic generation for the previous, current and proposed use is as shown within the table below:

	Previous use – agricultural business		Current use – temporary car park		Proposed use – 30 flats	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
AM peak 08.00 to 09.00 hours	11	11	30	0	2	6
PM peak 17.00 to 18.00 hours	11	11	0	30	6	4

The applicants therefore suggest that the proposed use will result in a reduction in traffic generation. Highway officers agree with this to an extent as it is possible that many commuters that use the temporary car park will seek parking elsewhere within Hungerford and will therefore still travel to and from Hungerford. There is also concern that the traffic projection for the previous agricultural business maybe somewhat excessive. Overall highway officers conclude that there is likely to be a reduction in traffic but not as much as has been claimed.

- 6.3.2 The proposal complies with Council's new car parking standards, and Highway Officers are generally content with the overall layout of the site internally. By retaining the 18 spaces across the new site frontage, the minimum width obtained for vehicles accessing the Station Yard will be 3.8m. This is considered to be satisfactory, although it will only allow for one way traffic at any one time. Given low flows in the Yard even at peak times and low traffic speeds this is acceptable.
- 6.3.3 Highway Officers still have concerns regarding the loss of the RCP Parking Ltd temporary car park approved with planning application 12/01229/FUL, because it is likely that the car parking will be displaced elsewhere within Hungerford as commuters would have got used to using the car park. However as this car park is temporary, [and is private so can be closed at any time] it is clearly difficult to object to its loss but highway officers will be keen to cooperate with Network Rail and GWR in seeking a longer term solution for additional parking for Hungerford Station. It is also the case of course that should an employment application be submitted on this car park this would be fully compliant with local policy, but still entail the loss of the 96 spaces.
- 6.3.4 While it may be difficult to object to the loss of the temporary car park, highway officers are now on balance satisfied that the net loss of just 3 car parking spaces from the public network rail car park in the Yard will not be so harmful as to merit a recommendation of refusal. This is clearly different from the past rejected scheme, which proposed the loss of all 21 spaces, which was not acceptable.
- 6.3.5 A further concern that highway officers have is the somewhat poor pedestrian routes to and from the site up to and across Station Road, along with no convenient place to cross Station Road itself. Routes into Hungerford town centre are also relatively poor. The route via Park Street is disjointed in some locations along Park Street with footways being narrow

without any dropped kerbing around the Park Street / Station Road / Fairview Road crossroads. Highway officers consider it essential to ensure a safe pedestrian route to and from the site and to encourage walking as a sustainable mode of travel. Further detailed plans are to be submitted by the applicant to cover this point.

- 6.3.6 In conclusion highway officers therefore recommend approval of this application now, in the light of the above, with appropriate conditions to be applied, and any CIL funding to be directed towards improving local pedestrian links into the town centre.

#### **6.4 Other issues.**

6.4.1 One of the environmental factors which need to be taken into account on this site is the effect of noise on future occupants from the rail line to the north. Policy OVS6 in the Saved Local Plan makes it clear that applicants and the Council must take this into full account prior to determining applications. The application site at its closest point lies just 20m from the rail line. Accordingly the applicant has submitted a detailed acoustic report, which has concluded that if appropriate conditions are applied to the most sensitive fenestration on the north elevation, such as double glazing with windows that cannot be opened, the internal living environment will be acceptable. The Environmental Health [EH] officer has concurred with this. In addition, the same Report has analysed the potential for vibration impinging on the new scheme from the rail line. Again if proper building regulation approvals are applied, the rail line will not have a detrimental impact. Next, the proximity of the Railway Tavern to the west has been examined, particularly if noisy outdoor music events are occurring. Via the design of the floor plans in the western-most units, and the positioning of windows on the west elevation, this impact will be reduced satisfactorily and the EH officer has agreed. Finally, with respect to noise, the use of the cafe has been considered. This would be conditioned in regards to opening times so as not to impact on amenity, should the application be approved.

6.4.2 The Council requires all new dwellings to have at least a degree of external amenity space available for future residents. A total of just under 900m<sup>2</sup> is to be provided on the site, namely a communal garden area to the south and a hard paved area to the west. This is almost 30m<sup>2</sup> per flat which is considered to be acceptable. It is recognised however that the rear amenity space will be unfortunately rather dark with the new building to the north and the significant rise in levels to the south - but at least it is south facing.

6.4.3 The Council is also required to examine any harmful amenity issues which might arise from overlooking or overshadowing impacts. The dwellings to the south are significantly higher than the application site. This means that any possible overshadowing or indeed overlooking will be minimal if non-existent. If the application is approved and built out, there will however be an amenity impact on the approved residential scheme to the east, via overshadowing - but given this may never be implemented this application should not be rejected on that basis. The application thus complies with policy CS14 in the CS.

6.4.4 In terms of CIL the application, if approved, would comprise a total net gain of circa 3457m<sup>2</sup> of new C3 space. This is currently charged @ £125/m<sup>2</sup>. Taking out the 30% affordable housing, which is not CIL liable, this equates to a sum of approximately £301,500 under CIL. It is stressed that this figure is for illustrative purposes alone.

#### **7.0 Conclusion**

7.1. All planning applications are required to be determined in accord with the three principles of sustainability in the NPPF. In economic terms the application is neutral, to negative, since if approved it will involve the loss of employment land and of course if refused that employment land will remain available for future users - although there is no guarantee that this would occur over the Plan period. The build out of the scheme would create local



employment and the perhaps 60 new occupants in the flats will spend additional money in the local economy. In social terms the benefits are clear since 9 further affordable units would be created, with new activity being brought into Station Yard, with the advent of the coffee shop. In environmental terms the benefits are less apparent. Whilst officers have accepted the built form mass and scale of the new scheme in regard to the conservation area, the loss of the 99 car parking spaces need to be taken into careful account. This is a matter for the Committee to consider, but officers, on balance, given the reasoning on highways issues as above, have accepted this position.

- 7.2. Given the above reasons on which a decision can be justified to approve the application, officers recommend that the application be granted conditional planning permission, subject to the completion of a s106 planning obligation.

## 8. Recommendation.

**Western Area Planning Committee resolve to recommend approval to the District Planning Committee, with conditions, subject to the first completion of a s106 planning obligation to secure the 9 affordable dwellings.**

### CONDITIONS.

3 years

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 the advice in the DMPO of 2015, should it not be started within a reasonable time.

Materials

2 No development, shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Floor levels

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

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy CS19 of the WBCS of 2006 to 2026.

## Contamination

4. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

i) A preliminary risk assessment which has identified:-

- a) all previous uses
- b) Potential contaminants associated with those uses
- c) a conceptual model of the site indicating sources, pathways and receptors
- d) potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason. To protect Controlled Waters from pollution. In accord with the advice in the NPPF.

## Verification report

5 No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. In accord with advice in the NPPF of 2012.

## Unforeseen contamination

6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason. To protect Controlled Waters from pollution. In accord with advice in the NPPF.

## Tree fencing

7 Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan 980-02. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. In addition, no trees, shrubs or hedges shown as being retained on tree survey 980-02 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation. In addition, no development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a 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 landscaping within the first planting season following the completion of the development; and b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species. In addition the as approved landscaping plan 5 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. 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 implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 to 2026.

## Waste Water Network.

8 No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. In accord with the protection of public health in accord with the NPPF advice of 2012.

## SUDS

9 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 the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which confirms the soil characteristics, infiltration rate and groundwater levels (to be monitored through the winter months);
- 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 + 40% 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) 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 are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details 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 applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

#### Noise mitigation

10 The applicant shall implement the noise mitigation measures recommended in the submitted 'Assessment of Noise and Vibration '(Ian Sharland Limited Ref M3863 Dated 09/03/18 v.4) to achieve suitable internal noise levels in accordance with BS8233 guideline values. Noise from building plant services shall not at any time exceed a level 10dB below the prevailing background sound when measured at the facade of the nearest noise sensitive location.

Reasons: To protect the amenity of future residents and to minimise the potential commercial impact on the existing public house, in accord with policy OVS6 in the WBDLP of 1991 to 2006.

#### Construction method statement

11 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development

- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### Footway/cycleway details

12 No development shall take place until details of a 1.5 metre wide footway to be constructed fronting the site have been submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. 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).

#### Vehicle parking

13 No development shall take place until details of the vehicle parking and turning space have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. 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 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). The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

#### Gradient of private driveway

14 The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. 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).

#### Access construction

15 No development shall take place until details of the proposed accesses into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the accesses into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning

Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

#### Train station cycle parking

16 No dwelling shall be occupied until a financial contribution of £xxxx [tbc] has been provided for the provision of addition cycle storage facilities within Hungerford Train Station.

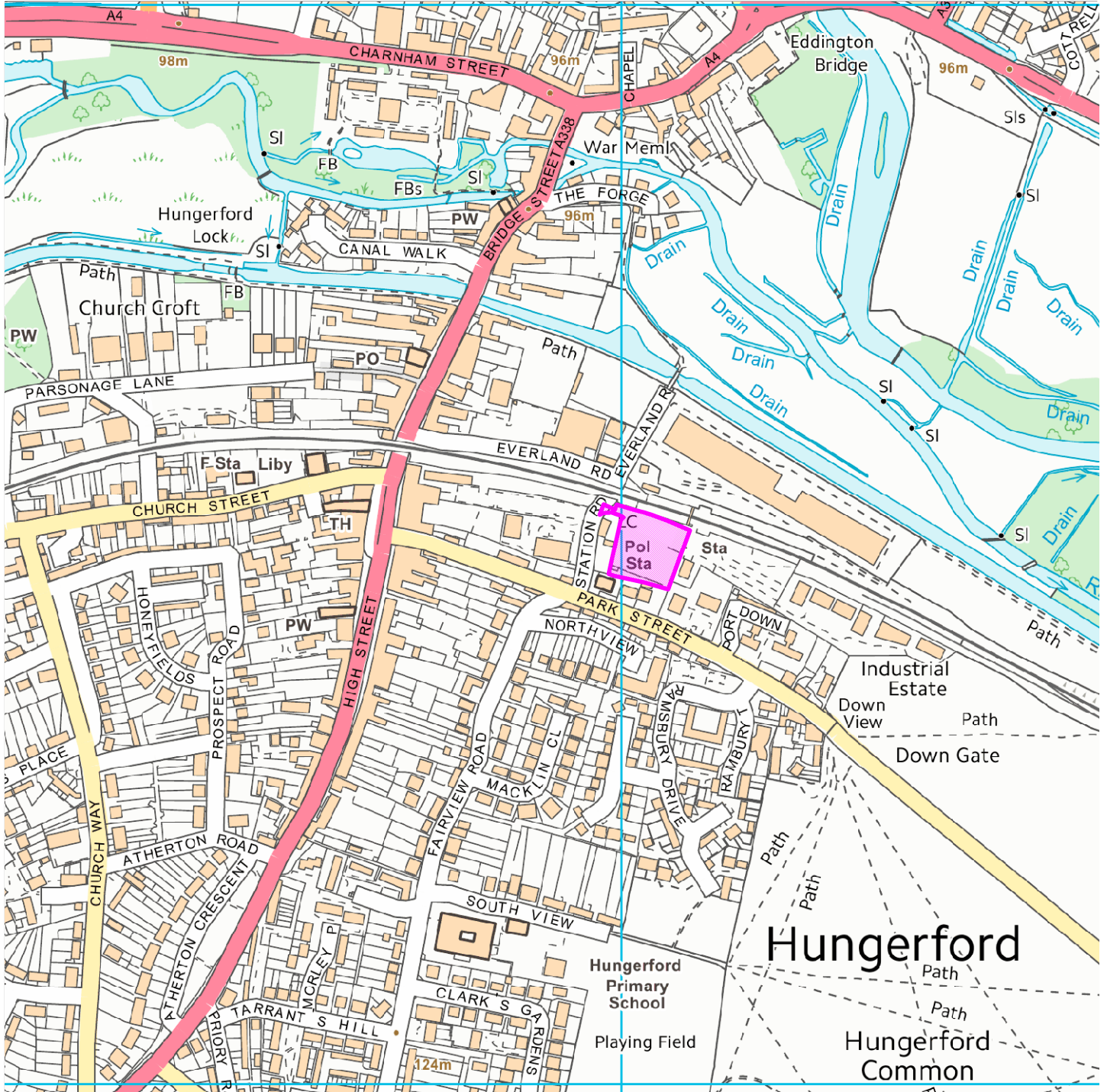
Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### Station Road footway improvements

17 No dwelling shall be occupied until dropped kerbing and tactile paving is provided across Station Road south of the Railway Tavern under a Section 278 Agreement or other appropriate mechanism.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the encouragement of walking as a sustainable mode of travel. 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).

DC



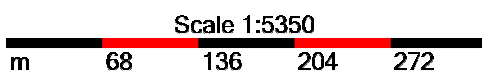
Map Centre Coordinates :

Scale : 1:5349

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	14 June 2018
<b>SLA Number</b>	0100024151



This page is intentionally left blank



# Agenda Item 6.

## APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
HAMSTEAD MARSHALL 17/00103/FULD  PINS Ref 3185410	White Hart Inn Hamstead Marshall The White Hart Inn (Hamstead Marshall) Limited	Change of use from public house (Class A4) to four dwelling houses (Class C3) and associated external alterations, landscaping and car parking (following refusal of 15/02727/FUL	Refusal	Dismissed 29.5.18
KINTBURY 17/00981/OUTMAJ  PINS Ref 3183931	Land South of Irish Hill Road and North of Holt Road Kintbury Baylight Properties Ltd	Hybrid application seeking planning permission for: (1) Outline planning permission for the erection of 40 dwellings (14 x 2 bed, 8 x 3 bed and 18 x 4 bed) with associated landscaping and parking with matters of Access and Layout to be considered. (2) Change of use of land to public open space	Delegated Refusal	Dismissed 1.6.18
NEWBURY 17/01333/LBC2 17/01332/FULD	154 Bartholomew Street Newbury Hart Street Properties	Change of use of first, second and third floor from office (B1) to residential use (C3) to form 2x 2 bed and 1x 1 bed apartments	Delegated Refusal	Allowed 15.6.18

This page is intentionally left blank

<p>KINTBURY 17/00981/ OUTMAJ</p> <p>PINS Ref 3183931</p>	<p>Land South of Irish Hill Road and North of Holt Road Kintbury Baylight Properties Ltd</p>	<p>Hybrid application seeking planning permission for: (1) Outline planning permission for the erection of 40 dwellings (14 x 2 bed, 8 x 3 bed and 18 x 4 bed) with associated landscaping and parking with matters of Access and Layout to be considered. (2) Change of use of land to public open space</p>	<p>Dele. Refusal</p>	<p>Dismissed 1.6.18</p>
--	--	---	--------------------------	-----------------------------

### **Preliminary matters**

The appeal proposal is expressed as a 'hybrid' application, seeking permission in outline for the proposed dwellings, landscaping and parking, and full permission for the change of use of part of the site to public open space.

In respect of those elements for which permission is sought in outline, the proposal includes details of access and layout only. All other details are reserved. In so far as the submitted plans and documents contain details of these other matters, it is agreed that these are illustrative.

The appeal application was for a scheme involving 40 dwellings, and was dealt with by the Council on that basis. Prior to the inquiry, the appellants sought to substitute an alternative scheme of 32 dwellings. Having regard to the 'Wheatcroft principles', the Inspector considered that this would have been significantly different from the proposal on which the Council made its decision. He therefore informed the parties that he would not accept the proposed change. He dealt with the appeal on the basis of the original, 40-dwelling proposal.

The appeal is accompanied by a Section 106 undertaking, which provides for affordable housing and on-site public open space, including a commuted sum for long-term maintenance. At the inquiry, the Council confirmed that, in view of this undertaking, Refusal Reason 1 (RR1) would no longer be pursued.

In addition RRs 4 and 5, relating to matters of highway safety, were withdrawn prior to the inquiry, in the light of an appeal decision on another site in Kintbury, known as land north of Irish Hill.

The inquiry sat on four days, 17-20 April, 2018. The inquiry remained open pending the receipt of written closing submissions, and was formally closed on 24 April.

### **Relevant Policies**

The development plan for the area includes the West Berkshire Core Strategy (the WBCS), adopted in July 2012, and the Housing Site Allocations (HSA) Development Plan Document, adopted in May 2107.

Kintbury is identified in Policy ADPP1 of the WBCS as a Service Village, which is the third tier of the settlement hierarchy. Service Villages are described as having a more limited range of services than the urban areas or the Rural Service Centres, with some limited development potential.

The appeal site is outside the settlement boundary for Kintbury, and is therefore in the countryside. Inside settlement boundaries, Policy C1 of the HSA states a presumption in favour of development; but outside, the presumption is reversed. There is no dispute that the development now proposed contravenes this part of Policy C1. The same policy also requires all developments, either outside or within settlements, to avoid harming the relationship to the countryside, and to contribute to the rural area's character and distinctiveness.

The site is also included in the North Wessex Downs Area of Outstanding Natural Beauty (AONB), where WBCS Policy ADPP5's 'Environment' provisions state that development will be expected to conserve and enhance the AONB's distinctiveness and sense of place, and preserve its remoteness, tranquillity and dark night skies. WBCS Policy CS19 also seeks to conserve and enhance the diversity and distinctiveness of the District's landscape, and requires developments to respond to the key landscape characteristics identified in the relevant landscape character assessments.

## **Main Issues**

The main issues in the appeal relate to:

- the effects of the proposed development on the landscape;
- and whether the Council can demonstrate a 5-year housing land supply.

## **Reasons for decision**

### *Landscape impact*

The appeal site lies on the edge of the village of Kintbury, overlooking the Kennet Valley. The surrounding countryside comprises a mosaic of rolling, open fields, with low hedgerows, punctuated by small woodlands and shelter belts. The topography is undulating, with wide, sweeping views in most directions. The scenic quality of the landscape is high, as recognised in its national-level designation as an AONB.

The area is crossed by numerous public rights of way. The Inspector saw on his visits that the Kennet and Avon Canal is a popular route for leisure boating, walking, and riding. From Shepherd's Bridge, public footpath KINT/28/1 and HAMS/14A/1 connects the towpath route to Kintbury, and to a network of other attractive paths around Irish Hill. National Cycle Route No. 4 runs through Kintbury, following Irish Hill Lane. This combination of recognised scenic quality together with a high level of public access and recreational use, justifies treating this area of countryside, to the north and east of Kintbury, as a valued landscape.

The appeal site currently forms part of this landscape. Although the site abuts the village, it does so at the very extremity of the built-up area. Not only is the site adjoined by open fields on three sides, but to the north of Irish Hill Road, the open land continues westwards, leaving the site almost encircled by the countryside. Furthermore, whilst the existing built development has mainly been confined to the plateau area, at the appeal site the land starts to slope away from the village, connecting it visually with the shallow valley to the east, and exposing it to views from this direction. On the site's outer boundary, there is only a sparse hedge, providing little or no sense of containment. In all these respects, the appeal site has only a weak relationship with the built up area. Rather, it appears as connected with, and as an integral part of, the surrounding countryside and landscape.

This integral relationship between the appeal site and the adjoining countryside is appreciated in both the inward and outward views, to and from the village. In particular, on leaving the village along either Holt Road or Irish Hill Road, the site is viewed in the foreground of a series of panoramas, in which the rolling open land seems to come right up to the village edge in one continuous sweep. The same effect is seen from the opposite perspective, in the views from the Canal towpath, and from footpath HAMS/14A/1, and from near Irish Hill House. All of these public views serve to illustrate the sense of continuity and connectedness between the site and the wider landscape, and the site's role as an integral part of that landscape.

The proposed development would introduce 40 houses, together with roads, parking areas, amenity spaces and gardens. Features of this type are primarily associated with urban development and built environments rather than with the countryside. The appeal site would therefore become urbanised, and would cease to contribute to the attractive open landscape that exists now. The development would thus result in the direct loss of a sizeable expanse of open countryside from the AONB.

In addition, due to its exposed position, the development would have a direct visual impact on the inward and outward views that he had identified. Seen at close range, it would block part of the wide panoramic views that are available from the edge of the village. From distant viewpoints to the north and east, the development would appear on or just below the skyline. In this position, it would extend the visible presence of the settlement, into the countryside, and would appear as an unduly dominating feature. Consequently, the changes that the development would bring to this part of the AONB would cause serious harm to its landscape quality and value.

The planting of trees on the part of the appeal site which is proposed to become public open space, in the form of informal parkland, would soften the development to some degree, and could possibly be designed to bear some resemblance to the small woodlands that are seen nearby. But, as the appellants themselves acknowledge, such planting would not be likely to screen the development altogether, especially at night. And even if it did, this would not change the fact that open land, forming an integral part of the landscape would be taken from the AONB and urbanised. The harm to the valued landscape could therefore not be overcome.

The Inspector accepted that the existing urban edge, along the backs of the properties in The Pentlands, is somewhat abrupt. The proposed new planting, and indeed the proposed development itself, would hide the existing array of trampolines and conservatories, and present a tidier transition between the village and the countryside. But this is an argument that could be applied with equal force almost anywhere around the periphery of this or other settlements. Set against the loss of valued landscape, this argument is not persuasive.

The appellants argue that Kintbury's eastern edge is less sensitive than any other options for expanding the village. But this appeal is only concerned with the appeal site. Comparisons with any other sites are therefore neither possible nor relevant.

The Inspector appreciated the appellants' desire to achieve a development of the highest quality in terms of design, layout and materials. But even if that aim were fulfilled, it would not alter the conclusions set out above. In any event, in the present outline application, the only details that are not reserved are access and layout. From the details that were before him, it seems to the Inspector that the proposed layout, involving four terraced blocks set at right angles to the village edge, would be unsympathetic to the location. Consequently, none of the submitted details persuade him that the scheme's architectural quality would be likely to outweigh the harm to the landscape.

The Inspector noted the appellants' contention that the appeal proposal is not 'major development', in terms of paragraph 116 of the NPPF2. That paragraph requires major development to be refused other than in exceptional circumstances. He was also mindful that the Council, for reasons of its own, was prepared to treat the alternative scheme for 32 dwellings at the appeal site as non-major. However, the Inspector could only consider the scheme that is before him, and he must do so on its own merits. Having regard for the nature of the proposal and its local context, he considered that the appeal scheme represents major development, and therefore if permission were being granted, paragraph 116 would be relevant. But in any event, NPPF paragraph 115 requires that the conservation of the AONB's landscape and scenic beauty should be given great weight in all cases. The Inspector had regard to the advice in these paragraphs in reaching his decision.

To conclude on this issue, for the reasons set out above, the Inspector found that the proposed development would cause substantial harm to the character and appearance of the rural landscape around Kintbury. As such, it would not conserve or enhance the North Wessex Downs AONB's scenic beauty, distinctiveness or sense of place, nor help to preserve its tranquillity or dark skies. In all these respects the scheme would conflict with WBCS Policies ADPP5 and CS19. In addition, the development would also harm the relationship between the settlement of Kintbury and its countryside setting, contrary to the relevant provisions in HSA Policy C1

#### *Housing land supply*

The Council's position on housing land supply is based on their latest published report. The base date adopted in the report is 1 April 2017, which is the last date for which actual completions data is available. The requirement side of the calculations is based on an objectively assessed need (OAN) figure of 665 dwellings per annum, which is derived from the most recent SHMA. The figure has then been adjusted to include the backlog since 2013, using the 'Sedgefield method', and a 5% buffer has been added to the whole. For the 5-year period 2017-22, this gives a total requirement of 4,118 dwellings. For completeness, the Council also shows an equivalent calculation for the 6-year period 2017-23, which is 4,783 dwellings.

Since the SHMA was carried out, the Council has agreed to work with the neighbouring authorities of Bracknell Forest and Wokingham to jointly find solutions to the problems identified by Reading Borough Council, in meeting its housing needs. But this is a matter to be addressed in the forthcoming local plans for all of these authorities. In West Berkshire District, a Local Plan Review has been commenced, but as yet this is only at a very early stage. For the time being, the Inspector was satisfied that the Council is justified in using the OAN identified in the SHMA as the basis for its 5-year supply calculations.

With regard to the choice of period, what NPPF paragraph 47 seeks is a calculation based on five year periods. The supply for year 6, which in this case is 2022-23, is intended to be part of a separate calculation for years 6-10. He also agreed that there are advantages to basing the calculations on the most accurate information possible. In the present case both of these considerations favour the use of the 2017-22 period. But there is also merit in the argument that the purpose of the exercise is to look ahead rather

than back, and clearly the first year of that period has now gone. He also noted that the agreed table which was helpfully prepared by the respective housing witnesses at the inquiry, is based on a period extending to 2023. In the circumstances, it seemed to him that the alternative calculation for 2017-23 represents a useful additional 'sense-check', and he had therefore had regard to it, alongside the NPPF - compliant 5-year calculation for 2017-22.

No other elements of the Council's methodology relating to the requirement side are disputed. Set against these alternative requirement figures of either 4,118 or 4,783 units, the Council claims a deliverable supply of 4,434 units for 2017-22, and 4,990 units for 2017-23. The surplus is therefore either 316 or 207 dwellings, equating to a supply of 5.5 years or 5.3 years respectively.

The appellants' challenge to the Council's supply-side figures focuses on seven sites. In all of these cases, the dispute relates to the numbers of dwellings that can be counted as deliverable within the relevant 5 or 6 year period, rather than whether the sites can be delivered at all. Four of the sites have either outline or full planning permission, and in these cases it seemed to him reasonable to start from the assumption that such sites are likely to be deliverable, unless there is clear evidence to the contrary.

The first of these sites with permission is the Sterling Industrial Estate, where the Council anticipates 167 dwellings by the end of March 2021. The development is said to be dependent on decontamination and a new link road. However, there is evidence that, once the remedial works are commissioned, they can be completed within a 20-week period. Those works have yet to be submitted for discharge, and will need to be agreed by the Environment Agency, but there is no evidence of any impediment to that process being started in the near future. Grant aid of £1.5m has recently been secured through the Housing Infrastructure Fund. Whilst this funding could be withdrawn if the project were delayed, at present there is no reason to expect that situation to arise. Advance demolition works have apparently already taken place. None of the evidence relating to these matters demonstrates that the numbers of dwellings anticipated by the Council are not deliverable within the relevant 5 or 6 year period.

Another of the sites with planning permission is the land known as Hilltop, where the Council expects 200 completions by March 2022, and 300 in total by March 2023. These delivery rates assume that there will be two housebuilders involved, whereas only one has been identified so far. But the site comprises two separate land parcels, divided by a major road, and connected only by a pedestrian / cycle underpass. Each of the two parcels has its own independent vehicular access. The site therefore lends itself well to two separate developer outlets, and there is no evidence to suggest that it cannot or will not be developed in this way. To my mind this is therefore a reasonable assumption. It is not known whether the developer currently identified is contractually bound yet, and no evidence that work has started on reserved matters. But neither these nor any of the other matters raised appears to preclude the Council's assumptions from being achieved.

The Market Street redevelopment scheme has full planning permission. The Council's figures assume 232 dwellings, by the end of March 2022. The Council has entered into a development agreement with Grainger PLC, to carry out the scheme, and the latter has recently made a substantial payment to the Council under the terms of that agreement. Parts of the site are currently still in use as car parks and a bus station, and there are said to be unexpired leases for these uses. However, there was no information before the Inspector as to the length of those leases, nor the costs of acquiring the relevant interests, if that should be necessary. The Council has reserved its position regarding the possible use of compulsory purchase powers, but there is nothing to suggest that such powers will need to be used. A new bus interchange at Wharf Road is needed, to replace the existing facility, but this is said to be a relatively small-scale development. Planning permission for the new interchange has been granted, and some of the details reserved by condition have also been approved. There is no evidence that the delivery of the new interchange cannot be completed within the required timescale. Decontamination works are thought to be required, but again there is no evidence that these are likely to cause undue delay. Again therefore, there is insufficient evidence to justify any disagreement with the Council's suggested housing delivery.

The other disputed site with planning permission is land east of Salisbury Road, Hungerford, where the Council relies on 100 dwellings by March 2022. The Inspector noted that this site took longer than normal to reach outline permission, due to issues over landscape impact, and he accepted that the detailed design and layout may be contentious too. But this does not mean that the reserved matters stage must take as long as the outline; indeed that would be an unusually long period for determination, and none of the evidence before him justified such an assumption. Issues relating to archaeology and water supply remain

to be dealt with under conditions, but these are fairly commonplace, and there is no evidence that they are likely to cause delay. Yet again, he found nothing of substance to support any departure from the Council's delivery figures.

All in all therefore, the Inspector found no clear or convincing evidence to rebut the reasonable presumption that these four sites with planning permission are able to deliver the numbers of dwellings suggested in the Council's land supply statement.

The other three disputed sites, which do not have planning permission, are at Lamden Way, Lynch Lane, and Bath Road. Within the period 2017-22, the Council estimates that these three sites will deliver 179 units, whereas the appellants say 70 units. Alternatively, for the period 2017-23, the Council's figure is 220 units, and the appellants' is 159. The maximum difference between the parties is therefore only 109 units over the period to 2022, or 61 units over the extended period to 2023. This compares to the surpluses of 316 or 207 units respectively in the Council's figures. In the light of his earlier conclusions, these relatively small numbers in dispute on the sites without permission are clearly insufficient to reduce the supply to less than 5 years' worth, on any basis. Consequently, it is not necessary for him to consider these last three sites any further.

The Inspector noted the appellants' other points relating to land supply. The rate of house-building that is needed across the District exceeds anything that has been achieved since at least 2008. But that issue is implicitly acknowledged in the requirement for a 5% buffer, and is already addressed through that mechanism. There is no evidence that adding yet another site to the supply would increase the overall delivery rate any further. Beyond 2023 the identified supply dwindles somewhat, but this can be addressed through the forthcoming local plan review. The medium and longer term supply may depend on the large allocation at Sandleford Park, which has evidently proved problematic so far, but again there appears to be enough time before then for the issues to be addressed in a plan-led way. In any event, he was satisfied that the approach that the Council has taken is an appropriate one in this case.

In the light of all the above, the Inspector concluded that, on this occasion, the Council has adequately demonstrated that the supply of land for housing in West Berkshire exceeds 5 years. Based on the above figures, the surplus above the District's 5-year requirement is in the region of 150 - 300 dwellings. Although this is not a large number, it is sufficient to satisfy the NPPF's requirement in this regard.

## **Other Matters**

### *Service Village status*

Kintbury has a reasonable range of local facilities including a school, a doctors' surgery, a station, a village hall, three pubs and a few small shops. As a Service Village, it is in principle a location where some development is permissible, albeit limited in scale, in line with the strategy embodied in WBCS Policies CS1 and ADPP1 and the 'Housing' provisions of Policy ADPP5.

However, this does not mean that there is policy support for development at the appeal site. It is true that Policy ADPP1 envisages development either within or adjacent to settlements. But the same policy also states that development in the open countryside will only be permitted for identified needs. In addition, Policy CS1 makes it clear that development will be within settlement boundaries unless on allocated sites, and both that policy and Policy ADPP5 refer to this process taking place through an Allocations DPD. And furthermore, all of these policies are to be read alongside HSA Policy C1, with its presumption against development outside settlements.

To the Inspector's mind, it is clear that what these policies seek to promote, in terms of development at the Service Villages, is a plan-led approach to site selection. None of the relevant policies support ad-hoc developments on unallocated sites outside of settlement boundaries.

### *Local housing needs in Kintbury*

In recent years, the amount of housing development that has taken place at Kintbury has been relatively small. A sizeable development took place at Inglewood, which is within the Parish, but this is some way outside the village itself, and occupation is limited to over-55s. Only one small site was allocated in the HSA, at Leyland Grove, and this alone is unlikely to satisfy the needs arising from the existing community. The appeal scheme would enable some of those needs to be met locally.

However, the District's OAN is assessed at District-wide and HMA levels, and in policy terms there is no requirement for each village to meet its own needs. Indeed, within the AONB, Policy ADPP5 prioritises landscape considerations, and acknowledges that some housing needs may have to be diverted to settlements outside the AONB, for environmental reasons. For the reasons already explained, the Inspector found that there is an adequate housing supply at District level, and in this context the benefits of providing more housing at Kintbury carry limited weight.

#### *Development plan policies' out-datedness and consistency with the NPPF*

The WBCS was prepared prior to the publication of the NPPF in March 2012. Its overall housing target of 10,500 dwellings, equating to 525 per annum, was derived from the regional strategy and structure plan policies of that time, before those plans were revoked. The housing target was therefore not related to any measure of OAN. The Examining Inspector, reporting shortly after that date, noted that this approach was not NPPF-compliant, but allowed the plan to be adopted, subject to provision for an early review. Subsequently, the SHMA has shown the OAN to be 665 dwellings per annum. Although the Council is working towards a new local plan that will fill the gap, it is a long way behind the 3-year timescale that the WBCS Inspector envisaged.

Although the WBCS housing policies, including CS1 and ADPP1, do not preclude a higher number of dwellings from being built, they are not designed to achieve that aim. The HSA, as a 'daughter document', seeks only to provide sufficient housing to satisfy the WBCS target. The fact that there is currently a 5-year supply of housing land means that NPPF paragraph 49 is not engaged, but that is not the only way that policies can be out-of-date. There is therefore some force in the appellants' argument that the development plan's housing policies are no longer fully up-to-date.

In the present appeal however, the policies that are of principal relevance are those where the Inspector had found a direct conflict, namely Policies C1 and CS19, and the Environment provisions of Policy ADPP5. None of these are concerned with housing, but rather with protecting the countryside and the landscape. As such, these policies seemed to him to be generally consistent with the NPPF. The outdatedness of the housing policies therefore does not affect the weight that is afforded to these more relevant policies.

With regard to the settlement boundaries, he appreciated that the boundaries were drawn with a view to meeting only the housing requirements of the WBCS. But the Council's land supply calculations take account of the OAN, and even on that basis, a 5-year land supply has been demonstrated, despite the settlement boundaries. Furthermore, in the case of Kintbury, given the village's location wholly within the AONB, it seemed to him that the boundary here plays an especially important role, in safeguarding the nationally-designated landscape, consistently with the aims of NPPF paragraphs 115 and 116. To his mind this gives this particular boundary an added importance, over and above that of simply protecting the countryside as a whole.

The Inspector therefore concluded that none of the policies that he had identified as being relevant to this appeal should be given reduced weight. Nor did he find that the provisions of NPPF paragraph 14, relating to policies which are absent, silent or out-of-date, are relevant in this appeal.

#### *Benefits of the development*

The legal undertaking provides for 11 of the proposed dwellings to be affordable housing. This provision, equating to 40%, accords with Policy CS6 of the WBCS. The split between social rented and shared ownership tenures is agreed by the Council. This affordable housing would be a significant benefit of the scheme.

With regard to public open space, the undertaking requires this to be provided in accordance with a plan which is to be agreed subsequently. The quantity is not stated in the undertaking, but if this were as shown on the application plans, it would amount to about a third of the site. A play area could be secured by condition. So too could the new footpath links shown on the submitted plans, alongside Irish Hill Road, and crossing the site to Holt Road. All these facilities would potentially be of some benefit to the public.

The proposed planting scheme for the open space area could incorporate native species and new habitats, adding to the area's network of green infrastructure. A long term management regime is provided for in the undertaking. These provisions, would represent a net benefit in terms of biodiversity.



The development would also have some benefits to the local economy, in terms of the construction and supply industries, and related consumer spending.

### **Planning Balance and Overall Conclusion**

The appeal proposal conflicts with HSA Policy C1 and WBCS Policies CS19 and ADPP5, due to its location outside the settlement boundary, and its highly damaging impact on the landscape of the North Wessex Downs AONB. No policies support development in this location. The scheme is therefore contrary to the development plan.

West Berkshire District has a 5-year supply of housing land, and the policies most relevant to the appeal are up-to-date and consistent with the NPPF. But in any event, given its location in the AONB, the appeal site is subject to restrictive NPPF policies, including paragraphs 115 and 116. The 'tilted balance' provisions in the 4th bullet-point of NPPF paragraph 14 are therefore not engaged.

Although the development would provide some benefits or potential benefits, in terms of affordable housing, economic impact, open space, footpaths, and new habitats, these are relatively minor compared to the serious harm that would be caused to a nationally important landscape. Notwithstanding the above conclusions regarding the applicability of the tilted balance, in this case the Inspector found that the benefits are outweighed significantly and demonstrably, by the harm to the AONB and loss of countryside, and the resulting policy conflicts that he had identified.

The Inspector took account of all the other matters raised, but none changes the balance of these findings. He therefore concluded that planning permission should be refused.

The appeal is accordingly dismissed.

DC

This page is intentionally left blank

NEWBURY 17/01333/LBC2 17/01332/FULD	154 Bartholomew Street Newbury Hart Street Properties	Change of use of first, second and third floor from office (B1) to residential use (C3) to form two 2 bed and one 1 bed apartments	Dele. Refusal	Allowed 15.6.18
---	--	--	------------------	--------------------

#### **Appeal A: APP/W0340/Y/17/3185545**

The appeal is allowed and listed building consent is granted for change of use of first, second and third floor from office (Class B1) to residential use (Class C3) to form 2 no. 2 bed and 1 no. 1 bed apartments, at 154 Bartholomew Street, Newbury, Berkshire RG14 5HB, in accordance with the terms of the application Ref 17/01332/LBC, dated 8 May 2017 subject to the following conditions:-

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the works hereby approved shall be as set out in the Planning and Heritage Impact Statement, Approved Plans and Application Form.

#### **Appeal B: APP/W0340/W/17/3185546**

The appeal is allowed and planning permission is granted for change of use of first, second and third floors to residential use (Class C3) to form 2 no. 2 bed and 1 no. 1 bed apartments at 154 Bartholomew Street, Newbury, Berkshire RG14 5HB in accordance with the terms of the application, Ref 17/01333/LBC2, dated 8 May 2017, subject to the following conditions:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with drawing title numbers: Location Plan 03; Existing and Proposed Floor Plans and Roof Plan 01 rev A, and; Existing and Proposed Elevations 02.
- 3) The materials to be used in the development hereby approved shall be as set out in the Planning and Heritage Impact Statement, Approved Plans and Application Form.
- 4) No dwelling shall be occupied until the cycle storage area shown at first floor level has been provided. The approved cycle store area will be retained for this purpose at all times, unless alternative storage arrangements are agreed in writing by the local planning authority.

#### **Procedural matters**

The Council's decision in relation to Appeal A states that the west face of the roof has not been altered and contributes to the special interest of the building. However, it is clear from the appellant's evidence (which has not been disputed by the Council) that the building was completely demolished following listed building consent that was granted subsequent to referral of the application to the Secretary of State for the Environment and Transport in 1983. A subsequent revised application that included works of demolition was also granted in 1984.

It appears that the list entry refers to details of the front elevation before the building was demolished and which no longer exists. However, there is agreement between the parties that the front façade has been rebuilt to closely reflect the previous building and that it remains listed for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act). The Inspector considered the appeal on this basis.

#### **Main Issues**

Accordingly, the main issues are firstly, in respect of both appeals, whether the appeal scheme would preserve the Grade II listed building at 154 Bartholomew Street or any features of special architectural or historic interest it possesses; and secondly, in terms of Appeal B, the effects of the dormer windows on the character and appearance of the Newbury Conservation Area.

## Reasons

### *Special interest and significance*

No. 154 Bartholomew Street comprises a 3-storey building that was completely rebuilt in the mid-1980s to reflect its previous style in terms of its front façade. Re-built using reclaimed multi-coloured stock bricks laid in Flemish-bond under a tiled hipped roof, the building incorporate a traditional timber shopfront at ground floor, two bays at first floor and three timber sash windows that replaced two sash windows and a blind recess at second floor. Apart from the brickwork, these elements of the front elevation date from the mid-1980s and are of no historic significance. The building forms part of a terrace of properties in the heart of the town centre with the prominent three storey neo-Gothic former local government building located on the corner of Bartholomew Street and Wharf Street immediately to the north with a neatly proportioned Grade II 3-storey late-eighteenth-early nineteenth century grey coloured brick building incorporating traditional shopfronts and multi-pane sash windows below a slate roof to the south. Directly opposite lies the Grade I St Nicholas' Church, founded in the Norman period and rebuilt in the 16th century. Of medieval origin in layout, the east side of Bartholomew Street appears to have been laid out in burgage plots and still retains its post-medieval character.

The special architectural interest and significance of No. 154 Bartholomew Street is most evidently expressed in the classical proportions, the symmetry of its architectural detailing and harmonious external building fabric. The front elevation although having a shallower roof than either of its immediate neighbours contributes significantly to the variety of architectural forms within the terrace, which reflects its Group value status on the list description. It is however the detailing of the brickwork, including the red gauged brick arches to the upper storey windows and the symmetrical positioning of windows that defines the special interest, notwithstanding the building's provenance.

### *The proposed works*

The proposed internal alterations involve the conversion of the modern office accommodation at first and second floors and within the attic space to create three residential flats. The subdivision of the internal space at each level will be formed through simple partitioning. Externally, the proposed works will involve the replacement of the second floor windows with 6-pane timber sash windows and the removal of timber apron supports to the first floor bays and their replacement with timber supporting brackets.

In addition, and of concern to the Council is the proposal to install three small dormer windows within the roofspace and designed to provide an enhanced environment for occupiers of the proposed two-bed flat at third floor. The proposed dormers would be square in shape, incorporate a flat roof and be externally clad with lead.

### *Effect on the special interest of the building*

It is the case that the building is at best a facsimile of the former listed building. The only element of the replacement building that appears to have some degree of vintage is the brickwork used to reconstruct the front elevation.

The proposals at least in part involve the insertion of dormers that are of appropriate appearance and provenance and which would be set well within the roofslope below ridge level. They are of modest size and well-proportioned.

The Council raise no objection to the internal alterations or to the replacement of the second floor windows with 6-pane sash windows and removal of timber skirt supports to the first floor bays and their replacement with timber supporting brackets. The Inspector agreed with the Council's assessment.

None of these works involve the removal of historic fabric.

From what he saw of the front face of roof fronting Bartholomew Street, whilst the hipped roof is a reconstruction of the original roof incorporating steel portal framing, it is relatively featureless by comparison with neighbouring roofs. He agreed with the appellant that other nearby examples of traditional and authentic roofscapes are generally of much grander design and the varied rooflines, robust chimney stacks and, indeed, dormer windows create a sense of architectural rhythm. Certainly, dormer windows are a feature of the Conservation Area.

The Inspector considered that the proposed dormers set below the ridgeline are modest in their design and of traditional appearance and proportion. Although on cursory inspection, the roof represents an acceptable

facsimile of the building's previous roof structure, it is clearly of limited historical and architectural interest. The proposed dormers to his mind are evidently an honest interpretation of traditional dormers found elsewhere in this historic town centre and the Inspector did not find that they would be harmful to the significance of this particular heritage asset.

Accordingly and having regard to the particular circumstances described above, the proposed dormers would avoid harm to the special interest and significance of the Grade II listed building, but would rather preserve its special architectural and historic interest in line with the duties placed on me under sections 16(2) and 66 (1) of the 1990 Act. As such, the Inspector found no conflict with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, which require all new development and works to preserve or enhance the character of listed buildings. These policies are in line with the provisions of the National Planning Policy Framework (the Framework).

#### *Effects of on the character and appearance of the Conservation Area*

The Inspector was also cognizant of the duty arising from section 72 (1) of the 1990 Act. Additionally, as he had found that the roof fronting Bartholomew Street is of modest design, he considered that the insertion of the three dormers would enhance the character and appearance of the conservation area by bringing about a more elegant form and through providing a more interesting and varied roofline. It would thus be in accordance with paragraph 132 of the Framework, which attaches great weight to the conservation of designated heritage assets and their settings.

#### **Conditions**

The Council has suggested a number of conditions and he considered the matter having regard to the advice contained in paragraph 206 of the Framework and in accordance with the Planning Practice Guidance. He had attached a condition specifying the approved plans that have received planning permission for certainty. So that the works shall be carried out in a sensitive manner having regard to the building's special interest and the character of the Conservation Area more generally, he considered it necessary to include a condition that specifies all external materials. The planning permission granted also requires the provision of cycle facilities in accordance with the Council's policies

#### **Conclusions**

For the reasons set out above and having regard to all other matters raised, the Inspector concluded that both appeals should be allowed.

DC

This page is intentionally left blank