

Notice of Meeting



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Western Area Planning Committee Wednesday 5 February 2020 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

Members Interests

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

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

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk
Date of despatch of Agenda: Tuesday, 28 January 2020



Agenda - Western Area Planning Committee to be held on Wednesday, 5 February 2020
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolynne Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers
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Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 7 - 46
To approve as a correct record the Minutes of the meeting of this Committee held on 18 December 2019 and 15 January 2020.
 3. **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](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road , Kintbury** 47 - 56
- Proposal:** Section 73: Variation of Condition 2 - 'Approved plans' of previously approved application 19/00277/FULD: Replacement dwelling
- Location:** Inglewood Farm Cottage, Templeton Road , Kintbury
- Applicant:** Mr and Mrs Selby
- Recommendation:** The Head of Development and Planning be authorised to **REFUSE** planning permission



Agenda - Western Area Planning Committee to be held on Wednesday, 5 February 2020
(continued)

- (2) **Application No. and Parish: 19/02820/FULD, 67 Andover Road, Newbury** 57 - 70
Proposal: New dwelling on land at 67 Andover Road, Newbury
Location: 67 Andover Road
Applicant: Mr and Mrs Kane
Recommendation: Delegate to the Head of Development and Planning to **REFUSE** planning permission
- (3) **Application No. and Parish: 18/00797/OUTMAJ, Newspaper House and Units Q1 to Q6, Faraday Road, Newbury** 71 - 90
Proposal: Outline application for demolition of existing Newspaper House and industrial units and redevelopment of the site for 82 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale
Location: Newspaper House and Units Q1 to Q6, Faraday Road, Newbury
Applicant: Newspaper House Holdings Ltd
Recommendation: Delegate to the Head of Development and Planning to **refuse** planning permission
- (4) **Application No. and Parish: 19/01281/OUTMAJ, Newspaper House, Plot Q and Units Q1 to Q6, Faraday Road, Newbury** 91 - 112
Proposal: Outline application for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale
Location: Newspaper House, Plot Q and Units Q1 to Q6, Faraday Road, Newbury
Applicant: Newspaper House Holdings Ltd
Recommendation: Delegate to the Head of Development and Planning to **refuse** planning permission

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 113 - 124
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.



Agenda - Western Area Planning Committee to be held on Wednesday, 5 February 2020
(continued)

Background Papers

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

Sarah Clarke
Head of Legal and 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, 18 DECEMBER 2019

Councillors Present: Adrian Abbs, Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Andy Moore (Substitute) (In place of Phil Barnett), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Derek Carnegie (Team Leader - Development Control), Stuart Clark (Principal Engineer), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Shiraz Sheikh (Principal Solicitor) and Janine Wright (Development and Planning)

Apologies for inability to attend the meeting: Councillor Phil Barnett

PART I

1. Declarations of Interest

The Chairman invited Councillor Adrian Abbs to speak. Councillor Abbs apologised for his part in the incident which occurred at the Western Area Planning Meeting held on 3 July 2019. He confirmed that it was not his intention to disrespect any member of the Committee, and he trusted that the Committee would accept his apology and be able to move forward on addressing planning matters.

Councillor Hilary Cole declared an interest in Agenda Items 4(1) and (3), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Jeff Cant and Andy Moore declared an interest in Agenda Items 4(2) and (4), 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.

Councillor Clive Hooker declared an interest in Agenda Item 4(3), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

2. Schedule of Planning Applications

(1) Application No. and Parish: 19/00317/FUL, Vine Cottage, Curridge Road, Curridge

(Councillor Hilary Cole declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was Ward Member for Chieveley and Cold Ash and a Chieveley Parish Councillor. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/00317/FUL in respect of the creation of a pond and embankment.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

2. In accordance with the Council's Constitution, Mr Mike Belcher, Chieveley Parish Council representative, Mr Henry Peto, Mr Barry Ayres and Mr Cyril Wood, objectors, and Ms Jill Scrivener (Bourne Rural Planning Consultancy Ltd) and Mr Harvey Rodda (Flood/Drainage Consultant), agent, addressed the Committee on this application.
3. Sian Cutts introduced the report to Members, which had been called in by the Ward Members due to there being more than ten objections. The report took account of all the relevant policy considerations and other material considerations, and in conclusion it detailed that the proposal was acceptable and a conditional approval was justifiable.
4. The Chairman thanked the planning officer for their presentation and invited the Highways officer to clarify his part of the report. Paul Goddard noted that on page 14 of the report, concerns about debris on the highway, due to exporting and importing material to the site, had been resolved as the majority of the work for creating the bund had been done.
5. The Chairman also asked the Drainage and Flood Risk Management Officer to comment on the scheme. Stuart Clark explained that he had not been involved in the initial review and was content with the hydrological information that had been submitted. He noted that the amount of surface water flowing onto the highway was not serious and there had been no road closures due to flooding in that area. The main issue was that he was not convinced that the bund was fit for purpose and he needed to see a Slope Stability Analysis Report or plan for stabilising the slope submitted before the application was approved. He also had concerns regarding the maintenance of the bund. There would be a large body of water held by the bund, and water flowing off the hill would go into the outlet pipe and into crates. If the pipe became blocked, it would need to be cleared and this could only be accessed from the crest of the embankment, which had a 1:1 slope with a six foot drop to one side, thereby making a dangerous working environment. He was also concerned that should children play on the bund, they would be in danger of falling off it and into the road. He asked therefore, if there was a maintenance plan and what consideration had been given to the safety of children playing near the pond.
6. Stuart Clark further informed the Committee that he had designed schemes similar to this in Thatcham and had used side-slopes of 1:4 to soften the appearance of the mound. A bund would always look artificial and even though aesthetics were objective, to those used to an unspoilt rural landscape, it would appear visually intrusive. If a side-slope were 1:3 or 1:4 it could be planted with grass or meadow-mix.
7. He concluded that he required further evidence on the stability of the embankment and a maintenance plan to convince him that the scheme was safe.
8. Mr Belcher in addressing the Committee raised the following points:
 - When Chieveley Parish Council (CPC) considered the application in March 2019, they expressed concerns over the possibility of increased risk of flooding to the neighbouring properties and that permeable materials had been used to construct the bund.
 - They had objected and urged for an independent report to be carried out. They were pleased to see that the report was carried out, however the new plan did not alleviate their concerns, which were: there was conflicting information as to the height of the bund; the soakaway and drain pipe exited water onto the footpath; the bund had not been properly constructed and was too porous, and there was no protection against rabbits undermining the structure.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- CPC were also concerned that many mature trees had been felled before any permission to build the scheme had been given.
 - There was some hearsay that the pond was being built for commercial use.
 - Chieveley Parish Council objected to this application.
9. Councillor Tony Vickers asked what was meant by commercial use. Mr Belcher replied that he was unsure as to the details.
10. Councillor Adrian Abbs sought clarification as to how the Parish Council had concluded that the bund was not constructed properly. Mr Belcher explained that there were two other examples of bunds in Chieveley. He had conferred with West Berkshire Council officers as to how bunds should be supported and had been advised that they were usually supported internally by, for example, clay or heavy materials. There was also a rabbit problem in the area, and the Parish Council were concerned that burrowing would undermine the integrity of the bund. Councillor Abbs further inquired what evidence CPC had to support their view. Mr Belcher responded that the evidence was in the lack of information regarding safeguards, dimensions and porosity.
11. Mr Henry Peto in addressing the Committee raised the following points:
- He lived downstream from the proposed pond. His property was flooded in 2007 by rising ground water.
 - This proposal was causing him real concern due to the size of the body of water, covering roughly half an acre, and being one to two metres deep. Its provision was out of proportion to the issue of alleviating a piece of boggy land.
 - He was not opposed to the principle of an attenuation pond, however due to the size of the proposed pond, he was concerned that it would be used for commercial purposes, such as fishing. Mr Peto asked that if the Committee were minded to approve this application, that they also impose a Condition to restrict commercial use of the site.
 - With regards to de-forestation, it was ironic that the reduction in the number of trees on the site had made the land boggier, and the run-off greater.
 - The soakaways and over-flow pipes would be sited above the footpath and would discharge water onto the footpath and subsequently his property.
 - He would like to see how the site would be maintained when the soakaways and pipes became silted, and asked that the over-flows be redirected away from residential properties.
12. Mr Cyril Wood in addressing the Committee raised the following points:
- His property was sited in a hollow. There was a high water table in the area.
 - He had three main concerns about the pond, which were the size, the scale and that it would be above ground level and therefore put his property into jeopardy.
13. Councillor Hilary Cole enquired as to the number of trees that had been felled near on the land. Mr Peto confirmed that he believed it to be about 30.
14. Councillor Abbs was curious as to the height of the bund in relation to Mr Wood's property. Mr Wood described that when standing in his kitchen he would be looking directly at the bund, as it would be a similar height to himself.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

15. Councillor Claire Rowles asked the objectors to describe their experiences of flooding. Mr Peto reflected that his property was flooded in July 2007 when rising ground water had entered his house. Mr Woods related that his garage had been flooded on the same occasion, and also that 18 months ago a sink-hole had appeared on Oaklands Farm starting at about 20-40 feet deep and increasing to 4m in circumference. Mr Peto explained that the land sits on a bed of sand. Councillor Clive Hooker commented that a bund would have no effect on rising water, as it came from beneath the ground. Mr Peto concurred.
16. Ms Jill Scrivener in addressing the Committee raised the following points:
 - The rationale for the pond was land management and its use as an attenuation pond was of secondary benefit.
 - The land was boggy and could not be used for anything. It was therefore felt that it was a good spot for a pond.
 - The works on the site and removal of the trees were due to changes to the residence, rather than for the pond.
 - The benefit of the pond would be to slow the movement of water across the land, and no further trees would be removed.
17. Mr Harvey Rodda addressing the Committee raised the following points:
 - The proposed pond was not an attenuation pond, it was just a pond.
 - The ground had been excavated to a depth of between two and four metres, and therefore the water level had not been raised. The mass of water would not be sat behind the bund.
 - A study had been carried out to assess the impact of a one in one hundred year storm event with a 40% allowance for climate change. If the pond were to become full, the water would flow into the soakaways, then the run-off pipes, and then onto the footpath. The bund was not yet complete and the technical report had recommended a shallower slope.
18. Councillor Cole raised the concern regarding the embankment and the management of the soakaways. Mr Rodda replied that this was in the geo-technical report. The Engineer had assessed how the bund should be constructed. The existing bund was not the finished article and would be improved and re-profiled. Councillor Cole further inquired if there were any springs on the site. Mr Rodda explained that the water emerged on the site by seeping and was intermittent. It was not fed by a spring. Councillor Cole sought confirmation as to the purpose of the pond, as in the historic planning application on page 8, point 2.1 of the report, it was called an attenuation pond, but was now 'just a pond'. Ms Scrivener explained that the applicant had been given bad advice by their previous agent. Mr Rodda confirmed that his company had only ever referred to it as a pond.
19. Councillor Vickers queried if the pond would be used for agricultural purposes, as had previously been suggested. Ms Scrivener explained that it would be for agricultural purposes, as it was on agricultural land. There was no plan to use it for commercial purposes. The pond would address the boggy land, would stop seepage onto the road, improve the quality of the surrounding land and provide a more controlled environment for run-off.
20. Councillor Andy Moore had formed the impression that the trees near to the pond would be felled as the bund was behind the trees. Ms Scrivener explained that the trees were outside the area of the proposed pond and would not be felled.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

21. Councillor Jeff Cant remarked that he had read that the pond was for the purpose of water management, but if this was no longer the case, he was unclear as to the purpose of the pond. Ms Scrivener reiterated that it was for land management and that managing water was a side benefit of this activity. It was not an attenuation pond.
22. Councillor Hooker commented that at the site meeting it was discussed that the pond would overflow under some conditions, into the soakaway and the overflow pipe and thence onto the footpath. This arrangement was acceptable for the agent, but not for the Committee as West Berkshire Council was responsible for maintaining the footpaths on behalf of the residents. Mr Rodda reiterated that this would be a one in one hundred year occurrence. Councillor Hooker asserted that it would not be acceptable for the footpath to be used for the overflow.
23. Councillor Howard Woollaston questioned the purpose of the proposal. Ms Scrivener reiterated that it was in order to improve the condition of the land and movement of water across the land. The benefit would be to the environment. There was no hidden agenda. It was essentially, just a pond. There would be no negative impact on the neighbouring properties and it would enhance bio-diversity.
24. Councillor Cole in addressing the Committee as Ward Member raised the following points:
 - The application had been called in because of the concern of local residents about the risk of flooding. She was also concerned about the wider environmental impact of the de-forestation. Curridge was unusual in the Area of Outstanding Natural Beauty (AONB), because it was forested rather than open land. Trees soaked up water, and she felt that the situation was of the applicants own making.
 - Stuart Clark had expressed his concerns regarding the construction and stability of the bund. It seemed that little consideration had been given to the moulding and sharp angles of the slopes and their proximity to the road, or the considerable run-off towards neighbouring properties. It did not enhance the AONB.
 - The flooding in 2007 was considered a one in one hundred event, however there had been another one in 2014. No ecological study was carried out before the construction of the bund had been commenced. If bio-diversity had been the aim, there would have been more tree planting rather than the removal of trees, and a plan put in place. Although, she understood the land needed to be less boggy, she considered this to be an ill-thought out scheme, that had a detrimental impact on those to the north of the site and the AONB.
25. Councillor Cant advised that he had never been so confused by a large hole in the ground. Page 13, point 6.4 of the report stated that the officer was satisfied by the technical details, however Stuart Clark did not seem satisfied. Derek Carnegie explained that planning officers were reasonably content and could see no objection on planning terms to the application. Planning officers rely on experts for other areas of knowledge, and it had become clear that there were serious concerns regarding the stability and safety of the bund. However, purely from a planning perspective, officers were content.
26. Councillor Abbs commented that as the mounds had already been constructed, there was no way of knowing how this had been done. Stuart Clark explained that the applicant's geo-technical report acknowledged that the bund had been built from a 'dog's breakfast' of material and poorly constructed. Stuart Clark continued that the applicant's report recommended a clay layer on the inner slope with a 1:3 gradient. However, the report did not provide any evidence that this would render the existing

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

bund structurally sound and therefore safe. In his opinion, a clay layer would only increase stress on the downstream slope. Councillor Abbs further queried the officer regarding the effect of a one in one hundred year storm with 40% increase for climate change. Stuart Clark remarked that in the event of a catastrophic breach, almost all of the flood water would travel down the road, causing a serious hazard to motorists and pedestrians.

27. Councillor Carolyn Culver questioned why the bunds had been constructed, when the application was rejected two years ago, and why there had been no action taken against the applicant. Derek Carnegie explained that the application had been discussed with the relevant officers, and it was considered that planning enforcement action to remove the bunds would be considered, if the application was refused by Committee.
28. Councillor Rowles asked officers to expound on the maintenance needed for the bund. Stuart Clark explained that debris in the pond would collect against the outlet pipe. The only way to access this and clear it would be via the crest of the mound. This work might have to be undertaken in dark conditions, and with a slope of 1:1 and a six foot drop to the road, this could not be carried out safely. He also had concerns that children playing on the mound would be in danger of falling down onto the road. Councillor Rowles was astonished that this application had been recommended for approval. Derek Carnegie observed that in planning terms, the proposal met requirements. It was only when technical requirements were highlighted that concerns have come to the fore, and Members had been asked to consider and debate the proposal.
29. Councillor Vickers expressed the view that the mound could be destroyed and rebuilt. However, ponds were usually in hollows and dips in the land. This site was a gentle slope and there would not naturally be a pond.
30. Councillor Cole conjectured that she could not help feeling that the real reason for the pond was to improve the outlook of the new resident, and having heard the Stuart Clark's concerns, it would be irresponsible to grant this application.
31. Councillor Cole proposed that the Committee reject officer's recommendation and refuse planning permission. The proposal was seconded by Councillor Abbs.
32. The Chairman invited the Committee to vote on the proposal by Councillor Cole as seconded by Councillor Abbs, which at the vote was carried unanimously.

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

The application is proposing the creation of a pond and retention and extension of associated bunds on agricultural land within the North Wessex Downs Area of Outstanding Natural Beauty. The proposal has failed to demonstrate the need for the pond, and to provide evidence that the development can be completed and maintained in a safe manner, and does not incorporate measures for the long term maintenance and management of flood protection and mitigation measures, contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, and as such does not demonstrate a high quality and sustainable design, contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026.

In the absence of any public benefits to the scheme, the proposal fails to represent sustainable development, and is contrary to policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026, and the advice contained within the NPPF.

(2) Application No. and Parish: 19/01672/FUL, Waterside Youth and Community Centre, Waldegrave Place, Northbrook Street, Newbury

(Councillors Jeff Cant and Andy Moore declared a personal interest in Agenda Item 4(2), by virtue of the fact that they were members of Newbury Town Council. 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.)

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/01672/FUL in respect of the refurbishment, partial demolition and extension of existing Community Youth Centre to modernise and enhance the facilities together with hard landscaping, boundary treatment and external lighting.

In accordance with the Council's Constitution, Gary Norman, Newbury Town Council representative, Paul Woods (Edge 4 Planning on behalf of Morley Stores Ltd (Camp Hopson)) and Emma Cooper (Camp Hopson – Furniture Store Manager), objector, and Robert James (Carter Jonas), David Seward (Berkshire Youth) and Nick Kirby (Pegasus Group), applicant/agent, addressed the Committee on this application.

1. Janine Wright introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. The Committee's attention was drawn to the Update Report where additional Conditions had been presented and Natural England's concerns met.
2. The Chairman thanked the planning officer for their presentation and invited the Highways officer to comment. Paul Goddard noted that the location was in the Town Centre with several public car parks nearby and was therefore very sustainable. He had no objection to the application.
3. Mr Gary Norman in addressing the Committee raised the following points:
 - New Town Council (NTC) wholeheartedly supported this application.
 - It was a much needed facility that specialised in services for young people, which were scarce due to West Berkshire Council budget cuts.
 - Young people were often maligned for doing things they should not, and this was a golden opportunity to provide them with a facility and to improve the general appearance of a building that was a very tired eyesore in a conservation area.
 - The development fitted in with improving this area and with the canal corridor design statement. The design statement did not want to preserve the area in aspic, but use it, while encouraging a proper relationship between the buildings and the canal. The overall structure would remain intact, but the appearance and the environmental impact would be improved, with very few neighbours affected.
 - NTC had been looking for more sites for solar panels and this building could be a candidate for that.
4. Mr Paul Woods in addressing the Committee raised the following points:
 - Morely Stores Ltd had no objection in principle and would welcome the building coming back in to use. They were very supportive of phase one and two. However, phase three, and the climbing tower would have an adverse impact on the store and the conservation area, due to its size scale and the proximity to the store.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- The proposal would impact on the windows and outlook of the store, and the design and siting bore little resemblance to the surrounding buildings. It was an awkward shape. The closeness to the store would mean a loss of light. The Core Strategy stated that a proposal should not have an impact on the character of the area or harm amenities.
 - Morely Stores Ltd, were also considering this site for development and were in the early stages of discussion. This development would restrain them from expanding the store.
 - The historic character of the conservation area should be preserved and the design should be of a high quality, sustainable and appropriate to location scale and design. His clients did not consider this to be the case with this proposal. There was a lack of assessment of the conservation area, the designated character assets and heritage impact.
 - There would be a negative impact on the views from the canal.
5. Councillor Adrian Abbs encouraged Mr Woods to describe Morely Stores Ltd plans for the site. Mr Woods explained that they had discussed a wider development, but had not moved forward with the site.
 6. Councillor Abbs noted that the windows mentioned as suffering from light loss, had until recently been blocked off with shop stock. Mr Woods explained that the windows served the store, and that stock had been reconfigured to open up half of the window.
 7. Councillor Claire Rowles observed that trees already blocked the light to the windows, and there was therefore already a loss of light. Mr Woods ventured that a climbing tower would have a bigger impact than the trees.
 8. Councillor Hilary Cole remarked that she was struggling with Mr Wood's comments regarding the Core Strategy. This development would enhance the character of the area. The Camp Hopson furniture store was relatively new and very modern, compared to the parent store. She found his comments quixotic. Mr Woods responded that the tower would have an impact on the character of the conservation area, but that this was subjective.
 9. Councillor Cole noted that there was vehicular access to the site through the furniture stores car park. She asked if this would continue to be blocked off at night. Mr Woods was unsure.
 10. Councillor Jeff Cant regaled that as he walked along the canal-side the building struck him like a dead rat in a salad. He felt that Mr Woods held no particular strong feeling to the majority of the development, but that the tower was the problem. Mr Woods confirmed this was the case.
 11. Councillor Carlyne Culver commented that the tower would be 6m away from the furniture store. She inquired as to the height of the store in comparison to the tower. Mr Woods confirmed that they were of a similar height.
 12. Mr Nick Kirby in addressing the Committee raised the following points:
 - Berkshire Youth had been a charity set up to help vulnerable young people in 1945. The proposal was to refurbish the interior, improve the external face of the building, build a climbing tower, carry out hard landscaping and thereby revive an essential facility that supported government policy, social interaction and wide-ranging support for young people.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- In response to the points made by the objector, he noted that Camp Hopson had wanted to develop the site, but had made no recent proposals.
 - The Charity had carried out painstaking work towards re-developing this site, and there was an urgent demand for youth services.
 - The tower would be 6m from the Camp Hopson store, and visible only at an oblique angle. Retail stores did not have the same light rights as residential properties. The tower would not significantly affect the retail function of the store.
 - The height of the tower was broadly the same as the surrounding buildings, however it would have visual interest due to the use of wooden cladding and external lighting.
 - The Core Strategy called for developments to preserve and enhance character and to regenerate brownfield sites. This proposal therefore met local policy, and provided for much needed leisure and community activities.
13. Councillor Tony Vickers referred to the location plan, and a red dot outside of the red-line area. He asked what this part of the site would be. Mr James answered that the initial thinking was this could be a place to site feature lighting, which could be used for special events. It was outside the ownership of the applicant, but this facility was under discussion. A footbridge was also being considered, and plans would be submitted in the future, but as discussions with consultees had taken so long, other priorities had to come first.
 14. Councillor Claire Rowles sought clarification on the nature of the climbing tower. Mr Seward explained that inside the building there was an existing climbing wall for bouldering. The idea of the climbing tower was to allow for a high enough wall to enable young people to learn rope skills, and working at height. There was a serious problem in the town of young people climbing up onto rooves.
 15. Councillor Cole asked how the site would be accessed at night once Camp Hopson had closed their car park. Mr James stated that there was plenty of car parking close by, but if necessary a vehicle could access the site through the archway. He expected that most people would park in the town and then access the site on foot.
 16. Councillor Clive Hooker inquired as to the anticipated number of users for the tower. Mr Seward explained that the wall was a progression for those already using the bouldering wall. Climbing was a growing sport and would feature in the upcoming Olympics. Climbing allowed young people to access a thrill and adventure in a safe place.
 17. Councillor Abbs asked if there was a connection to the Climbing centre in Reading. Mr Seward advised that this was a commercial venture and had much higher walls than the proposed site. There was also a site in Bristol which was a world leading facility. The hope was to get young people interested in indoor and speed climbing.
 18. Councillor Vickers expressed the view that the Natural England objection had been formed by someone who had not visited the site. Janine Wright explained that any objection from Natural England had to be referred back to them for a response within 21 days. There were ongoing discussions with the Ecology officer, and it was felt that any issues would be overcome.
 19. Councillor Vickers had concerns over Condition 7 in the Update Report. He asked for assurance the applicant would not be liable for any damage to the tower, due to its construction or ground subsidence.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

20. Councillor Cole was mystified by Natural England's objection, as the development was taking place in a really built up area.
21. Councillor Rowles enquired if a heritage impact assessment had been carried out. Derek Carnegie asserted that this was not a listed building and Janine Wright concurred that heritage was not impacted. Councillor Rowles asked for further assurance on the design of the tower. Janine Wright explained that the materials used would be similar to those used by Camp Hopson and other buildings in that area. The use of wooden cladding would soften the appearance and create visual interest. Long views of the development were hindered by the bridge, and the site was set back so as to be less dominating.
22. Councillor Andy Moore proposed that the Committee accept officer's recommendation and grant planning permission. The proposal was seconded by Councillor Abbs.
23. Councillor Abbs asked if a Condition could be added for the inclusion of solar panelling on the south facing slopes. Derek Carnegie considered this would be more appropriate as an informative.
24. Councillor Vickers stated that the tower was clearly contentious, however it would allow young people to take risks in a safe and controlled environment and save residents from having to travel to Reading or Bristol. He was mildly concerned that the cladding would require more maintenance than the more traditional brickwork, and hoped that this would be looked at again.
25. Councillor Cole was pleased to see the application, as it would bring back into use a dedicated youth centre. It would enhance the canal frontage. In her opinion the tower looked like a cooling tower, but understood that it would attract young people and that the objection to it was weak.
26. Councillor Jeff Cant asserted that he had great respect for Camp Hopson as an asset to the town. The development of this property would remove an eyesore and satisfy some of the demand for youth support.
27. The Chairman invited the Committee to vote on the proposal by Councillor Moore as seconded by Councillor Abbs, which was carried unanimously at the vote.

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

Conditions

1. 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. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

Location Plan Drawing: PL100-Rev P4 dated 27/03/2019

Proposed Site Plan: PL106-Rev P3 dated 27/03/2019

Proposed Elevation Plans: PL111-RevP2 dated 27/03/2019

Proposed Floor Plans (ground floor): PL108-RevP4 dated 27/03/2019

Proposed Floor Plans (first floor): PL109-RevP4 dated 27/03/2019

Proposed Demolition Plan: PL107-RevP3 dated 27/03/2019

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

Flood Risk Assessment (FRA): Submitted by Archibald Shaw Issue 4 dated 28 November 2019

Design and Access Statement: prepared by Carter Jonas dated June 2019 (revision P4)

Construction Management Plan: Submitted by Calco Construction on 11 September 2019 (revB)

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

3. 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.

4. 4 No development, other than site clearance, shall commence until a method statement, which details how dust from the site will be controlled during the demolition and construction phases of the development, shall be submitted to and approved in writing by the Local planning Authority. The development shall be carried out fully in accordance with the approved details.

Reason: In the interests of amenities of neighbouring occupiers and guidance within the NPPF.

5. No external lighting shall be installed at the site, until details are submitted to and approved in writing by the local planning authority. The external lighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

Reason: to protect the wildlife and the residential amenities of the neighbouring residential properties and to comply with policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

6. No phase II (single storey extension with viewing gallery) and phase III (climbing tower) development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which should be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded.

7. Prior to the commencement of development hereby approved, a survey of the condition of the waterway wall, and a method statement and schedule of works for its protection during the construction of phase II and III development shall be submitted to and approved in writing by the Local Planning Authority.

Any necessary repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repair schedule. Following the completion of the works a further waterway wall shall be carried out and the details submitted to the Local Planning Authority to demonstrate that any necessary repair works have been carried out and that no additional damage to the wall has occurred.

Reason: To ensure that the structural integrity of the waterway is retained. This condition seeks to prevent harm to the canal during the demolition and construction

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

of the phase II and III development and is therefore required prior to the commencement.

8. Prior to the commencement of works a risk assessment to protect users of the towpath and prevent pollution of the waterway during the phase II and phase II development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: to ensure the safety of users and prevent pollution of the water environment. This condition seeks to prevent harm to the canal and its users during the demolition and construction of the phase II and III development.

9. Within 3 months from the date of the decision notice, details of the proposed materials to be used in the construction of the external surfaces of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order that the development harmonises with the surroundings and in interest of visual amenity.

10. Within 3 months from the date of the decision notice full details of both hard and soft landscape works should be submitted 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.

Thereafter the approved scheme shall be implemented in full.

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 July 2006-2026.

11. Prior to the commencement of development hereby approved, a scheme for the protection of trees to be retained should be 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 protective fencing shall be erected prior to the start of any construction and demolition works taking place and at least 2 working days 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.

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 the West Berkshire Core Strategy 2006-2026.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

12. Prior to commencement of development hereby approved an arboricultural method statement shall be 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 NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

13. The development hereby permitted shall be carried out in accordance with the construction management plan submitted by Calco Construction on 11 September 2019 (revB).

Reason: To protect the wildlife and the residential amenities of the neighbouring residential properties and to comply with policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

14. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) prepared by Archibald Shaw Issue 4 dated 28 November 2019 and the following mitigation measures detailed within the FRA:

- a) The lower section of the climbing tower within the flood plain will be of flood resilient construction.
- b) Free draining flood storage will be provided beneath and local to the shop in order to mitigate and manage the risk, and avoid displacing waters to third party land.
- c) Finished floor levels will be set no lower than 76.30m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

15. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The CEMP shall include the following:-

- A lighting plan showing the construction phase and phase lighting positions (including power rating / range and direction).
- Details of the vegetation management for the site

Reason: To protect the ecological value, prevent pollution and degradation of the SSSI and to comply with policy CS17 of the West Berkshire Core Strategy 2006-2026.

16. Prior to the commencement of development hereby approved, details (including the number, design and position) of proposed bat boxes, bat bricks and a swift boxes are to be incorporated within the site shall be submitted to and approved by the Local Planning Authority. Such details as may be approved shall be incorporated into the

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

development prior to the occupation of any part of the development hereby granted and permanently maintained thereafter.

Reason: In accordance with the terms of the application and to ensure the provision of suitable mitigation in accordance with policy CS17 of the West Berkshire Core Strategy and guidance within the NPPF.

17. Prior to the commencement of development hereby approved, a landscape and ecology management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The LEMP shall include the following:-

- Description, plan and evaluation of landscaping and ecological features to be managed on site.
- Ecological trends and constraints on site
- Aims and objectives of management.
- Appropriate management options for achieving the aims and objectives of the management plan
- Preparation of a schedule of work
- Ongoing monitoring and remedial measures where appropriate

Reason: To protect the ecological value and prevent pollution of the SSSI and to comply with policy CS17 of the West Berkshire Core Strategy 2006-2026 and the NPPF.

Informatives:

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to the Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant.
2. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
3. No alteration of the surface of the right of way must take place without the prior written consent of the Rights of Way Officer.
4. The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.
5. Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.
6. The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

7. Due to the proximity of the works to the waterway, the applicant should contact Works Engineer Phil J White on 07710 175496 or email phil.white2@canalrivertrust.org.uk to ensure that the proposed works comply with the Trust's Code of practice for works affecting the Canal & River Trust.
8. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.
9. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
10. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

(3) Application No. and Parish: 19/01690/FULD, The Coach, Worlds End, Beedon

(Councillor Hilary Cole declared a personal interest in Agenda Item (4)3 by virtue of the fact that she lived in the area. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

(Councillor Clive Hooker declared a personal interest in Agenda Item (4)3 by virtue of the fact that he was Ward Member for Downlands. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Hooker opened the item by explaining that he was both the Ward Member for the application and Chairman of the Committee. He therefore decided that in the circumstances, he would stand down from the Chair for the hearing of this application and Councillor Tony Vickers, as Vice-Chair, would conduct the meeting for Agenda Item (4)3. This was agreed by the Members of the Committee.)

(Councillor Vickers in the Chair)

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 19/01690/FULD in respect of the erection of one dwelling within the curtilage of a public house.

In accordance with the Council's Constitution, Mr David Johnston, Beedon Parish Council representative, Mr Giles Rainy Brown, objector, and Ms Clara Millar (Turley) and Ms Sara Dufield (Turley), agent, addressed the Committee on this application.

1. Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable.
2. The Chairman thanked the planning officer for their presentation and invited the Highways officer to comment. Paul Goddard drew the Committees attention to page 38 of the report. The site was an existing public house and the visibility for vehicles accessing the car park would be unchanged. The footway would be widened to 1.5m, but the access remained at 4.8m wide, allowing two cars to pass. The current number of 19 parking spaces would be reduce to 17. The development would be provided with three spaces and was therefore compliant. He had no objection to the scheme.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

3. Mr Johnston in addressing the Committee raised the following points:
 - There were concerns about the safety of the patrons entering and leaving the pub.
 - The access was too narrow for vehicles to pass each other and pedestrians safely.
 - A previous, rejected application for two, three-bedroomed houses had been refused, it was therefore difficult to understand how this proposal was recommended for approval as there was not much difference between the footprints of the plans.
 - The nearness of the boundary wall, would mean that the light levels of the adjoining property would be much reduced.
 - If the Committee were minded to approve the application, he asked that the area be ring-fenced during construction.
4. Mr Rainy Brown in addressing the Committee raised the following points:
 - The elevations in the plans were inaccurate.
 - The design had no regard for rural characteristics and the relationship with the Old Stores Cottage.
 - There was no need for a dwelling on this site. The requirement for 2,000 homes in the area had already been met and a town house would make no positive contribution to the housing stock.
 - Pedestrian safety was impacted and compounded by the existing wall.
 - The presence of commercial vehicles and the reduced access was unsafe.
 - The design would mean the loss of amenity of a large pub garden.
 - The pub was in the last throws of existence and this scheme would not ensure its continuance.
 - There was a history of flooding on the site.
 - The impact on the 300 year old, Old Stores Cottage would be detrimental. The design meant that the wall was even closer than the previously rejected proposal. The cottage would suffer from loss of light and an unacceptable level of overshadowing.
 - The privacy of the bathroom and landing areas in the cottage would be compromised.
 - This proposal should be rejected for the same grounds as the previous application, as it was of a similar size. It was ethically and morally indefensible to build a property of this scale in this site.
5. Councillor Hilary Cole noted that there was a tree outside the bathroom and wondered if this affected the light levels in the property. Mr Rainy Brown explained that the tree had been cut back to allow light into the bathroom.
6. Councillor Cole sought clarification as to over-looking, as there were no first floor windows in the proposed design. Mr Rainy Brown expounded that there were two dormer windows that had sight lines into the Old Stores Cottage that would overlook the bathroom landing and study. The bathroom window was left open for venting purposes to reduce mould. The proposed garage wall would be within 1.25m of his property wall.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

7. Councillor Adrian Abbs queried what was currently stopping people looking into the bathroom. Mr Rainy Brown explained that there was a six foot wall and oil storage tank. Councillor Abbs further clarified that there was therefore no direct line of sight.
8. Ms Millar in addressing the Committee raised the following points:
 - The development complied with the Local Plan Policies. The previous application had been refused, and they had worked hard with planning officers to rectify the reasons for refusal on this plan. The key changes had been to reduce the development to a single dwelling and increase the width of the pavement.
 - She acknowledged concerns about drainage and access and there would be no increase in the volume of service water run-off.
 - There were concerns over the future of The Coach Pub, as it was not currently economically viable. The capital funds released by this scheme would be used to make the business thrive, as had happened with a previous project in Essex.
9. Councillor Cole asked how the application was going to help the pub. Ms Millar explained that the outdoor space would be improved, the pub would be connected to mains drainage, the gas tank would be re-located, the interior of the pub would be refreshed, the lay-out of the parking spaces would be improved and the living conditions within the pub would be improved.
10. Councillor Abbs queried how much of the footpath would be lost. Ms Millar confirmed that it would be 0.6m. Councillor Abbs further asked officers what the normal width of a footpath would be. Paul Goddard explained that it was 1.15m and that the footway to the car park at the rear was a designated strip. Councillor Abbs posited his concern about the safety of mixing pedestrians and vehicles. Paul Goddard observed that there was a 4.8m shared surface that was acceptable from the officer's point of view.
11. Councillor Cole noted that the objector had made reference to a loss of light. She enquired as to whether officers had carried out light angle projections and if there would be no loss of light. Sian Cutts confirmed that officers had made the calculations. The bathroom window was obscure glazed and a 45 degree sight line from the proposed property would cover a view of the garden, as the house would be set back.
12. Councillor Claire Rowles asked for assurance that an emergency vehicle would be able to fit through the access and be able to turn. Paul Goddard confirmed that 4.8m gave enough room for a car and a larger vehicle to pass. He added that a larger vehicle would have to reverse into the space, but that this was the existing situation, and it was therefore difficult to raise an objection.
13. Councillor Howard Woollaston asked officers to clarify the area of concern regarding the overlooking of the bathroom and study. Derek Carnegie answered that officers did not consider there was a scale of damage that would mean the application should be rejected. The scheme had been designed to minimise any impact.
14. Councillor Tony Vickers queried whether the pub could be accessed safely from the car park. Derek Carnegie concurred that it would be sensible to have access to the garden from the car park, and that this could be clarified in later plans. The car park was already in place and serving the pub. This proposal did not decrease safety from the existing situation.
15. Councillor Cole observed that she had lived in the area for a number of years and had used The Coach pub. There had been a lot of demise of pubs in the area and

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

she was keen to support the local economy. If this was to be achieved by building a house in the garden, then this was pragmatically acceptable. Although there was no settlement boundary, this property was in the middle of the village and there were new modern houses around. Whilst she understood the impact on residents and car parking, the parking situation already existed and would not be negatively impacted.

16. Councillor Cole proposed that the Committee accept officer's recommendation and grant planning permission. The proposal was seconded by Councillor Woollaston.
17. Councillor Abbs elucidated that he was left cold by the mixing of footpaths and cars. As the eaves overhang the wall, cars would not drive near the wall and therefore 4.8m was not in reality the space available. This was an existing problem. There was an historic cottage which would have a view of a blank wall. However, he could not find any planning grounds to oppose the application.
18. The Chairman invited the Committee to vote on the proposal by Councillor Cole as seconded by Councillor Woollaston, which was carried at the vote with two abstentions.

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

Conditions

1. Commencement of development

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. Approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- I. Proposed Location Plan Drawing No PL01 received on 25th June 2019;
- II. Proposed Site Plan Drawing no PL03 Rev E received on 5th November 2019;
- III. Proposed Floor Plans Drawing No PL04 Rev C received on 5th November 2019;
- IV. Proposed Roof Plan Drawing No PL05 Rev B received on 5th November 2019;
- V. Proposed East & West Elevations Drawing No PL06 Rev C received on 5th November 2019;
- VI. Proposed North & South Elevations Drawing No PL07 Rev C received on 5th November 2019;
- VII. Swept Path Analysis Drawing No 1809064-TK05 Rev A received on 5th November 2019;
- VIII. Planning Statement prepared by Turley received on 15th July 2019;
- IX. Arboricultural Report prepared by Duckworths Arboriculture dated 14th June 2019 reference SCD 05256/2019 received on 15th July 2019;
- X. Extended Phase 1 Ecological Assessment prepared by Pro Vision dated March 2018 received on 18th September 2019;

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- XI. Drainage and Flood Risk Appraisal prepared by Motion dated 17th September 2019 received on 18th September 2019; and
- XII. Heritage Statement and Desk-based Archaeological Assessment of Development Proposals prepared by Keevil Heritage Ltd dated September 2019, received on 25th September 2019.

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

3. Materials

No development shall take place above foundation slab level, until a schedule of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted has 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 external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy C3 of the Housing Site Allocations DPD (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. Electric vehicle charging point

No development shall take place above foundation slab level, until details an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Construction Method Statement

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 (2019) Policies CS5 and CS13 of the West Berkshire Core

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

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

A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.

6. Provision of footway

No dwelling shall be occupied until the 1.5 metre wide footway is provided in accordance with the approved drawing (Drawing No PL03 Rev E and No 1809064-TK05 Rev A received on 5th November 2019) and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. Surfacing arrangements

No development shall take place above foundation slab level until details of the surfacing arrangements for the vehicular accesses to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the accesses for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

8. Vehicle parking and turning

No dwelling shall be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces 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 (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).

9. Cycle storage

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).

10. Protective fencing

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

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 Tree Protection Plan. Within the fenced areas, 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 National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

11. Arboricultural watching brief

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.

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.

A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.

12. Tree Protection Plan

No trees, shrubs or hedges shown as being retained on tree protection plan 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.

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 National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

13. Noise mitigation scheme

No development shall take place above foundation slab level, until a scheme for protecting the proposed dwelling from noise from traffic on the adjacent roads has been submitted to and approved in writing by the local planning authority. Any works which form part of the scheme approved by the authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the authority.

Reason: as occupiers of the development, without such a scheme, are likely to suffer from noise caused by the traffic to an unacceptable degree. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

14. Unforeseen contamination

Should any unforeseen contamination be encountered during the development, the developer shall inform the LPA immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development and before the dwelling is first occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. Archaeological Brief

No development or site works shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS19 of the West Berkshire Core Strategy (2006-2026).

A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.

16. Boundary Treatment

No development shall take place above foundation slab level until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwelling hereby permitted is occupied. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and ensuring adequate levels of privacy are secure for adjacent occupiers and future occupiers of the dwelling. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

Informatives:

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. CIL

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

4. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

5. Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

6. Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

(4) Application No. and Parish: 19/02676/HOUSE, 37A Russell Road, Newbury

(Councillors Jeff Cant and Andy Moore declared a personal interest in Agenda Item 4(4), by virtue of the fact that they were members of Newbury Town Council. 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 Clive Hooker returned to the Chair.)

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 19/02676/HOUSE in respect of Section 73: Variation of Condition 2 - Approved plans and Condition 3 - Materials of previously approved application 18/00541/HOUSE: Demolish single-storey garage and rear conservatory. Proposed two-storey side and rear extensions and loft conversion, to create large family home. Widen existing dropped kerb access to provide four off-road parking spaces.

In accordance with the Council's Constitution, Mr James Green and Mr Taig McNab, objector, and Mr James Sopp (Hungerford Design), agent, addressed the Committee on this application.

1. Councillor Adrian Abbs proposed a Motion under Rule 7.6.2 of the Constitution to extend the meeting and conclude business by 10.30pm. Councillor Hilary Cole seconded the motion and the Committee voted in favour.
2. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was less intrusive than the extant permission and a conditional approval was justifiable.
3. The Chairman thanked the planning officer for their presentation and invited the Highways officer to comment. Paul Goddard confirmed that he was content with the proposal.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

4. Mr Green in addressing the Committee raised the following points:
 - This was the second time he had opposed the scheme and on neither occasion had the applicant consulted him.
 - The concerns raised against the rejected scheme, such as subservience, gap retention and an imbalance in the overall design had not been addressed by the new proposal.
 - The design had doubled the size of the existing house. The planning officers did not consider this to be significant, but Mr Green and other residents did. It was not right, and it was not fair or reasonable.
5. Mr McNab in addressing the Committee raised the following points:
 - The loss of light to his kitchen window meant that the room would only be able to access 28% of natural light. This was half the legal allowance and was an unreasonable level of overshadowing.
 - He had been forced to take legal action against the extant design, hence the new application. The new plan was meant to reduce the size of the proposal, but the depth was now even greater. The recommendation of the planning officer was that by increasing the depth, the impact would be reduced. However, he was unable to reconcile how building a brick wall in front of his kitchen window could reduce the impact.
6. Councillor Andy Moore asked if the result of the legal case in play would change officer's view of the application. Mr McNab explained that he had sought legal advice on the extant permission. The proposal before the Committee was a redesign to try and make less impact, however his survey suggested that the new proposal would still impact his living conditions adversely.
7. Mr Sopp in addressing the Committee raised the following points:
 - Loss of light was not a planning consideration.
 - Changes had been made to the design to mitigate the impact on neighbouring properties:
 - The loft conversion had been reduced.
 - Overall, there was 5m² less floor space.
 - The house would be rendered and painted, to reflect light.
 - Changes had been made to reduce shadowing.
8. Councillor Tony Vickers remarked that this application was like rubbing someone's scab off. He reflected that it seemed unlikely that an extension would reduce the overlooking of the kitchen window. Mr Sopp explained that a three dimensional model had been created to demonstrate the shadowing the re-design had been trying to accommodate.
9. Councillor Hilary Cole observed that the proposal would affect habitable rooms, and was surprised that there was not more evidence in the report of what actions had been taken to mitigate this. Derek Carnegie stated that the 2018 scheme had been accepted and this new design was a better plan. Councillor Cole commented that she was nervous about making a decision when a legal challenge was in place. Shiraz Sheikh advised that a legal challenge did not prevent the Committee from making a decision.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

10. Councillor Jeff Cant offered the view that the Committee was not re-opening the debate on an existing consent, but was instead debating the revised proposal which reduced over-shadowing. Derek Carnegie reiterated that the revised scheme was an improvement.
11. Councillor Abbs asked officers to clarify what options were open to the Committee. Derek Carnegie explained that the footprint had been agreed in 2018. If the amended scheme was approved, the neighbouring residents could make a legal challenge if they found it unsatisfactory. Shiraz Sheikh further clarified that Members should consider the application before them. The legal case was not a challenge to the planning process, but was a prescriptive challenge.
12. Councillor Claire Rowles observed that there was no evidence that the new design was an improvement on the last. She was nervous that a legal case was in the background. She would prefer to defer the decision to enable the gathering and presentation of more evidence, such as the three dimensional model to show the reduction in shadowing. Derek Carnegie reiterated that there was an extant scheme and the revised design would reduce the impact significantly.
13. Councillor Cant noted that the Council would definitely have a legal case made against them if they tried to reverse the 2018 decision. The decision had been made and the Committee should approve the amended application. Councillor Cole concurred with Councillor Cant.
14. Councillor Tony Vickers felt that the Committee should defer their decision, as they had no information about what was approved under delegated powers in 2018.
15. Councillor Cant made it clear that he was frustrated by the call for a deferral. He asserted that it was not the role of the Committee to reprise the planning process. Officers had assured the Members that there had been an improvement. He did not understand the purpose of a deferral.
16. Councillor Adrian Abbs explained that he was unable to assess the application before him, as he did not have all the necessary information required to take a decision.
17. Councillor Rowles confirmed that she was not comfortable with making a decision with the information provided. She observed that officers were not always right, and it was the Committee's role to challenge. This proposal would have a significant impact on the neighbouring properties.
18. Councillor Rowles proposed that the Committee reject officer's recommendation and defer their decision. The proposal was seconded by Councillor Vickers.
19. Councillor Woollaston ventured that Members were making themselves look foolish. The officers had given a clear recommendation that this was an improvement on the existing scheme. Mr McNab was free to pursue a legal challenge and get the decision overturned.
20. Councillor Clive Hooker observed that the kitchen was very dark and was only going to get worse. The Committee would be approving a plan which would deteriorate people's lives.
21. The Chairman invited the Committee to vote on the proposal by Councillor Rowles as seconded by Councillor Vickers, which was carried at the vote with five in favour and four against.

RESOLVED that the Head of Development and Planning **defer** the decision for the following reasons:

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

To enable officers to produce more evidence of the potential impact of the proposal at the next Committee meeting.

4. 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 10.15 pm)

CHAIRMAN

Date of Signature

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, 15 JANUARY 2020

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, James Cole (Substitute) (In place of Clive Hooker), Carolyne Culver, Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer) and Shiraz Sheikh (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Clive Hooker

PART I

5. Minutes

The Minutes of the meeting held on 27 November 2019 were approved as a true and correct record and signed by the Chairman.

6. Declarations of Interest

Councillor Hilary Cole declared an interest in Agenda Items (4) 2 and 3 but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and might vote on the matter.

Councillor James Cole declared an interest in Agenda Items (4) 2 and 3 but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Tony Vickers and Phil Barnett declared an interest in all Agenda Items 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.

Councillor Carolyne Culver declared an interest in Agenda Items (4) 1 and 4, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

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

7. Schedule of Planning Applications

The Committee resolved to vary the order in which the items would be discussed, due to the personal circumstances of the applicants.

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

(1) **Application No. and Parish: 19/02676/HOUSE, 37A Russell Road, Newbury**

(Councillors Jeff Cant, Tony Vickers and Phil Barnett declared a personal and prejudicial interest in Agenda Item 4(4) by virtue of the fact that they were members of the Newbury Town Council and in all but Councillor Cant's case, served on 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.)

(Councillors Carolyn Culver and Adrian Abbs declared a personal and prejudicial interest in Agenda Item 4(4) by virtue of the fact that they had been lobbied. 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.)

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 19/02676/HOUSE in respect of a Section 73: Variation of Condition 2 - Approved plans and Condition 3 - Materials of previously approved application 18/00541/HOUSE: Demolish single-storey garage and rear conservatory. Proposed two-storey side and rear extensions and loft conversion, to create large family home. Widen existing dropped kerb access to provide four off-road parking spaces.
2. In accordance with the Council's Constitution, Mr Taig McNab and Mr James Green objectors, and Mr James Sopp (Hungerford Design), agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable.
4. Mr Green and Mr McNab in addressing the Committee raised the following points:
 - Mr Green noted that there were two principle issues regarding the impact of this proposed scheme on his property, No.37, which were the loss of light due to the enlarged side extension near to his boundary, and the overbearing nature of the design.
 - In order to reduce the impact on his neighbour Mr McNab's property, the design increased the impact on his property, as a trade-off.
 - In the previous application the roof had been massive but balanced, however the new design left it unbalanced and ugly.
 - The extension was overbearing and ugly.
 - He was surprised that the original consent had been granted.
 - Mr McNab stated that the new roof line did not comply with policy, SPG section 4, as the amended roof line was not subservient and was a storey taller than the original property.
 - Objections had been made as the design was ugly, and he would rather have the extant design with a more balanced roof.
 - The application had been deferred by the Western Area Planning Committee on 18 December 2019, so that more information could be provided regarding shadowing. However, he felt that the diagram provided was misleading, as it did not compare different times of day or year, but was a single snapshot of a day in spring. He considered the deferment as a waste of time and money.

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

- He asked that the Committee reject the application so that the neighbours' concerns could be dealt with.
 - This proposal had depreciated the value of his property by thousands of pounds and his wife had been severely affected by the stress of the dispute.
5. Councillor Carolyne Culver remarked that the previous application had been approved under delegated authority, and asked why the neighbours had not asked their Ward Member to call it in to Committee. Mr Green explained that he had sought advice from his Ward Member and she had instructed him to go the Town Council meeting, which he did. The Town council had rejected the application. He had not been advised by his Ward Member that there was a process in place whereby an application could be called-in to be considered by the Western Area Planning Committee.
 6. Councillor Adrian Abbs inquired how the objectors had created their own shadow diagrams. Mr McNab explained that he had used a website, designed for people like him. Members of the public, without special technical knowledge or skill, could create something similar to that provided by the architect. Councillor Abbs speculated whether these drawings were valid. Mr McNab asserted that they were 100% valid.
 7. Mr Sopp in addressing the Committee raised the following points:
 - Following the decision made by the Committee on 18 December 2019 to defer the decision on this application, a shadow diagram had been provided by the architect and the scale of the design of the rear extension had been significantly reduced.
 - The minimum requirement for right of light was 50%, at 50.1% the design was above the minimum.
 8. Councillor Abbs inquired whether the new design was deeper than that of the existing approval. Mr Sopp confirmed that it was 200mm deeper, but this had been reduced on the current design.
 9. Councillor Andy Moore, speaking as Ward Member, in addressing the Committee raised the following points:
 - He was surprised that the application had returned to the Committee so soon after it had been deferred.
 - He was glad that the shadow designs had been provided and noted that they were dated as March, but were obviously describing a point late in the afternoon in June. There was no comparison of the new and old design or for different times of the year, and he felt it was a pity that the objector had to be relied on to provide this information.
 - He recognised that there was an approved design that no-one wanted to see built.
 - There was the additional factor of a pending legal case against the original design of 2018.
 - The new proposal was an improvement, but should the objector win the legal challenge, then the extant permission would not be able to be enacted. He felt it would be best at this point to refuse this application and let the legal action play out.
 10. Councillor Hilary Cole asked the Legal Officer for confirmation that a civil litigation case should not affect the Committee's decision. Kim Eccles confirmed that Councillor Cole was correct, and that it had no bearing.

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

11. Councillor Claire Rowles asked for further clarification as to whether the Members could decide to approve an application that may be irrelevant should the 2018 permission be overturned. Kim Eccles reiterated that the Members should consider the application before them tonight, and that it was unaffected by the pending legal challenge.
12. Councillor Abbs commented that it was clear that the Committee was determining the application presented to them this evening.
13. Councillor Rowles asked the Planning Officer to explain the shadow diagrams presented by the architect. Derek Carnegie described how the diagram showed that shadowing was limited, and was an improvement on the existing scheme. Officers were content with the diagrams. He observed that it might be difficult for Members to find a sensible middle ground, given the conflicting diagrams provided by the objectors and the architect.
14. Councillor Jeff Cant asked for confirmation that the extant permission remained valid and could be built, should the new application be refused. Derek Carnegie confirmed that this was the case, although it was under legal challenge.
15. Councillor Abbs asked whether the officers accepted the objectors shadow diagrams as valid. Derek Carnegie answered that he had not been able to look at them in detail. He asked that Members take into consideration that this was a terraced street, where it was nigh on impossible to do anything that did not impinge on a neighbour. Planning Officers were responsible for ensuring that appropriate housing was provided without spoiling amenities. The revised scheme provided a larger family home without affecting local amenities or neighbours dramatically. He further explained that the applicant would always show the design at its best, and conversely the objector would show it at its worst. The Committee would have to find the middle ground. Officers had visited the scheme, and having viewed it from all sides, found it to be satisfactory.
16. Councillor Abbs observed that Mr Green had commented that the previous application had been restricted on his side, and the revised plan was more impactful on his property. Derek Carnegie noted that the changes made were not significant enough to warrant refusal.
17. Councillor Rowles reiterated that the legal case was ongoing and that the Committee might be debating a hypothetical application and asked for further reassurance from the Legal Officer. Kim Eccles re-asserted that the litigation should not affect the Members decision. Councillor Hilary Cole repeated that each application should be determined on its own merits.
18. Councillor Abbs observed that on the site visit, many Members were shocked at the lack of light in the objector's homes at this time of year. If the previous application had come before the Committee he believed that it would not have been approved. The new proposal impacted on both neighbours. The applicant could have extended with little impact, but had chosen not to.
19. Councillor Abbs proposed that the Committee reject officer's recommendation and reject planning permission. The motion was seconded by Councillor Phil Barnett.
20. Councillor Barnet expounded that residents were living in a climate where they were encouraged to stay in their existing properties and extend them. The area around Russell Road was a mix-and-match of extensions in the rear of houses. Extensions to the rear of houses do not necessarily affect the street scene and he would ordinarily support such an application. However, on visiting this site he was aware of

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

the impact and that the extension would remove too much light from neighbouring properties.

21. Councillor James Cole noted that there were two sets of shadow diagram, neither of which had been provided by experts. The objectors set had not been considered by officers and he was uncomfortable with this.
22. Councillor Hilary Cole regarded the photograph of the extension of No.37. She noted that there were no windows in the side aspect and it would therefore, not suffer from shadowing. In her opinion, she also felt that the timber cladding was out of keeping with surrounding properties. Councillor Rowles questioned whether the windows and design of No.37 were relevant to the debate. Councillor Hilary Cole noted that Members were often invited to take the street scene into consideration and it was therefore, a valid comment.
23. Councillor Cant reflected that whilst he had considerable sympathy with the neighbours, he reminded Members that they could not legitimately re-run the approval of the extant permission. The new design was better than the original.
24. Councillor Abbs concurred that the Committee should consider the application on its own merits, as they could control this and only this.
25. At the vote, the motion was carried to reject officer's recommendation and refuse planning permission, with four in favour, three against and two abstentions.

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

Reason: Loss of light and adverse impact on amenity.

(2) Application No. and Parish: 19/01540/HOUSE, Cherry Hinton, Newbury Hill, Hampstead Norreys

(Councillors Jeff Cant, Tony Vickers and Phil Barnett declared a personal and prejudicial interest in Agenda Item 4(1) by virtue of the fact that they were members of the Newbury Town Council and in all but Councillor Cant's case, served on 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 Carlyne Culver Abbs declared a personal and prejudicial interest in Agenda Item 4(1) by virtue of the fact that they had been lobbied. 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.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/01540/HOUSE in respect of an extension to the garage and a first floor extension.
2. In accordance with the Council's Constitution, Mr David Barlow, Parish Council representative, Mr Andrew Wilcock and Ms Theresa Fleetwood, objector, Mr James McCall, supporter, and Mr Lee Clark applicant, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable.
4. Mr Barlow in addressing the Committee raised the following points:

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

- The Parish Council were against this third application. They were concerned about the projection of the building to the rear of the property and felt it was inappropriate and overbearing.
 - It was understood that in this area houses were squeezed in amongst each other and that this modern house would affect the back of the existing property.
 - Developments had to take into consideration the wellbeing of neighbours, and the Parish Council felt that a side-by-side design would have been acceptable.
 - There would be significant shadowing of the courtyard of the neighbouring property.
 - The proposal would not make a positive contribution to the area.
 - The courtyard was the only available outside space for the residents of No.1. The high wall would make the space prison-like.
 - The first application was dismissed as unacceptable due to the impact on the neighbours living conditions. The second application had been dismissed by WBC. The Parish Council recommended that the third application should also be dismissed, as the design could be modified with the extension being moved to a different location on the site, where it would not impact on the courtyard.
5. Councillor Hilary Cole noted that according to the plans, the extension was towards the front of Cherry Hinton and some distance from the boundary of No.1. She was unable to see how this would result in the view from the courtyard being that of a large brick wall. Mr Barlow explained that the underlying Ordnance Survey map was incorrect and the plan did not give a true view.
6. Councillor Adrian Abbs wondered what type of extension would be acceptable to the Parish Council. Mr Barlow replied that it would have been more acceptable to extend to the north of the property, rather than the more obvious choice of above the garage.
7. Mr Wilcock and Ms Fleetwood in addressing the Committee raised the following points:
- Ms Fleetwood had lived at No.1 for 12 years.
 - The previous applications had been refused due to the size, proximity and overbearing nature of the design.
 - The objector's house was built on a lower level to Cherry Hinton. There was a small courtyard which would have reduced sunlight from the afternoon onwards, as it would be blocked by the extension. The Planning Inspectors concerns for the first application had not been addressed in the second, and it had therefore been refused.
 - The proposal was overly dominant and overbearing, reducing light to the courtyard from 4pm onwards. The view from the courtyard would be a 25ft wall.
 - The design was out of keeping with the area.
 - She hoped that the Committee understood her feelings and would reject the proposal.
 - Mr Wilcock noted that the site of their garage was different to that on the plans, and that was why they would be able to see the brick wall. There was very little difference between this and the previous applications. The objectors were making no claims about sunlight on windows. Their concern was about the sunlight being lost to the courtyard.

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

8. Councillor Claire Rowles asked for confirmation that the brick wall could still be seen from the courtyard in the amended application. Mr Wilcock confirmed that it would be like an obelisk, although it was better than on the previous application, it was a matter of degree.
9. Councillor Howard Woollaston remarked that he struggled to see how the sunlight was reduced. Mr Wilcock explained that the sun passed over the ridge of the house at 4pm in the sky above the garage, and that this was what they would lose.
10. Mr McCall in addressing the Committee raised the following points:
 - He noted that there had been 15 letters of objection, and 20 letters of support. He wanted to address the objectors concerns.
 - The extension had been moved back in line with the garage of No.1, therefore the wall would be barely visible and would not block the sun from the courtyard, as had been suggested.
 - The extension was small and, compared to neighbouring properties, did not fill a large percentage of the curtilage.
 - The Conservation Officer had confirmed that it would not harm the character of the conservation area.
 - Light surveys were not an exact science, but the commissioned surveys made it plain that there would be a negligible loss of light in every respect.
11. Mr Clark in addressing the Committee raised the following points:
 - He was a hard-working man, with a young family, trying to make a better life.
 - He had taken pre-planning advice from West Berkshire Council and presented the plans to the Parish Council, however the Mr Barlow had not been present at the meeting.
 - He had been transparent with this neighbours and had reached a verbal agreement with Ms Fleetwood, although she had since reneged.
 - He had paid £1,200 for a light survey, but West Berkshire Council had been asked to commission another survey, as his was not considered to be independent. The two surveys had reached the same conclusions.
 - The extension had been brought in-line with the garage and away from the boundary. A window had been removed from the design, so there was no chance of overlooking.
 - He asked the Committee what more he could do.
12. Councillor Carolyne Culver, as Ward Member in addressing the Committee raised the following points:
 - She acknowledged the stress levels due to the delays with the application. Bearing in mind the plans for the previous applications were not in the agenda pack, which meant Members could not compare them, it seemed that the current design was set back from the garage and not in-line with it.
 - The Committee had not been presented with evidence to show that ridge heights had been dropped or been provided with the Planning Inspector's comments.
 - She had not been persuaded that the amended proposal was the solution.
13. Derek Carnegie explained that, although the previous applications were not before the Committee, he could assure Members that the applicant had made significant

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

revisions to reduce the impact on his neighbour's property. The garage was incorrectly plotted by Ordnance Survey, but he was satisfied that the report showed the size of the building.

14. Councillor James Cole asked if Members were allowed to take loss of light into consideration, as there appeared to be some dispute as to the level of the reduction. Derek Carnegie made clear that there was no confusion with regard to the expert opinion, which was that there would be no noticeable reduction. The light surveys applied national standards and had determined that there would be no adverse effect on the neighbouring property.
15. Councillor Jeff Cant noted that a single storey design had been granted for the 2017 application. Derek Carnegie explained that it had been the opinion that a two storey design would have had an adverse effect. However, the applicant had reduced the bulk of the design and changed the location, to ensure these concerns had been met.
16. Councillor James Cole elucidated that when he stood in the courtyard he imagined what it would be like when the extension had been built, and concluded that it would be dominating and overbearing. It would reduce the amenity value of the courtyard.
17. Councillor Rowles believed there would be an impact on the living conditions of the neighbours. She appreciated that the applicant had made every attempt to improve the design and had consulted with planning officers, however she felt there would still be significant impact and a considerable wall to be seen from the courtyard.
18. Councillor Cant commented that the design was overbearing. Councillor Hilary Cole explained that every development had an impact. Nobody was ever happy when an extension was proposed. The applicant had made substantial concessions and changes since the previous two proposals. The extension had been brought forward and was in-line with the garage, and the dimensions had been reduced significantly. The neighbours felt that they were affected, but the light issues have been addressed and the surveys indicated that there was nothing to be concerned about. Members needed to be pragmatic.
19. Councillor Phil Barnett expressed his concern as to the level of the Cherry Hinton in relation to the courtyard. The courtyard was much lower, and the wall would therefore impinge on anyone using the open-space. He did recognise that the applicant had tried to mitigate the problems with the design, and must be commended for doing so. However, he had considered the concerns of No.1 and felt that, as they would be in some difficulty, he would not be supporting the application.
20. Councillor Abbs noted that he had heard during the discussion that a two storey design had previously been rejected, but that a single storey extension would have been acceptable. There was space to build the extension elsewhere on the site that would not impact on the neighbouring property. He was undecided, but on the two occasions he had visited the site he had seen that the courtyard was set at a lower level, and therefore the ridge height of the proposed extension was of considerable importance.
21. Councillor James Cole recalled that the Parish Council representative had stated that he would have built the extension elsewhere on the site. There was no need for the Committee to approve this design, as there were alternative ways to expand the property that would not impact on the neighbouring house.
22. Councillor James Cole proposed to reject officer's recommendation and refuse permission. This motion was seconded by Councillor Rowles for the reason of the overbearing nature of the design.

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

23. Councillor Hilary Coles questioned officers as to the whether a decision to refuse the application would be accepted on appeal. Derek Carnegie responded that he could not be confident that the Planning Inspector would dismiss an appeal, due to the number of concessions made by the applicant and the shadowing report.
24. Councillor Culver recognised the frustration of the applicant who had sought advice from planning officers, and had great sympathy with both the objectors and the applicant.
25. The Chairman reminded the Committee that they must consider the application before them and whether it met policy.
26. At the vote the motion was denied, with three voting in favour, four against and two Members abstaining.
27. Councillor Hilary Cole proposed a further motion to accept officer's recommendation and approve the application. The motion was seconded by Councillor Woollaston. At the vote the motion was carried, with five voting in favour and four against.

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

Conditions

1. 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. The development hereby permitted shall be carried out in accordance with the site location plan, block plan and drawing number 239-01 received on 21 June 2019.
Reason: For the avoidance of doubt and in the interest of proper planning.
3. The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.
Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).
4. No demolition or construction works shall take place outside the following hours:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
No work shall be carried out at any time on Sundays or Bank Holidays.
Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed on the north-eastern

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

side elevation of the dwelling, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (2006) and House Extensions SPG (July 2004).

(3) Application No. and Parish: 18/00603/COMIND, Newbury Football Club, Faraday Road, Newbury, RG14 2AD

(Councillors Jeff Cant, Tony Vickers and Phil Barnett declared a personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that they were members of the Newbury Town Council and in all but Councillor Cant's case, served on 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.)

(Councillors Howard Woollaston and Hilary Cole declared a personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that they were Members of the London Road Industrial Estate Project Board. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate but may abstain on the matter.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 1818/00603/COMIND in respect the renewal and expansion of existing football pitch including artificial pitches.
2. In accordance with the Council's Constitution, Mr Gary Norman, Parish Council representative, Mr Lee McDougal (Newbury Community Football Group) and Mr Duncan Crook (Ressance), applicant/agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and that representations at appeal should be made that planning permission should be granted.
4. The Chairman reiterated that the Committee were not making a decision to approve the application, but rather a recommendation to advise the Planning Inspector.
5. Mr Norman in addressing the Committee raised the following points:
 - The time had come to speak of sport, specifically football, but others as well.
 - It was time to look forward and the future started now. Newbury Football Club men's team was two divisions lower, and the women's team could not accept promotion because the pitch was not of an acceptable quality. There was no longer a youth team. The time had come to do something about it.
 - At the Western Area Planning meeting on 18 December 2019, the application to develop the Waterside building had been approved, and he hoped that the Committee would regard this application in the same mould, as a much needed facility for young people.
 - It was important for Newbury Town Football club to have a suitable quality pitch in a suitable location, as soon as possible. If an equivalent site were available, it would have been found already. In the absence of plans for an alternative site, this was the only show in town.

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

- Newbury Town Council urged the Committee to approve the application.
6. Councillor Hilary Cole expressed confusion, as she understood that an alternative site had been found. Mr Norman explained that the alternative site was not of the required quality, and therefore the football team had been relegated by two divisions.
 7. Mr Crook in addressing the Committee raised the following points:
 - He complimented officers on their report, however he felt that there was an item missing. He considered that the site should be listed under ADPP2 as a cultural facility, whereas it was currently listed as a sports stadium.
 - The purpose of the site was to serve the entire footballing community, no matter what their age or gender.
 8. Mr McDougal in addressing the Committee raised the following points:
 - The application was about providing a sporting facility for the whole community to share.
 - In the past, the facilities had been used by the community and held in high esteem for their charity fund raising.
 - The site was currently in a very tired condition. The community had shown they wanted to revive it.
 - The Football Association (FA) graded pitches in 6 steps, with 6 being the lowest quality. Faraday Road was graded at step 5, Thatcham was step 4, and Hungerford was step 2. A football team would not be allowed to play in certain divisions if their pitch was not of sufficient quality.
 - Mr McDougal had been involved in children's football and knew the struggle of trying to find pitches of a suitable quality. His was a volunteer run community group.
 - The re-development of the site would provide a revenue stream to the public purse, and give people the environment to learn skills and realise ambition.
 9. Councillor Jeff Cant in addressing the Committee as Ward Member raised the following points:
 - He wished to express his admiration for the commitment shown to keep football alive in Newbury. This application was an expression of the community's frustration.
 - The Committee was not considering delivering football to Newbury, but the proposal in isolation. Planning officers regarding the proposal as a strong case in the abstract and that the application was acceptable.
 10. Councillor Adrian Abbs asked the Legal officer whether the a decision made to approve this application would stand, should the football club remove their appeal. Kim Eccles explained that if a decision to recommend approval made was made at this meeting, it would be considered at appeal as an advisory, not as an approved planning permission, and a subsequent application would need to be made.
 11. Councillor Claire Rowles asked the Highways officer to comment on the application. Paul Goddard remarked that he had originally objected, as he had concerns regarding parking during the day. However, the applicant had indicated that the ground would be used mainly during the evening and at weekends. As traffic would be mostly at off-peak times, there was therefore no objection.

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

12. Councillor Cant posited that Members should take account of the sustainability of the site, which could easily be accessed by train, bus, foot or bike.
13. Councillor Tony Vickers noted that there were no conditions mentioned in the report. Derek Carnegie explained that this was for the Planning Inspector to determine.
14. Councillor James Cole expressed the point of view that there was nothing more to discuss and proposed to accept the officer's recommendation. The motion was seconded by Councillor Abbs.
15. Councillor Phil Barnett was delighted that football would be back in Newbury.
16. At the vote the motion was carried with seven voting in favour and two Members abstaining.

RESOLVED that the Head of Development and Planning be authorised to make the following recommendation:

1. The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is supported.
2. Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions.
3. The full recommendation is as follows:
4. To DELEGATE to the Head of Development and Planning to make representations at appeal that planning permission should be granted subject to conditions.

(4) Application No. and Parish: 18/00604/OUT, Newbury Football Club, Faraday Road, Newbury, RG14 2AD

(Councillors Jeff Cant, Tony Vickers and Phil Barnett declared a personal and prejudicial interest in Agenda Item 4(3) by virtue of the fact that they were members of the Newbury Town Council and in all but Councillor Cant's case, served on 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.)

(Councillors Howard Woollaston and Hilary Cole declared a personal and prejudicial interest in Agenda Item 4(3) by virtue of the fact that they were Members of the London Road Industrial Estate Project Board. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and may abstain on the matter.)

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/00604/OUT in respect of an outline permission for replacement of clubhouse and stand at Newbury Football Ground. Matters to be considered: Access and Layout.
2. In accordance with the Council's Constitution, Mr Lee McDougal (Newbury Community Football Group) and Mr Duncan Crook (Ressance), applicant/agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and that representations at appeal should be made that planning permission should be granted.
4. Mr Crook in addressing the Committee raised the following points:

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

- The application had not been made out of frustration, but out of a genuine hope that the Planning Inspector would approve it.
 - He felt they had shown the economic viability of redeveloping the site and that this was the best use of the land.
 - It was difficult to understand where another site could be found that would be so widely used and be able to positively generate income.
5. Mr McDougal in addressing the Committee raised the following points:
 - He was trying to create teams for the under 18's and under 23's, but was in a chicken and egg situation. He could not attract youngster to the team as there was no ground, and he could not warrant a ground without having teams who wanted to play.
 - The current ground had no clubhouse and parents simply dropped off their children and left. A clubhouse would provide an area for parents and players to mingle and create a community atmosphere. He asked Members to not underestimate the value of a meeting place.
 6. Councillor Claire Rowles asked if the intention was to use the facility for the wider community or just for the football club. Mr Crook explained that the application was not only on behalf of a single club, but for the entire footballing community. It would play a wider social role, in charitable events, for example. Having a decent facility would be positive for the health and wellbeing of players. It would incentivise young players to stay with the club.
 7. Councillor Tony Vickers expressed the opinion that he could not see an alternative site, although one had been explored in Wash Common. Mr Crook explained that the Wash Common site had been considered, but was out of the town centre. A town centre location was preferable, as it would bring parents into the town. Also Sport England recommended that grounds had sustainable transport facilities.
 8. Councillor Adrian Abbs asked officers to clarify that the plans were accurate, as they showed the existing footpath as being slightly re-routed. Derek Carnegie explained that there would be some implications but nothing significant. Councillor Abbs further commented that he frequently used the path and it was often rather wet. Derek Carnegie confirmed that there had been no objection from consultees as to the routing of the path.
 9. Councillor Rowles queried whether the trees on the plan were new or existing. Derek Carnegie explained that a detailed landscaping scheme would be required, should permission be granted.
 10. Councillor Cant proposed to accept the officer's recommendation. The motion was seconded by Councillor Carlyne Culver.
 11. Councillor James Cole asked for clarification on the position of the fence and the protection of the Site of Special Scientific Interest (SSSI). Derek Carnegie answered that there would be implications for the path and the fence line was on the limit of the development. He noted Members concern regarding the SSSI, however no consultees had raised no concerns about the proximity.
 12. At the vote the motion was carried, with seven voting in favour and two abstentions.

RESOLVED that the Head of Development and Planning be authorised to make the following recommendation:

WESTERN AREA PLANNING COMMITTEE - 15 JANUARY 2020 - MINUTES

1. The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is supported.
2. Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions.
3. The full recommendation is as follows:
4. To DELEGATE to the Head of Development and Planning to make representations at appeal that planning permission should be granted subject to conditions.

8. 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 9.25 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	19/02144/FULD Kintbury Parish Council	18 th October 2019 ¹	Section 73: Variation of Condition 2 - 'Approved plans' of previously approved application 19/00277/FULD: Replacement dwelling. Inglewood Farm Cottage, Templeton Road , Kintbury Mr and Mrs Selby

¹ Extension of time agreed with applicant until 7th February 2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02144/FULD>

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

Ward Member(s): Councillor Dennis Benneyworth
 Councillor James Cole
 Councillor Claire Rowles

Reason for Committee Determination: Called in by Cllr James Cole

Committee Site Visit: 30th January 2020

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission to vary Condition 2 (approved plans) of planning permission 19/00277/FULD which granted planning permission for the erection of a replacement dwelling on the site of Inglewood Farm Cottage.
- 1.2 The application site is an existing two storey, three bedroom dwelling situated adjacent to Templeton Road, Kintbury. It is situated outside any defined settlement boundary in the open countryside, within the North Wessex Downs AONB. The site is within the park of Inglewood House, and adjacent to the site are Grade II listed piers and an otherthrow over Templeton Road which mark the entrance into the park. The site is defined by a hedge boundary with nature trees, and is surrounded by agricultural land.
- 1.3 Planning permission was granted for a three bedroom, two storey brick finished, rectangular shaped house, with plain tiled hipped roof. This application is seeking to vary the approved plans, through the addition of a two storey wing (at a lower ridge height than the main roof of the house) to provide additional living space at the ground floor level and an additional bedroom with en-suite bathroom. The proposed addition extends the house to the side (in a southerly direction) by 8.5 metres, and to the rear (easterly direction) by 1 metre. The current application has been submitted with a Landscape Visual Impact Assessment and a document setting out the environmental credentials of the building. During the course of the application, amended plans were submitted to show additional car parking to serve the proposed dwelling.

2. Planning History

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

Application	Proposal	Decision / Date
19/00277/FULD	Replacement Dwelling	Approved 31/05/2019

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed on 3rd September 2019 on a sign post adjacent to the site; the deadline for representations expired on 24th September 2019.
- 3.3 A public notice was displayed in the Newbury Weekly News on 5th September 2019; the deadline for representations expired on 19th September 2019.
- 3.4 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL. The exact amount will be confirmed in the CIL Liability Notice.

4. Consultation

Statutory and non-statutory consultation

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

Kintbury Parish Council:	Support
WBC Highways:	Following the receipt of amended plans, no objection, subject to a condition securing the provision of the parking spaces
Conservation	No objections, the proposal would not cause any harm to the setting of the Grade II listed Gate piers and overthrow.
Trees	<p>The current scheme is not accompanied by the arboricultural report and landscaping scheme submitted with the previous application, the assessment has been based on the trees shown from the previous consultation. There are two large trees outside the site with an estimated root protection zone just on the edge of the boundary, there is unlikely to be an impact on trees for the new application. Previous consultation response and conditions remain.</p> <p>Following the receipt of amended plans additional comments were received saying no formal objection is raised as the additional space would not remove further trees from within the site. However, the site is within the NWDAONB and rural in nature. The introduction of a further permanent parking space would introduce an urbanising effect within the area which is considered could be avoided by better design as the site is a substantial plot.</p>
AONB Board	No response received
Public Rights of Way	No response received
Ramblers Association	No response received
Environmental Health	No response received
Thames Water Utilities	No response received
SuDS	No response received

Public representations

- 4.2 No representations have been received.

5. Planning Policy

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

- Policies ADPP1, ADPP5, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C7 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development
- Design and the Impact on the AONB
- Parking and highway safety

Principle of development

6.2 The principle for the replacement dwelling on the site was accepted in the granting of the planning permission 19/00277/FULD. The consideration of the extension to the approved dwelling is considered in accordance with the following matters

Design and the Impact on the AONB

6.3 Policy C7 allows for the construction of replacement dwellings, and sets out the criteria for assessing such proposals. In this instance the principle of the replacement has been established, and the relevant criteria of policy C7 to be considered are that

“ii. The replacement dwelling is proportionate in size and scale to the existing dwelling, uses appropriate materials and does not have an adverse impact on:

- 1. The character and local distinctiveness of the rural area*
- 2. Individual heritage assets and their settings*
- 3. Its setting within the wider landscape.”*

6.4 In this instance, the consideration of the increase in size of the building is the increase in size from the original existing building, which is a modest three bedroom cottage which

was built to house farm workers within the Inglewood Estate. The replacement dwelling which has been granted permission allowed for an increase of about 145% of the floor space, as the consideration of the scale, mass, height and layout of the development was acceptable, given the design and the siting within the plat. The current revision to the approved plans adds significant increase to the floor space and volume of the building and extends the built form of the house to the south by 8.5 metres. This adds an additional building block which is a similar footprint to the original house. The existing house has a floorspace of approximately 119.5 sq. metres, the proposed dwelling now proposes a total floorspace of 421.2 sq. metres. This equates to an increase in floor space from the original dwelling of 253% and cannot on this basis be considered to be proportionate in size and scale to the existing dwelling to the original dwelling as required by policy C7.

- 6.5 Policy C7 also requires that a replacement dwelling uses appropriate materials and does not have an adverse impact in the character and local distinctiveness of the rural area, and its setting within the wider landscape. Whilst the proposed amendment to the approved plans extends the house to the south, and away from the main public viewpoints, there will still be views of the extended house, which extends the built form across the site, and further views of the building, and the proposed additional wing to the house and will increase the visibility of the built form on the site. In order to accommodate additional parking spaces (as discussed below) a third parking space is required to be provided within the curtilage of the site. It has been proposed to provide this space perpendicular to the existing spaces, with a section of the landscaping to the front of the site being removed. The Tree Officer has commented that whilst no formal objection is raised to the use of this area, and no trees are proposed to be removed, the addition of the space along the frontage of the site on Inglewood Road, would introduce an urbanising effect within the area, and there may have been other solutions which do not have this impact. The further opening up of this frontage will also allow further view of the site, and are harmful to the character of this part of the road, which is characterised by hedgerows along the road boundary, with the notable exception of the listed pier and overthrow which marks the entrance to the Inglewood Estate. The proposed opening up of the site will be harmful to the way that the site is viewed within Inglewood Road, and will add to the harm that the dwelling of this size will have on the character and appearance of the site within the NWDAONB. Whilst a Landscape Visual Assessment was submitted with the application indicating that the impact on visual receptors was neutral, it is considered as stated above that there will be harm to the character and appearance of the area, caused by the erection of a house which extends at this distance further into the site, and further opening up the access on Inglewood Road. The proposed amendments do not impact the piers and overthrow and do not harm the setting of this heritage asset.

Parking and Highway Safety

- 6.6 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for new residential development. This application has increased the number of bedrooms proposed from 3 to 4, and in accordance with policy P1, amended plans were submitted indicating three off road parking spaces have been proposed (excluding garage spaces). An electric vehicle charging point is also proposed as part of the garage structure. The Highways Officer is satisfied with these arrangements which accord with policy P1, and are considered to be acceptable with regards to parking and highway safety.

Other Matters

- 6.7 The original application included a Flood Risk Assessment, and there were conditions imposed on that permission with regards to the approval of a Sustainable Drainage system and details of the floor levels to be approved, to reduce the risk of flooding. The

proposed amendments do not affect these matters, and these conditions would be retained as part of any approval of the variation of conditions. A bat survey was also submitted with the original application, and there was no requirement for further investigations, as a result of this application.

7. Planning Balance and Conclusion

- 7.1 The proposed amendments to the approved plans proposed an additional two storey element to the south of the proposed dwelling (albeit at a lower ridge height than the main house) which will result in the replacement dwelling having a floorspace of 253% than the original dwelling on the site. This is a disproportionate increase on the size of the dwelling, and given the requirements for off-road parking and the plans which have been submitted will create an urbanising feature on the road frontage of Inglewood Road. These revisions are considered to be harmful to the appearance of the site within the NWDAONB, and contrary to policy C7 of the Housing Site Allocations DPD. During the assessment of the application a statement prepared by the agents, Michael Fowler Architecture and Planning was submitted setting out the environmental credential of the currently proposed house. The proposed use of renewable energy such as photovoltaic panels on the southern roof slope of the main part of the house and an air source heat pump; mechanical ventilated heat recovery; grey water harvesting and insulation in excess of current building regulations such as roof insulation at rafter level, wall insulation which exceeds requirements, and ground floor insulation. These measures are all welcomed, however there is nothing in the information submitted to indicate that these measures could not be used in the approved dwelling, e.g. the photovoltaic panel is proposed on the south roof slope and does not rely on the extended element of the house. These measures do not outweigh the harm caused by the replacement of the existing cottage with a dwelling of disproportionate size, with parking which will be harmful to the setting of the site within the NWDAONB.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

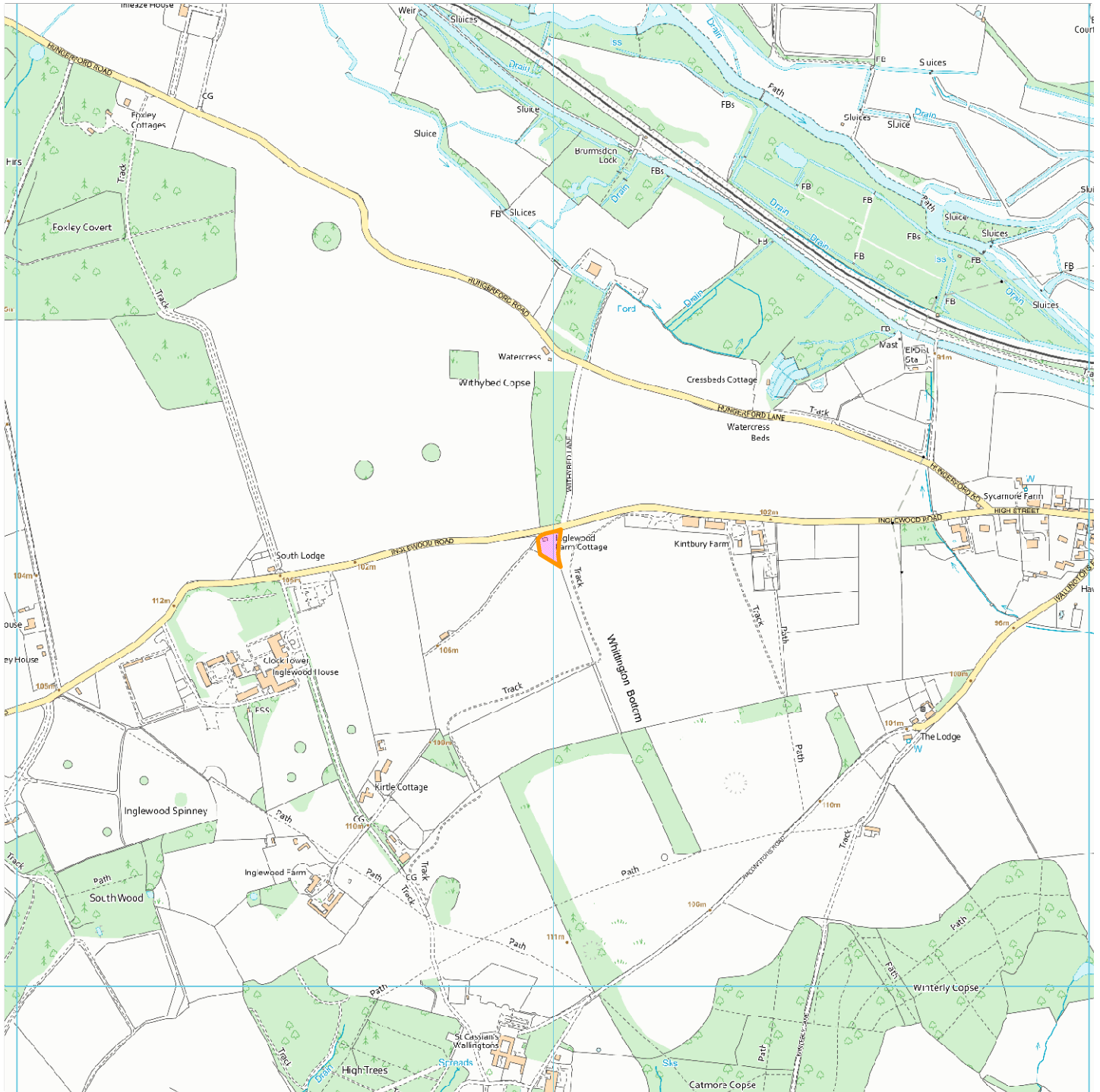
1.	<p>Disproportionate increase in size</p> <p>The application is proposing to replace Inglewood Farm Cottage, with a dwelling which is disproportionate in size and scale to the existing dwelling, and will have an adverse impact on the setting, character and appearance of the site within the wider landscape due to the extent of the dwelling across the site, and the provision of a parking space perpendicular to the existing parking area, which will further open up the road frontage with Templeton Road. The proposed dwelling will be harmful to the setting within the North Wessex Downs Area of Outstanding Natural Beauty due to the change in a character of the dwelling on the site and opened frontage, which is contrary to policy C7 of the Housing site Allocations DPD (2006-2026), and policies ADPP1, ADPP5 CS14 and CS19 of the Core Strategy 2006-2026) and the advice contained within the NPPF (2019) which gives great weight to conserving and enhancing landscape and scenic beauty in the Areas of Outstanding Natural Beauty.</p>
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Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p>CIL</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>

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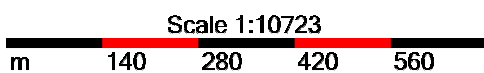
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	23 January 2020
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	19/02820/FULD Newbury Town Council	07/01/2020 ¹	New dwelling on land at 67 Andover Road, Newbury 67 Andover Road Newbury RG14 6JE Mr and Mrs Kane

¹ Extension of time agreed with applicant until 07/02/2020

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02820/FULD>

Recommendation Summary: Delegate to the Head of Development and Planning to **REFUSE** planning permission

Ward Members: Councillor Adrian Abbs
Councillor David Marsh
Councillor Tony Vickers

Reason for Committee Determination: Called in by Ward Member

Committee Site Visit: 30th January 2020

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: sian.cutts@westberks.gov.uk

1. Introduction

1.1 This application seeks planning permission for the erection of a new dwelling on land at No. 67 Andover Road, Newbury.

1.2 The application site forms part of the residential curtilage of No. 67 Andover Road, which is and end of terrace house. The terrace of which No. 67 is a part is a Grade II listed building. It was constructed circa 1784. It is described on the listing schedule as:-

“Circa 1784 symmetrical terrace. Two storeys. End houses double fronted: fenestration 3:2:2:3. Hipped slate roofs. Stucco. Recessed sash windows with glazing bars; ground floor windows of Nos. 63 and 65 with shutters. Recessed doorways with decorated rectangular fanlights, panelled doors and cast-iron trellis porches.”

1.3 The application site forms part of the residential garden, it is situated on the corner of Andover Road and Erleigh Dene. The boundary with Andover Road is defined by a brick wall with timber fencing on top, the boundary with Erleigh Dene is defined by fencing and laurel bushes. The site is adjacent to a grassed area on the corner of Erleigh Dene. The garden land within the site is laid to lawn. The application site includes the parking area outside the residential curtilage.

1.4 Planning permission is sought for the erection of a three bedroom house. The elevations are proposed to utilise a contemporary design approach, with a gable end of the building facing Andover Road. The gables are proposed to be finished in timber, the ground floor side elevations are proposed to be finished in dark grey brick, under a dark grey zinc roof. An oblique window feature is proposed on the south elevation. The proposed dwelling will be set 11.5 metres from the side elevation of No. 67 Andover Road, and set back from the front of the house. A new pedestrian access onto Andover Road is proposed. To the rear of the site, accessed from Erleigh Dene, 4 parking spaces, and one visitor space are proposed along with a cycle shed, using the existing hardstanding area. This is to provide parking for No. 67 Andover Road, and the proposed dwelling. New boundary planning is proposed, and additional landscaping between the existing house and the proposed dwelling. The house is designed to meets Passivhaus standards for sustainable design and build.

2. Planning History

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

Application	Proposal	Decision / Date
88/33419/LBC2	Construction of conservatory	Approved 16/12/1988
88/33418/ADD	Construction of conservatory	Approved 13/12/1988
11/00988/FULD	Detached dwelling on part of garden belonging to 67 Andover Road, Newbury, Berkshire	Refused 13/01/2012
18/03332/HOUSE	Demolition of existing rear conservatory and	Approved

	replacement with new single storey extension	15/02/2019
18/0333/LBC2	Demolition of existing rear conservatory and replacement with new single storey extension	Approved 15/02/2019
19/01730/FULD	New dwelling on land at No. 67 Andover Road, Newbury.	Withdrawn 11/11/2019
19/02820/LBC2	New dwelling on land at No. 67 Andover Road, Newbury.	Withdrawn 11/11/2019

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed on 19th December 2019 on the fencing facing Andover Road; the deadline for representations expired on 10th December 2019. A public notice was displayed in the Newbury Weekly News on 21st November 2019; the deadline for representations expired on 5th December 2019.
- 3.3 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL. The exact amount will be confirmed in the CIL Liability Notice.

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	No objection
WBC Highways:	<p>Six car parking spaces are proposed for both the existing and proposed dwellings; five to the rear and one to the front, all of which are from existing accesses.</p> <p>One electric vehicle charging point should be provided for the proposed new dwelling – minimum of 7kw. Should suitable details be submitted at this stage this will remove the requirement for a pre-commencement condition.</p> <p>A cycle store is proposed which is acceptable.</p>

	<p>Given the proximity of this site to the school, a Construction Method Statement is requested. There must be no deliveries at the start and end of the school day – actual times must be specified within the CMS.</p> <p>The highway recommendation is for conditional approval.</p>
Waste Management	<p>The addition of a further dwelling in this location raises no concerns with regard to the storage and collection of refuse and recycling. Please note however that the area provided for bin storage will not double as a collection point. Bins and recycling containers must be presented at the new property's nearest point to the public highway.</p>
SuD's	<p>No formal advice provided, however advice was provided for the application with regards to the use of SuD's features.</p>
Newbury Society	<p>Object.</p> <p>Detrimental impact on the historic terrace and its setting. The symmetry of the terrace is enhanced by open space at either side of the terrace, and the house at the northern end is a different situation to that now proposed, as it is set back from the terrace and does not detract from it.</p> <p>The Newbury Town Design Statement refers to the area as "garden suburbs" and future development should conserve that atmosphere. This requires protecting existing open and green spaces including garden, and this application reduces that, and reduces the house to garden ratio. Threat to trees from the position of the new house.</p> <p>The design is not appropriate to the location, competes with the terrace, too large for the plot, poor south-west elevation, and disregards the Town Design Statement that development should respect the role Andover Road plays as a gateway to the town.</p>
Newbury Town Council	<p>No objection</p>
Conservation	<p>Object</p> <p>The proposed development will harm the setting of the listed terrace at 61 - 67 Andover Road, but also the character of the Andover Road street scene, by the development of this important corner plot.</p> <p>The separation now proposed between the end terrace and the proposed new dwelling is an improvement on that previously indicated in the previously refused application numbered 11/00988/FULD, but, combined with the contemporary design of the new dwelling, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene, fundamental objections remain with regard to the development of the site. These can be summarised by referring to the importance of the open space in maintaining the symmetry of the listed terrace and its setting, and an over-</p>

	<p>development of a modest, sensitive corner site, also important in street scene terms.</p> <p>It is considered that the design and materials proposed for the new dwelling will compete rather than contrast (as argued in support of the application proposals) and be out of character with the listed terrace and properties in the immediate locality.</p> <p>It is noted that a number of letters of support have been received in respect of this application, but not from the immediate locality, where the consensus is against the proposal.</p>
Trees	No objection subject to conditions being attached to minimise the impact on the trees and replacement planting to ensure a net gain of trees.
Thames Water Utilities	No response received
Access Officer	No response received

Public representations

- 4.2 Representations have been received from 40 contributors, 30 of which support, and 10 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- 4.4 In support:-
- Well considered scheme
 - Effort has been made to maximise the distance between the two dwellings is as great as possible
 - This will be a smart warm new build
 - Will be sympathetic to its surroundings, will not compete with the listed terrace, there is a less sympathetic dwelling at the northern end of the terrace, the white terrace will remain the prominent view as the proposed dwelling is set back and mature planting will screen new house
 - Forward thinking in design and energy consumption, Passivhaus standard
 - Encourage more accommodation within walking distance of town centre
 - The existing terrace has been extended to the rear
 - Access will be from Erleigh Dene, a quiet side road
 - Sufficient garden remains for both houses

- Similar houses have been built in Newbury
- It will fill a need for affordable and suitable housing for young families in the area.
- Makes good use of urban land

4.5 In objection;

- The curtilage of a Grade II listed building is covered by the protection of the building, and paragraph 190 and 194 of the NPPF
- The previous application 11/00998 was refused and the same reasons remain today
- The dwelling would spoil the symmetry of the terrace, which is important in Georgian architecture, and detract from the heritage asset, the house to the north is wholly beyond the terrace and has minimal impact on the façade view, the new house 2 metres from the front wall and will be an imposing and jarring view
- The modern design and proposed materials in dark grey brick and dark grey zinc panels will negatively affect the listed terrace and be contrary to policy CS19, and do not fit in the settled surrounds of Andover Road
- The bungalow to the north was built before the terrace was listed in 1969
- To move the dwelling further away from the terrace requires lowering the ground level and a new retaining wall, and external storage space for No. 67 will be lost, which show extreme measure to artificially minimise the size of the dwelling, there will be pressure for extension and outbuildings in the future
- The harm to the listed building does not outweigh the benefit to housing need
- Loss of garden will make site appear cramped, high density development, contrary to the Newbury Town Plan and characterisation of a “garden suburb”, overdevelopment of a sensitive site
- Parking is unrealistic and uses up the garden, the space identified from Andover Road has never been used
- The parking bay in Erleigh Dene is already full and cars parking on the pavement, and close to the junction, causing hazards for pedestrian with children
- Too close to the trees, harm to roots, trees will require pruning to allow light into the house, landscaping may be removed, it is a green area on a route to the town enjoyed by residents
- The permission to replace the conservatory with an extension may reduce the size of garden for No. 67 and reduce the gap between the two further.

5. Planning Policy

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

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development
- Heritage
- Character and Appearance of the Area
- Highways
- Other matters

Principle of development

6.2 The application site is situated within the settlement boundary for Newbury, where policies ADPP1 and C1 identify that residential development should be situated. Policy ADPP1 states that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. The principle of a dwelling on a site within the settlement boundary of Newbury is acceptable in principle, subject to the consideration of the following site specific matters.

Heritage

6.3 Policy CS19 says that in ensuring the landscape character of the district particular regard will be paid amongst other things to the conservation and, where appropriate the enhancement of heritage assets and their settings. The application site is within the residential curtilage of No. 67 Andover Road which forms part of the Grade II listed terrace, consisting of 61 - 67 Andover Road. The terrace is a later eighteenth century building with a symmetrical Georgian façade, which is further enhanced by the open space on either side of the building. The open space makes an important contribution to the setting of the terrace, and the introduction of built form in this sensitive area would cause harm to the setting of the building by unbalancing this symmetrical terrace. Attention has been brought to the dwelling to the north of the site, No. 59 Andover Road,

this building was constructed at a lower ridge height, and the front elevation is set back from the rear elevation of the terrace, enabling an open view of the side elevation of No. 61 from a northern direction. In contrast, the proposed dwelling is set back two metres from the front elevation of No. 67, and whilst there may be some levelling of the ground, the proposed house is shown on the street view as the ridge being higher than that of the terrace. Whilst some separation of 9 metres extending to 11.6 metres distance is proposed, only glimpsed views will be possible, as the open space which forms part of the setting of the terrace and will be enclosed, and further reduce views of the listed building. Whilst there has been a Victorian extension to the original terrace, this has added symmetry to the building, and is included within the listing of the building. The symmetry of the building is enhanced by the open space at either side of the building, and the enclosure of the southern section, with a house of contrasting design and materials with a gable front and higher ridge, included additional planting along the new curtilage will further unbalance the symmetry, introducing visually discordant design and materials, and will compete visually with the simple elevations and materials of the listed terrace. This will cause harm to the setting of the listed building, contrary to policy CS19 of the Core Strategy and the advice contained within the NPPF.

Character and appearance

- 6.4 Policies CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and the policy goes on to say that considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS19 says that regard will be paid to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The Quality Design SPD Area Focus Statement Andover Road and Newbury Town Design Statement refer to the area as an important gateway to Newbury, and seek to ensure that infill development does not harm neighbourhood quality, and ensuring that opportunities should be taken to retain established landscape features which give a sense of place and definition to the area. As discussed above the proposal will result in the enclosure of the open space which forms the residential curtilage of No. 67 Andover Road. As discussed the proposed dwelling is of a contemporary design with dark grey brick, zinc seam roof, and timber elevations. The prevailing materials within the area, are red bricks, and slate or clay tiled roofs, with the listed terrace providing a contrast with white rendered walls, which are replicated in other locations on Andover Road. The design and materials proposed, within this prominent location rather than contrasting with the simple elevations of the terrace, and the more traditional brick and tiles in the immediate locality will visually compete rather than contrast with the wider area, and will not enable the proposed dwelling to blend sympathetically into the street scene and are out of character with the surroundings.
- 6.5 A number of objections have referred to the loss of trees and vegetation as a result of the proposed house. The application was submitted with an Arboricultural Impact Assessment and a Method Statement Report which the Council's Tree Officer has considered. The Tree Officer was satisfied with the tree protection measures which had been included to ensure that there was minimal impact on the retained trees, with replacement planting proposed to ensure a net gain of trees. These were also considered satisfactory to protect the trees which are outside of the application site and owned by West Berkshire Council.

Highways

- 6.6 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for residential development. The application is proposing to lay a parking area to the south-west of the site, with 4 spaces and a

visitor space accessed from Erleigh Dene, with the retention of one parking space to serve the host dwelling, accessed from an existing driveway off Andover Road. The Highways Officer is satisfied that this arrangement is acceptable, and the cycle store which is proposed is also acceptable. Conditions have been recommended requiring a Construction Method Statement, due to the proximity of the site to St Bartholomew's School to ensure that deliveries take place at the start or end of the school day. In addition a condition is requested to ensure that details of an electric vehicle charging point are submitted and approved, and provided before the dwelling is brought into use.

Other Matters

- 6.7 The application is proposing the construction of an additional dwelling within a residential area, and the curtilage of an existing dwelling. The design of the building is such that oblique window features and separation distances are sufficient to ensure that there will not be overlooking to surrounding houses. In addition there is sufficient amenity space retained for No. 67 Andover Road, and proposed for the proposed dwelling to provide sufficient amenity space to meet the needs of future occupiers in accordance with the guidance set out in the Quality Design SPD. The proposal provides will not be harmful to the living conditions of the future occupiers or those of neighbouring houses.
- 6.8 The application site is within flood zone 1, and the proposal does not increase the risk of flooding on the site or elsewhere. The Council's Drainage Engineer has advised that an informative be added to, with a permission to encourage the use sustainable drainage methods within the site, in accordance with policy CS16.
- 6.9 The application has included an area for storage of waste and recycling to the front of the house. This is considered to be satisfactory where occupants bring the bins to the pavement on collection days.

7. Planning Balance and Conclusion

- 7.1 The application is proposing the erection of a house within the residential curtilage of No. 67 Andover Road which forms part of a Grade II listed building. The proposed siting, design, and external appearance is such that it will be harmful to the setting of the listed building resulting in a discordant feature in the street scene which harms the setting of the building and is detrimental to the street scene and the character and appearance of the this part of Andover Road which is an important gateway to Newbury town centre.
- 7.2 There were representations made in support of the application, with regards to the environmental standards of construction with the aim of the dwelling to meet Passivhaus standards. The building to such a standard would be welcomed in new development, however the benefit of the zero carbon construction and minimal energy use in the running of the building is not sufficient to outweigh the harm that the siting of the dwelling will have on the setting of the listed building, and the impact on the wider character and appearance of the area.
- 7.3 The statements in support of the application have also made reference to the dwelling contributing towards the provision of new housing within the District, and making effective use of an open site within the town. The spatial strategy set out in policy ADPP1 seeks to use previously developed land within the urban areas such as Newbury, however the NPPF definition of previously developed land specifically excludes residential gardens from the definition. Whilst windfall sites such as this make a contribution to the housing land supply, the current supply is in excess of 7.5 years, and so the addition of this additional dwelling would be of negligible benefit to the housing supply, and does not constitute a suitable use of previously developed land.

- 7.4 Whilst there are benefits to this scheme, such as the Passivhaus design and the provision of a dwelling in close proximity to the town centre, potentially reducing the need for the use of the private car, these benefits are not considered to outweigh the harm which has been identified to the setting of the grade II listed building and the character and appearance of the street scene through the enclosure of this important open site, unbalancing the symmetry of Nos. 61 - 67 Andover Road, though the introduction of a building which visually competes with the terrace and introducing visually competing materials and design features, contrary to policy CS19 and the advice contained within the NPPF.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

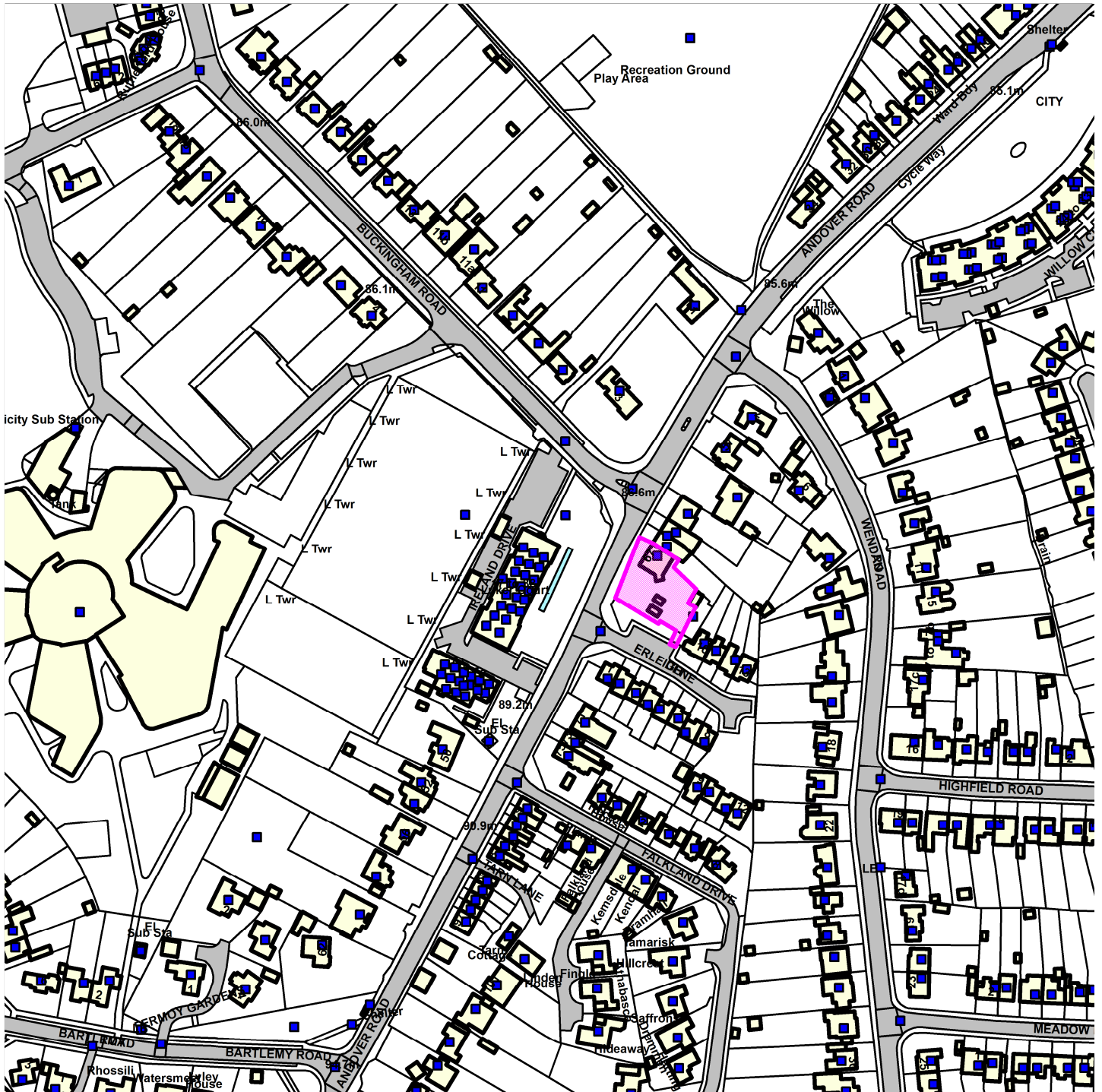
1.	<p>Impact on listed building</p> <p>No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the setting of this listed building by unbalancing this symmetrical terrace. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the advice contained within the NPPF (20219).</p>
2.	<p>Impact on the character and appearance of the area</p> <p>No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building, and the character and appearance of this part of Andover Road which is an important gateway to Newbury. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the character with the listed terrace and the dwellings within the immediate locality, and would be detrimental to the street scene, and the character and appearance of this important gateway to Newbury. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the Quality Design SPD (2006) and the Newbury Town Design Statement (2018)</p>

Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.</p>
2.	<p>CIL</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>

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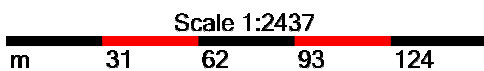


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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	23 January 2020
SLA Number	0100024151

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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	18/00797/OUTMAJ Newbury Town	16 July 2018 ¹	Outline application for demolition of existing Newspaper House and industrial units and redevelopment of the site for 82 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale. Newspaper House and Units Q1 to Q6, Faraday Road, Newbury. Newspaper House Holdings Ltd.

¹ Extension of time agreed with applicant until 29 November 2019.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00797/OUTMAJ>

Recommendation Summary: Delegate to the Head of Development and Planning to refuse planning permission.

Ward Member(s): Councillor J. Beck
Councillor J. Cant

Reason for Committee Determination: Part of the site is on Council owned land and the proposal is a major application.

Committee Site Visit: 30th January 2020

Contact Officer Details

Name: Lydia Mather
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Lydia.Mather@westberks.gov.uk

1. Introduction

- 1.1 The site is in Newbury along the east side of the A339 road between the Robin Hood and Bear Lane/Kings Road roundabouts. A public car park and the Newbury football ground is to the east, the River Kennet/Kennet and Avon Canal is to the south, Victoria Park is beyond the A339 to the west, and the Faraday/London Road industrial estate is to the north and north east.
- 1.2 The planning constraints of the site are:
- it is within the settlement boundary of Newbury;
 - it is within a protected employment area;
 - it is in flood zones 2 and 3;
 - a public right of way NEWB/28/6 and national cycle route runs to the south of the site along the River Kennet and Kennet and Avon canal;
 - the River Kennet is a Site of Special Scientific Interest;
 - it is adjacent to a conservation area to the south and east of the site (to the east the conservation area boundary is the opposite side of the A339 road);
 - it is in an area of potential archaeological interest.
- 1.3 The existing Newspaper House building is understood to be vacant where the printing presses are no longer in use and the office staff are now based in Plot Q. It is understood the majority of the industrial units Q1 to 6 are in use. Elevation drawings of the existing buildings were not submitted. From the submitted location plan and previous planning applications the height and form of the existing buildings are:
- Newspaper House footprint 66 x 34m, from 8 to just over 9 metres high, gable ended rectangular form;
 - Plot Q: footprint 14 x up to 19.5m, 5.9 metres high, gable ended roughly 'L' shape form;
 - Units Q1-6: footprint 46.5 x 20.5m, 5.9 metres high, gable ended rectangular form.
- 1.4 The application seeks planning permission to demolish the existing buildings and redevelop the site for office and residential use. There would be 2 buildings; 1 office blocks and a block of primarily flats. The application is outline with landscaping the only reserved matter.
- 1.5 The block of flats would be 74.4 metres long and 47.4m wide. It would be 'E' shape with a communal garden area between the flats and office building. The ground floor would be for cycle and bin storage and parking. Above this there would be 4 floors of flats.
- 1.6 The section of the building facing the canal would be 7.3m high with a curved wave roof. The section it joins would be 12.6m in height to a flat roof. The part facing the A339 would rise in height to 17.6m, which is also the height of the building facing north. Of the 82 flats there would be 57 market housing, 18 social rented and 7 shared ownership.
- 1.7 The office block would have a footprint of just under 40m by 18.5m. It would be separated from the flats by 11.2m. The office block would be from 3 to 5 storeys in height with flat roofs except that over the 5 storey element which would be curving. The 3 storey sections would be a height of 9.5m, and the 5 storey central element 14.75m. The ground floor would be parking, with the office space stated on the plans and totalling 1,182m².
- 1.8 The materials proposed include brick, timber, render and green planted walls. The roofing is shown on the elevations as dark grey green roofs on the flat roofs.

1.9 Access to the proposed development would be as existing; via the junction on the A339 to the north or the junction off the A4 onto Faraday Road further north. 105 parking spaces are proposed for the flats and 61 spaces for the office block. Cycle and motorcycle spaces are also shown on the plans.

1.10 Planning History

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

Application	Proposal	Decision/Date
18/01234/FUL	Partial change of use of unit Q5 from B1 to A3. Conversion of existing loading bay to create shop front with canopy behind shutter and outside cafe seating area. Vent for extraction system	Approved 2018
18/00792/FUL	Change of use of existing motor dealership (sui generis) to offices (B1(a)) with associated parking.	Approved 2018
14/02983/FUL	Installation of compactor system and associated extract pipework on Newspaper House and adjacent Unit 2 Plot Q.	Approved 2015
14/01190/FUL	Creation of new opening in the rear elevation of unit 2Q and install roller shutter door.	Approved 2014
13/01431/FUL	Change of use of unit Q3 from B1 to boxing gym (D1).	Approved 2013
11/01222/FUL	Approval of change of use from B1 to B2.	Approved 2011
08/01984/FUL	Erection of a raised roof section adjacent to the existing raised roof.	Approved 2008
08/01293/FUL	Erection of a raised roof section adjacent to the existing raised roof.	Approved 2008
04/01651/FUL	Alterations to Newspaper House to enable the installation of new press machinery, including raising part of the roof and associated internal alterations. A new electrical sub-station is also required.	Approved 2004
04/01102/FUL	Alterations to Newspaper House to enable the installation of new press machinery, including raising part of the roof and associated internal alterations. New electrical sub-station.	Approved 2004
145671	Portacabin to be used as temporary office accommodation.	Approved 1995
143931	Construction of extension to enclose new staircase and insertion of additional windows	Approved 1994

	at first floor level.	
119283	Installation of ducted ventilation and air conditioning system for ground floor and first floor offices.	Approved 1983
115693	Erection of 6 light industrial units.	Approved 1981
115219	Extension of existing permitted building to provide 2 no. nursery factory units.	Approved 1981
114427	Erection of a new building to house the Newbury Weekly News.	Approved 1981

2. Procedural Matters

- 2.1 The proposed development and constraints of the site are such that screening is not required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 2.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of a site notice. The deadline for representations expired on 8 June 2018. The application was also publicised in the Newbury Weekly News on 24 May 2018.
- 2.3 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL.

3. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	No objection.
Newbury Society:	Comments on lack of design quality for a prominent site and potential for national importance Mesolithic finds.
Environment Agency:	Initial objection overcome with regard to the submitted flood risk assessment, subject to condition. Comments on sequential test with reference to Planning Inspectorate appeal decision on its assessment, maintenance of voids. Land contamination condition.
Lead Local Flood Authority:	No objection subject to condition.
Planning Policy:	Where the site is in a protected employment area the proposed B1 office development proposed is acceptable, residential

	development in such areas is not although regard will need to be given to other policies and material considerations.
Transport Policy:	The site is sustainably located regarding accessibility for pedestrians, cyclists and public transport, although there is concern for pedestrian personal safety after dark due to limited lighting. Comments on air quality, electric vehicle charging and travel plan.
Archaeology:	Heritage statement does not include archaeology and no record of HER being consulted to produce it. High archaeological potential particularly Mesolithic. A desk based assessment first step is required. Building recording due to the local history of the site also required. (An archaeological assessment was submitted with the subsequent application 19/01281 and the Archaeology comments are that conditions can be applied to secure mitigation for archaeology).
Conservation:	Comments on design that it fails to respond to the character and scale of surrounding industrial park and significant impact on views from A339. No objection on impact on the setting of the Conservation Area.
Local Highway Authority:	Objection due to insufficient parking spaces.
Highways England:	No objection.
Waste Management:	Condition required on details of refuse storage. Comment that the proposed waste collection arrangements for the flats relies on a management move to the collection point which would need to be by 7am on collection day. This is not considered ideal. The waste storage and collection point areas will both need to be of adequate size to accommodate the waste and recycling receptacles for all units. Comment that the Council does not collect commercial waste.
Housing Strategy:	No objection subject to policy compliant affordable housing units to be secured by planning obligation.
Sport England:	Comment that National Planning Policy Framework includes a section on healthy lifestyles and that an assessment needs to be made of whether existing sports facilities have capacity to absorb additional demand from residential development.
Emergency Planning:	Further information requested on whether the blocks will be managed so that actions can be in place to move cars in the event of flooding as well as residents moved out in good time and confirmation from the fire service that the means of escape are acceptable. Concern raised that site may become an island during exceptional flooding and/or flood defences fail which may require residents to leave their properties and be in need of emergency accommodation, and/or residents may become trapped in their property. Flooding risks damage to vehicles and the environment

	if they are required to be moved. Concern how route along blocks to an exit point above flood levels could be safely achieved.
Education:	Education provision expected to be met from Community Infrastructure Levy payments.
Fire Authority:	Possible requirement for fire hydrant, comments on fire safety provisions required by building regulations.
Thames Water:	Comments on foul water sewage, surface water drainage, water network, proximity to water mains, proximity to underground water assets, proximity to public sewers.
Ecology:	Bat foraging and commuting habit surveys required to inform lighting strategy.
Ministry of Defence:	No comments to make.
Tree Officer:	No objection subject to conditions on tree protection, arboricultural method statement and supervision, and landscaping.
Canal and River Trust:	Design concern that roof towards waterway overly dominant, improvements to cycle and right of way through CIL.
Environmental Health:	No objection subject to conditions.
No comments received from:	Access Officer, Police, Tree Officer, Wildlife Trust, Economic Development Officer, Clinical Care and Commissioning, Minerals and Waste.

Public representations

3.2 No representations from the public have been received.

4. Planning Policy

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

- Policies NPPF, ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies ECON.5, TRANS.1, OVS.5, OVS.6, OVS7 and OVS.8, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DfT Manual for Streets
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- Conservation of Habitats and Species Regulation 2017

5. Appraisal

Principle of development

- 5.1 The spatial strategy and settlement hierarchy for development in the District is set out in Core Strategy policy ADPP1. It directs development to within the settlements of the hierarchy and Newbury is listed as an urban area.
- 5.2 With regard to the proposal for residential development, policy ADPP2 in identifying a broad location for housing in Newbury states that there is significant development potential on previously developed land, particularly in the town centre and periphery.
- 5.3 Policy CS1 of the Core Strategy states that new homes will be developed on suitable previously developed or other land within settlement boundaries. Policy C1 of the Housing Site Allocations DPD has a presumption in favour of housing development within the boundaries of the listed settlements which includes Newbury.
- 5.4 The site is considered to be previously developed land; the existing buildings on site are mostly occupied and the site is within an identified protected employment area. In terms of whether the site is suitable for residential development this is generally precluded by being within a protected employment area. However, there are examples of housing granted within it. In the balance of considerations of those permissions was the fact there would be a significant increase in the amount of office and/or employment generating uses which were of particular benefit within the protected employment area and were not considered to conflict with the housing element proposed as part of those schemes.
- 5.5 In this instance the existing footprint on site of the employment uses is 3,170m² (measured from the site plan outline of existing buildings). As existing floor plans haven't been submitted it is not possible to know accurately the extent of any first floor space. The proposed office space, excluding the entrance lobbies and main stairwells, is 1,182m² (the total of each office floor area quoted on the floor plans).
- 5.6 The proposal results in the loss of B class space. It is acknowledged that the proposed buildings would be of better quality but overall are not considered to result in any materially greater employment generation. As such the proposed office development is not sufficient to allow an element of housing as part of a mixed use scheme within the protected employment area.
- 5.7 The main constraint of the site with regard to the principle of housing is that it is within flood zone 3; the highest flood risk zone. The national definition of this flood zone is having a high probability of river flooding of 1 in 100 or greater annual probability. So within 50 years there is a 50% or greater risk of river flooding over this site. (For comparison flood zone 1 is defined as low probability of less than 1 in 1,000 annual probability of river flooding, and flood zone 2 is defined as medium probability of between 1 in 100 and 1 in 1,000 annual probability of river flooding).

- 5.8 The national flood risk vulnerability classification defines offices as a less vulnerable type of development and buildings used for houses as a more vulnerable type of development. National guidance states that office development can be considered appropriate in flood zone 3, whereas housing development can only be appropriate in flood zone 3 if it passes both the sequential test and the exception test. A sequential test assessment and a supplementary one were submitted by the applicant.
- 5.9 The NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from them. The NPPF paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding.
- 5.10 The planning practice guidance outlines at paragraph 019 that the aim of the sequential test for the location of development is to steer development to flood zone 1. Where there are no reasonably available sites in flood zone 1 to consider reasonably available sites in flood zone 2. Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of sites in flood zone 3 be considered.
- 5.11 Where the site is located in flood zone 3 the flooding exception test to the housing element of the proposed development also applies. The NPPF paragraph 160 states that for the exception test to be passed it should be demonstrated both that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The planning practice guidance in paragraph 035 states the exception test should only be applied following application of the sequential test.
- 5.12 Policy CS16 states that the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable alternative sites at a lower flood risk. Furthermore development will only be permitted if it can be demonstrated that through the sequential and exception test (where required) it is demonstrated the benefits of the development to the community outweigh the risk of flooding (as well as other matters).
- 5.13 With regard to the Core Strategy and Housing Site Allocations DPD a level 1 strategic flood risk assessment was undertaken for the whole of the district. The strategic flood risk assessment did not assess this site or the protected employment area it is a part of for housing development. This site has not been allocated for housing and no sequential test for housing has been undertaken for this site as part of the development plan. Nor has the level 1 strategic flood risk assessment undertaken as part of the evidence base for the next Local Plan.
- 5.14 A sequential test was submitted with the application. At 2.13 it states that whilst the site is in flood zone 3 as it benefits from flood defences the risk of flooding is reduced to the equivalent of flood zone 2. However, the planning practice guidance on flood zones is that they ignore the presence of flood defences (they may not be maintained over time). Therefore the starting point of the sequential test that the site is effectively in flood zone 2 is incorrect, it is in flood zone 3.
- 5.15 Guidance on the sequential test states that potential alternative sites are to be identified within a search area agreed with the Local Planning Authority as being suitable for the development sought. The search then reviews allocated sites within the adopted or draft local plan, permissions for the same or similar development on land that has not been allocated for that development, and windfall sites that could be available but aren't

allocated and don't have planning permission. The information to be presented on the potential alternative sites in the submitted sequential test should include their addresses, whether they are allocated or not, issues that might prevent development and if they could be overcome, an estimate of their capacity using the local planning authority density policy, their status under the local plan and supporting documents such as the local plan background, evidence base documents, housing and economic land availability assessments.

- 5.16 In this case the search area was not agreed with the local planning authority in advance of submission of the sequential test. The applicant decided the search area would be the urban areas identified in the Core Strategy of Newbury, Thatcham, and Eastern Urban Area. It did not include rural service centres, service villages or sites outside of settlement boundaries. The applicant's justification of this was that it was due to the proposed development being high density residential development.
- 5.17 The applicant did not include sites which were less than 0.4 hectares with the justification being that this would be smaller than the application site. The applicant also excluded sites within or partly within the following: a Conservation Area or other heritage designation; the setting of a listed building or heritage asset; an Area of Outstanding Natural Beauty; an environmental designation such as a nature reserve; an area of low density housing; adjacent to an incompatible use such as a waste facility; sites within flood zone 2 or 3. Finally sites with full permission or both outline and reserved matters approved and sites where development has commenced were not included due to being unavailable.
- 5.18 With regard to the applicant's identified search area a number of parameters are considered unduly restrictive. Excluding sites in flood zone 2 goes against the sequential test in that such locations are preferable to flood zone 3. Excluding all rural service centres goes against the Council's own allocation processes where a similar amount of housing units have been allocated in Burghfield Common, Hungerford, Lambourn and Theale. Similarly excluding all areas in the Area of Outstanding Natural Beauty means that settlements such as Hungerford and Lambourn are excluded when the Council has allocated land for housing for a similar number of units in these locations.
- 5.19 The Environment Agency gave Planning Inspectorate decision APP/R3650/W/15/3136799 as an example of how to assess whether sequentially preferable sites are available. The Inspector notes that the supply of housing can be a combination of sites capable of delivering a number of houses. It also states that there is no policy or rational basis for considering sites on a 'like for like' basis only, or for excluding sites that fall outside an arbitrary size.
- 5.20 It is for the Local Planning Authority to assess the sequential test. An acceptable site specific flood risk assessment is also not a reason to negate the need or pass a sequential test. This was recently confirmed locally by appeal decision APP/W0340/W/19/3223949.
- 5.21 The submitted sequential test assessment focuses on density of units and affordable housing. It does not consider other planning policies and how the site compares with others for policy compliance against other sustainability objectives of the Core Strategy.
- 5.22 In terms of density the development proposed is very high density at approximately 118 dwellings per hectare. The Council's housing mix policy CS4 outlines that for most locations development will be between 30 and 50 dwellings per hectare, and lower in certain circumstances including in urban areas. Over 50 dwellings per hectare is considered higher density under policy CS4 and may be acceptable in town centres. The strategic sites in the Core Strategy within the main urban area of Newbury were around 40 dwellings per hectare (Newbury Racecourse 1,500 units over 40 hectares,

and Sandford Park 2,000 units over 52.26 hectares). Therefore the submitted sequential test applies a higher density requirement than policy CS4 and is not in accordance with it.

- 5.23 In terms of affordable housing any site over 0.5 hectares for housing or for 10 dwellings or more would be required under policy CS6 to provide affordable housing. Sites within designated rural areas for fewer than 10 dwellings would also be required to provide affordable housing. This proposal includes a policy compliant, but no more than required, level of affordable housing.
- 5.24 It is also noted that sites in the rest of the London Road Industrial Estate, Newbury Business Park and River Park have been excluded on the basis of being in a protected employment area and in flood zone 3. These are the same constraints as the application site.
- 5.25 It is therefore considered that eliminating sites for the following types of reason do not reflect local circumstances relating to the catchment area for housing development for a sequential test: sites in service centres and sites in service centres in the Area of Outstanding Natural Beauty; sites of 0.4 hectares or less; for reasons of density; for reasons of value judgement such as potentially impacting on a conservation area or being unacceptable in a protected employment area unless it can be demonstrated it would conflict with the development plan. If the above types of reason do not exclude sites the submitted sequential test shows that there would be a combination of sites available located in areas of lower flood risk that could provide at least the same number of housing units as this application.
- 5.26 On the basis of the above the proposal is considered to fail the sequential test as there are reasonably available sites appropriate for the housing development in areas of lower risk of flooding. As such the principle of housing in this location is not considered acceptable and this constitutes a reason for refusal.
- 5.27 As the sequential test is not passed the exception test assessment has not been undertaken.
- 5.28 With regard to the proposed office development as the site is within a protected employment area which has undergone strategic flood risk assessment as part of the Core Strategy a sequential test is not required for the proposed office development and as a less vulnerable land use the offices do not require a flooding exception test.
- 5.29 Policy ADPP2 identifies the Faraday Road area as suitable for office development and the site is close to the town centre commercial area where it is only separated from it by the A339. The consultation response from Planning Policy notes that the most recent Economic Development Needs Assessment concludes that there is a continuing demand for office and industrial floor space in West Berkshire.

Housing mix, density and affordable housing

- 5.30 Policy CS4 expects residential development to contribute to delivering a mix of dwelling types and sizes to meet the needs of the community having regard to the area, its accessibility and evidence of housing need. The units would be 33x 1 bedroom, 44x 2 bedroom and 4x 3 bedroom.
- 5.31 The Council's Housing Development Officer was consulted on the proposal but did not comment on the mix of the proposed market housing. Taking the Strategic Housing Market Assessment (SHMA) the recommended housing mix within the Western Berkshire Housing Market Area (of which Newbury is a part) is for 5-10% 1 bedroom,

25-30% 2 bedroom, 40-45% 3 bedroom and 20-25% 4 bedroom. The proposal, would meet the market need almost exclusively of smaller units.

- 5.32 Policy CS4 also requires development to make efficient use of land with greater intensity of development at places with good public transport nodes. Close to such nodes density above 50 dwellings per hectare may be achievable. Otherwise density is to be predominantly between 30-50 dwellings per hectare of family size housing.
- 5.33 The density has been calculated for the site area of the building containing the flats, external bin and parking and amenity space area of roughly 0.6ha. For the 82 units proposed the density would be 136 dwellings per hectare (82 units divided by 0.6 hectares). Newbury as an urban area has public transport provision with buses and a railway station linking further afield to Reading and London. Given the public transport infrastructure in Newbury a higher than 50 dwellings per hectare density could be justifiable under policy CS4, although the proposal would be more than double this.
- 5.34 In accordance with policy CS6 of the Core Strategy the Housing Development Officer advised that 25 units would be required on site for affordable housing which would need to be secured by a planning obligation. Given the issues with the sequential test and that housing in this location is unacceptable in principle the Council has not instructed on a legal agreement.
- 5.35 There are some issues with the proposal in terms of the housing mix, density and affordable housing. As there is a lack of planning obligation to secure the affordable housing the proposal fails to comply with policy CS6. Albeit the Council has not instructed such an obligation this nevertheless constitutes a reason for refusal.

Design and impact on character and appearance of the conservation area

- 5.36 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.
- 5.37 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 5.38 Policy CS 19 relates to the historic environment including conservation areas, and seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 5.39 The Council's Archaeologist was consulted on the application. They note that the site has high archaeological potential, particularly for the Upper Paleolithic and Mesolithic period. An excavation at the former Council offices at Faraday Road in 1997 found an important early Mesolithic hunting site and also lists finds within proximity of the site. Geotechnical work around 10 years ago demonstrated that peat was present on land of Newspaper House. As such an archaeological desk-based assessment is required as a start. Building recording is also necessary due to the historic interest for the town of Newspaper House.
- 5.40 The Council's Conservation Officer was consulted on the application due to the proximity of the conservation area. They advised that whilst the proposal's impact on views from the A339 will be fairly significant, there was limited visibility between the site and the conservation area due to the dense tree cover to the south of the site, which screens

views from the canal; and the tall mature trees lining either side of the A339, which screen views from Victoria Park. They noted that during the winter there would be filtered views of the proposal through the trees, however, given the fact the height of the proposed building is staggered (the height decreases towards the canal) they did not feel that that the proposed buildings would cause any substantial harm to the setting of the conservation area, when viewed from the canal. In terms of views from the park during the winter they felt that that the combination of the distance between the park and the proposal, the depth of the trees which run alongside the south of the park, and the intervening dual carriageway, are sufficient to reduce the impact of the proposal on the setting of Victoria Park. For these reasons they did not feel that the proposal would have a harmful impact on the setting of the conservation area.

- 5.41 However, notwithstanding these comments, from a design perspective they did feel that the application failed to respond to the character and scale of the surrounding industrial park, and would have a significant impact on views from the A339. The Canal and River Trust were consulted on the application and have concerns regarding the impact on the waterway.
- 5.42 In particular they commented that the scale and massing is considerable and results in an overly large appearance in its context which is exacerbated by its considerable length and depth. As such the proposal is considered contrary to design policies.
- 5.43 In terms of the impact on the character of the area the existing built form and pattern of development along the A339 is generally smaller in footprint and height. the larger development of Parkway beyond Victoria Park to the west relates more to the town centre. The proposed buildings would be larger than those within the protected employment area. There are extant permissions for larger buildings along the A339 which are comparable to that proposed. Whilst these are material considerations their completion cannot be assumed. The wider London Road industrial area is identified for redevelopment, but there are no detailed proposals for the area to assess whether the proposal is in line with the aspirations of that regeneration.

Amenity

- 5.44 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. The Supplementary Planning Document Quality Design discusses light and private garden space. The saved OVS policies of the Local Plan on noise and pollution are also applicable.
- 5.45 Environmental Health were consulted on the application. They note that a land contamination desk study has been submitted, and further site investigation is required in order to confirm the mitigation required for future users of the site from previous historic uses and the adjoining former landfill site.
- 5.46 Environmental Health noted that a noise report was submitted with the application. They consider that the noise impacts can be mitigated subject to more details of the specific measures. Conditions are recommended for a noise protection measures condition for both traffic noise and possible air conditioning unit noise from the proposed offices, and a construction method statement.
- 5.47 Comments have been received on possible air quality impacts on future occupiers. Environmental Health were asked to comment on this and they stated it was not considered to be an issue and that the site is outside the Air Quality Management Area further south. No surveys or mitigation has been required by Environmental Health,

although they did note that mechanical ventilation with no openings is proposed on the flats and offices facing the A339

- 5.48 The quality design SPD sets out the private amenity space for new dwellings. For flats of 1 or 2 bedrooms this is 25m² per unit and for 3 bedrooms 40m² to generally be provided as a communal area. For this proposal that would be a total of 2,125m². The area indicated on the plans between the flats and the office block would be 910m². This would be less than half the required provision. It is noted that the site is accessible by the occupiers to Victoria Park via the public right of way under and across the A339. It is therefore considered that a reasonable on site provision has been made.
- 5.49 With regard to overlooking the Quality Design guidance notes that for facing windows a separation distance of at least 21m should be provided. In this instance the protruding sections of the proposed block of flats are less than 21m apart with directly facing balconies and habitable rooms. This would result in an unacceptable and harmful level of overlooking between units. Furthermore, the orientation of the building is such that daylight would be lost to the internal north facing units as the sun starts to move across to the west and due to the proximity of the protruding elements of the block of flats. These impacts are considered to fail to comply with CS14 and the Quality Design SPD.
- 5.50 Due to the separation distance between the office building and the flats there would be a somewhat restricted outlook and less daylight into those north facing flats. However, this is not considered to be harmful where the office building would generally be of lower height.

Highways, access and parking

- 5.51 Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Policy P1 of the Housing Site Allocations DPD outlines the parking provision required for residential development.
- 5.52 Highways were consulted on the application. They reviewed the submitted Transport Assessment and noted some differences in the quoted floor areas for the existing and proposed uses which is an issue for calculating and comparing the traffic impact. With regard to parking for the flats Highways consider the site to fall under zone 2 in policy P1 which would be a total of 133 spaces. 105 spaces are proposed under and outside of the flats building, a shortfall of 28 spaces.
- 5.53 Appendix 5 of the Local Plan outlines parking standards for non-residential uses. For the proposed office buildings a total of 61 spaces are required which would be provided. However, the 19 spaces for the car dealership would need to be retained and not form part of the office quota. Since these comments the building has changed use to offices so this issue is no longer considered a reason for refusal.
- 5.54 There is an area of disagreement regarding the residential parking zone. The map associated with P1 in the Housing Site Allocations DPD in Appendix 2 is small scale showing the whole of the Newbury and Thatcham area. When zoomed in to large scale it shows the zone 1 boundary partly across the site and around the canal where there is little development. The remainder of the London Road Industrial Estate is in zone 2.
- 5.55 Highways and Transport Policy consider that due to the small scale of the original mapping it is an anomaly that part of the industrial estate is within zone 1, and that had not been the intention. An update to the policy maps to correct such anomalies will be made as part of the new local plan.
- 5.56 The applicant has suggested that the application provide a residential parking level that is half zone 1 and half zone 2 due to the site being partly in both zones. Whilst Highways

and Transport Policy understand this rationale they nevertheless feel the appropriate zone for this site is zone 2. As such the development fails to provide adequate parking and is a reason for refusal.

- 5.57 Highways also commented on the layout of the parking spaces and required dimensions of the parking spaces be reviewed to ensure they were adequate, as well provision to be made/shown for disabled parking spaces, and electric vehicle charging points for between 5-10% of the residential spaces. The level of motorcycle and cycle storage shown on the submitted plans is acceptable.
- 5.58 With regard to traffic generation and impact the additional 11 movements at peak times were considered acceptable.
- 5.59 Waste Management have also been consulted on the application. They require plans to demonstrate the bin storage areas and collection point are sufficient for the size and number of refuse and recycling bins required. They also note that the residents' bins will require a management company to move the bins from the stores to the collection point. This will need to be undertaken on the day of collection by 7am and returned to the stores. They raise concern that if this is not undertaken waste will not be collected until the next scheduled collection and that there could be issues with the long term nature of the need for management of residents bins. The swept path of the refuse vehicle to access the collection point is acceptable.
- 5.60 Transport Policy agree that travel plans for the development should be provided as well as vehicle charging points to encourage more sustainable modes of transport. They also request improvements to the pedestrian and cycle links from the site, particularly in the form of lighting at night for pedestrians. These may be provided through CIL receipts.

Flooding and sustainable drainage

- 5.61 Policy CS16 requires a flood risk assessment for sites in flood zones 2 and 3 and there is an adopted Supplementary Planning Document on Sustainable Drainage. Where the site is in flood zones 2 and 3 a flood risk assessment was submitted with the application on which the Environment Agency, Local Lead Flood Authority, and Emergency Planning have been consulted.
- 5.62 The Environment Agency initially objected to the proposal. Additional information was submitted which the Environment Agency was consulted on and they have withdrawn their initial objection, subject to a condition on the flood risk assessment. They note that the vents need to be clear of obstruction which could be conditioned and potential land contamination.
- 5.63 The flood authority are satisfied with the design principles of the drainage strategy subject to condition.
- 5.64 The Council's Emergency Planning have concerns that the site could become an island in the event of exceptional flooding or the flood defences in the area fail. In which scenarios the residents could either be unable to stay in their properties resulting in a need for over 170 people requiring emergency temporary accommodation, and/or residents becoming trapped in their properties and requiring rescue. It is noted that due to the location of the flats on higher floors there would not be anticipated to be recovery work to the flats after such a flood event.
- 5.65 The management of vehicles parked in the undercroft where they may be damaged or require to be moved in the event of flooding, as well as more information on the details of the safe route along all blocks to an exit point above flood level, are issues raised by Emergency Planning.

- 5.66 The Fire Authority commented on the possible need for a fire hydrant, access and layout for fire fighting and safety in line building regulations, but not access and egress in the event of flooding.

Biodiversity

- 5.67 The Council's Ecologist commented on the submitted phase 1 ecological assessment in particular that further survey was required of bats to be able to inform full mitigation requirements including external lighting. The subsequent application included an updated ecological report was submitted with the application. Measures on external lighting, bird nesting boxes, reptile precautions during development, protective fencing for retained habitat, and measures to prevent pollution into the Kennet and Avon are recommended to mitigate potential impacts on protected species. In terms of enhancements additional bird and bat boxes, and native species planting in the landscaping are recommended. These measures can be secured by conditions and meet the requirement of policy CS17 to provide biodiversity enhancements.

Green infrastructure

- 5.68 Policy CS 18 of the Core Strategy requires green infrastructure such as tree protection orders and public rights of way to be conserved by development. There is National Cycle Route 4 and a public right of way between the site and the Kennet and Avon canal.
- 5.69 Both Transport Policy and the Canal and River Trust seek improvements to the pedestrian and cycle links from the increase in use from the development. These could be funded from CIL receipts.

6. Planning Balance and Conclusion

- 6.1 The principle of the proposed office development is acceptable where the site is located in an area identified for regeneration including offices. The principle of the proposed residential development is not considered acceptable. Taking this application on its own merits the residential development fails the flooding sequential test where it is located in higher risk flood zone 3 and there are other suitable alternative available sites for housing development at lower risk of flooding. This attracts substantial weight against the proposal.
- 6.2 Emergency Planning have not provided detailed comments to be able to confirm there is safe access and exit in the event of a flood.
- 6.3 Issues have been raised by consultees on a number of matters: design; overlooking; and parking provision. As it is considered that the sequential test cannot be overcome additional information and amended plans on these other issues was not sought by the Planning Authority. Whilst some of the other issues might be capable of being overcome they constitute reasons for refusal.
- 6.4 Under the ordinary planning balance of the National Planning Policy Framework there would be some benefit of modern office space within a protected employment area on the edge of the town centre which could generate employment. However, this benefit is limited by the fact there would be an overall net loss of employment floor space. The drainage strategy could improve that of the existing development on site as could the biodiversity enhancements. The main benefit would be the provision of housing and affordable housing which would attract significant weight.

- 6.5 Weighing against the development are the design in terms of the height and massing of the block of flats, the overlooking between units, and the lack of sufficient parking on site. Weighing substantially against the proposal is the housing in flood zone 3 when there are other suitable alternative available sites for housing development at lower risk of flooding.
- 6.6 Overall, the benefits do not outweigh the substantial harm and conflict with policy identified. Therefore, having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application fails to comply with the development plan and is recommended for refusal.
- 6.7 The tilted balance of paragraph 11d of the National Planning Policy Framework is not considered to be engaged where there are relevant and up-to-date policies to determine the application. Notwithstanding this even if the tilted balance were engaged the National Planning Policy Framework is clear that more vulnerable land uses such as housing should be located in areas of least risk of flooding. There is sufficient land available within areas of lower flood risk for housing development in the District over the development plan period.
- 6.8 The National Planning Policy Framework is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Conditions should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. A number of conditions have been identified. However, there are no conditions which can be applied to enable housing development on this site.

7. Full Recommendation

- 7.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Reasons

- 7.2 The proposed residential development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The search area and methodology of the submitted sequential test are not accepted. As such it fails the flooding sequential test contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, the Planning Practice Guidance.
- 7.3 The proposed block of flats fails to demonstrate high quality design. The scale and massing result in an overly large within its context, imposing and dominant impact on the surrounding development and street scene. As such the proposed development is contrary to Policies CS14 and CS19 of the West Berkshire District Core Strategy 2006-2026, the Quality Design Supplementary Planning Document 2006, and the National Planning Policy Framework 2019.
- 7.4 The proposed development would result in direct overlooking into habitable rooms within the north and south facing internal elevations of the proposed block of flats which are less than 21m apart. These flats would also experience a lack of daylight in the afternoons due to their orientation and separation distance. As such the proposed development is contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026,

the Quality Design Supplementary Planning Document 2006, and the National Planning Policy Framework 2019.

- 7.5 The proposed development would result in a shortfall of parking on site contrary to policy P1 of the Housing Site Allocations Development Plan Document 2006-2026, and the National Planning Policy Framework 2019.
- 7.6 The application fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework 2019.

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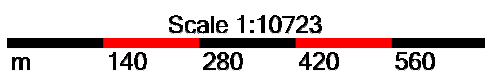
Map Centre Coordinates :

Scale : 1:10723

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	23 January 2020
SLA Number	0100024151



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Agenda Item 4.(4)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4)	19/01281/OUTMAJ Newbury Town	9 September 2019 ¹	Outline application for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale. Newspaper House, Plot Q and Units Q1 to Q6, Faraday Road, Newbury. Newspaper House Holdings Ltd.

¹ Extension of time agreed with applicant until 29 November 2019.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01281/OUTMAJ>

Recommendation Summary: Delegate to the Head of Development and Planning to refuse planning permission.

Ward Member(s): Councillor J. Beck
Councillor J. Cant

Reason for Committee Determination: Part of the site is on Council owned land and the proposal is a major application.

Committee Site Visit: 30th January 2020

Contact Officer Details

Name: Lydia Mather
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Lydia.Mather@westberks.gov.uk

1. Introduction

- 1.1 The site is in Newbury along the east side of the A339 road between the Robin Hood and Bear Lane/Kings Road roundabouts. A public car park and the Newbury football ground is to the east, the River Kennet/Kennet and Avon Canal is to the south, Victoria Park is beyond the A339 to the west, and the Faraday/London Road industrial estate is to the north and north east.
- 1.2 The planning constraints of the site are:
- it is within the settlement boundary of Newbury;
 - it is within a protected employment area;
 - it is in flood zone 3;
 - a public right of way NEWB/28/6 and national cycle route runs to the south of the site along the River Kennet and Kennet and Avon canal;
 - the River Kennet is a Site of Special Scientific Interest;
 - it is adjacent to a conservation area to the south and east of the site (to the east the conservation area boundary is the opposite side of the A339 road);
 - it is in an area of potential archaeological interest.
- 1.3 The existing Newspaper House building is understood to be vacant where the printing presses are no longer in use and the office staff are now based in Plot Q. It is understood the majority of the industrial units Q1 to 6 are in use. Elevation drawings of the existing buildings were not submitted. From the submitted location plan and previous planning applications the height and form of the existing buildings are:
- Newspaper House footprint 66 x 34m, from 8 to just over 9 metres high, gable ended rectangular form;
 - Plot Q: footprint 14 x up to 19.5m, 5.9 metres high, gable ended roughly 'L' shape form;
 - Units Q1-6: footprint 46.5 x 20.5m, 5.9 metres high, gable ended rectangular form.
- 1.4 The application seeks planning permission to demolish the existing buildings and redevelop the site for office and residential use. There would be 3 buildings; 2 office blocks, and a block of primarily flats and some office space. The application is outline with landscaping the only reserved matter.
- 1.5 The block of flats would be 71.8 metres long and 45.3m wide. It would be roughly 'c' shape with a semi-enclosed courtyard of 16.3 by 40.5m. The ground floor would be for cycle and bin storage and parking. Above this there would be 2 offices at first and second floor level orientated towards the football ground. The remainder of the first floor and above would be the 71 flats.
- 1.6 The section of the building facing the canal would be 9m high with a curved roof. The section it joins would be over 12m in height to a flat roof which would be the same as the roof on the inner 'c' part on the elevation towards the football ground. The part facing the A339 would rise in height to 18.7m, which is also the height of much of the building facing north. The building would house a total of 71 flats; 24x 1 bedroom, 43x 2 bedroom, 4x 3 bedroom. Of these 12x 1 bedroom and 9x 2 bedroom would be affordable.
- 1.7 Proposed office block 1 would have a footprint of just under 39m by just over 18m. It would be separated from the flats by 13.75m, and from office block 2 by approximately 15.5m. Office block 1 would be from 3 to 5 storeys in height with flat roofs except that over the 5 storey element which would be slightly curving mono-pitched. The 3 storey sections would be a height of 10m, and the 5 storey central element 17.5m. The ground floor would be parking, with the office space stated on the plans and totalling 1,698m².

- 1.8 Proposed office block 2 would have a footprint of 36.5m by just over 18m. It would be 3 storeys, from just over 10m to approximately 13m with flat roofs with the exception of a slightly curving mono-pitched roof. The ground floor would be parking, with the office space above stated on the plans and totalling 1,154m².
- 1.9 The materials proposed include red/orange brick, timber and render. The roofing is shown on the elevations as dark grey along with the fenestration on the office blocks.
- 1.10 Access to the proposed development would be as existing; via the junction on the A339 to the north or the junction off the A4 onto Faraday Road further north. 201 parking spaces are proposed, 105 on the ground floor and outside the block of flats building, and 96 on the ground floor and outside the blocks of offices. Cycle and motorcycle spaces are also shown on the plans.
- 1.11 Planning History
- 1.12 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision/Date
18/00797/OUTMAJ	Outline permission for demolition of existing Newspaper House and industrial units and redevelopment of the site for 82 flats and office accommodation together with parking and associated works. Matters to be considered: Access, Appearance, Layout and Scale.	Undetermined
18/01234/FUL	Partial change of use of unit Q5 from B1 to A3. Conversion of existing loading bay to create shop front with canopy behind shutter and outside cafe seating area. Vent for extraction system	Approved 2018
18/00792/FUL	Change of use of existing motor dealership (sui generis) to offices (B1(a)) with associated parking.	Approved 2018
14/02983/FUL	Installation of compactor system and associated extract pipework on Newspaper House and adjacent Unit 2 Plot Q.	Approved 2015
14/01190/FUL	Creation of new opening in the rear elevation of unit 2Q and install roller shutter door.	Approved 2014
13/01431/FUL	Change of use of unit Q3 from B1 to boxing gym (D1).	Approved 2013
11/01222/FUL	Approval of change of use from B1 to B2.	Approved 2011
08/01984/FUL	Erection of a raised roof section adjacent to the existing raised roof.	Approved 2008
08/01293/FUL	Erection of a raised roof section adjacent to the existing raised roof.	Approved 2008

04/01651/FUL	Alterations to Newspaper House to enable the installation of new press machinery, including raising part of the roof and associated internal alterations. A new electrical sub-station is also required.	Approved 2004
04/01102/FUL	Alterations to Newspaper House to enable the installation of new press machinery, including raising part of the roof and associated internal alterations. New electrical sub-station.	Approved 2004
145671	Portacabin to be used as temporary office accommodation.	Approved 1995
143931	Construction of extension to enclose new staircase and insertion of additional windows at first floor level.	Approved 1994
119283	Installation of ducted ventilation and air conditioning system for ground floor and first floor offices.	Approved 1983
115693	Erection of 6 light industrial units.	Approved 1981
115219	Extension of existing permitted building to provide 2 no. nursery factory units.	Approved 1981
114427	Erection of a new building to house the Newbury Weekly News.	Approved 1981

2. Procedural Matters

- 2.1 The proposed development and constraints of the site are such that screening is not required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 2.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of a site notice. The deadline for representations expired on 29 July 2019. The application was also publicised in the Newbury Weekly News on 20 June 2019.
- 2.3 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL.

3. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	No objection, comment on more information on air quality and noise pollution being required due to proximity to A339.
Newbury Society:	Comments on lack of design quality for a prominent site adjacent to a Conservation Area, the A339 road, and the Kennet and Avon canal, as well as a comment that the full level of affordable housing should be provided.
Environment Agency:	Initial objection to submitted flood risk assessment for not demonstrating the proposed voids would compensate for the lack of adequate flood plain storage. Comments on the flooding sequential test and safe access/egress requirements under the National Planning Policy Framework. Additional information on the flood risk assessment resulted in no objection subject to condition.
Thames Water:	No objection with regard to foul water drainage. Comments regarding proximity to public sewers, underground water assets, and water mains. Comment that the existing water network infrastructure is unable to accommodate the needs for the development proposed and a condition is required for upgrades to the infrastructure to be made.
Lead Local Flood Authority:	Comment on clarification required on groundwater flood risk mitigation. With regard to drainage strategy the discharge rate should be as close as possible to the 1:1 year Greenfield rate not 1:100. The membrane depth is questioned due to the risk of a high ground water level. Additional information submitted resulted in no objection subject to condition.
Canal and River Trust:	No objection to the design due to the distance from the navigation of the canal, but comment that the proposal does not impact positively on views from the canal or Conservation Area and comment the elevation facing the park and canal is of low quality design and not the quality of design expected of a prominent site. Comment that the frontage will be well used by pedestrians and cyclists to access the town centre and other facilities and should be improved via Community Infrastructure Levy or Section 106.
Planning Policy:	Where the site is in a protected employment area the proposed B1 office development proposed is acceptable, residential development in such areas is not although regard will need to be given to other policies and material considerations.
Transport Policy:	The site is sustainably located regarding accessibility for pedestrians, cyclists and public transport, although there is concern for pedestrian personal safety after dark due to limited lighting. Conditions required for travel plans and electric vehicle charging points.
Archaeology:	Submitted desk top survey indicates further archaeological work is required which can be secured by condition.

Conservation:	Comments on design regarding improvements on previous scheme. No objection on impact on the setting of the Conservation Area.
Local Highway Authority:	<p>Comments that the predicted increase in vehicle movements would be onto an already congested local road network and requires traffic modelling to be undertaken. Comment on the under provision of car parking spaces and that the plans appear to show inadequate sizing of car parking spaces. The cycle storage plans submitted are acceptable.</p> <p>Amended plans and additional information submitted resulted in no objection subject to conditions.</p>
Highways England:	No objection. Comment that the ownership, maintenance and responsibility for the operation of the A339 is now under the local highway authority.
Waste Management:	Condition required on details of refuse storage. Comment that the proposed waste collection arrangements for the flats relies on a management move to the collection point which would need to be by 7am on collection day. This is not considered ideal. The waste storage and collection point areas will both need to be of adequate size to accommodate the waste and recycling receptacles for all units. Comment that the Council does not collect commercial waste.
Housing Strategy:	Policy compliant affordable housing units required are 15 units for social rent and 6 shared ownership. The affordable units should be situated in part of a block with its own core and entrance. The units are required to comply with the Nationally Described Space Standards.
Sport England:	Comment that National Planning Policy Framework includes a section on healthy lifestyles and that an assessment needs to be made of whether existing sports facilities have capacity to absorb additional demand from residential development.
Emergency Planning:	<p>Further information requested on whether the blocks will be managed so that actions can be in place to move cars in the event of flooding as well as residents moved out in good time and confirmation from the fire service that the means of escape are acceptable.</p> <p>Concern raised that site may become an island during exceptional flooding and/or flood defences fail which may require residents to leave their properties and be in need of emergency accommodation, and/or residents may become trapped in their property. Flooding risks damage to vehicles and the environment if they are required to be moved. Concern how route along blocks to an exit point above flood levels could be safely achieved.</p>
Education:	Education provision expected to be met from Community Infrastructure Levy payments.
No Comments	Access Officer, Police, Tree Officer, Environmental Health, Fire Authority, Wildlife Trust, Economic Development Officer, Ministry

Received:	of Defence, Ecology, Clinical Care and Commissioning, Minerals and Waste.
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Public representations

3.2 No representations from the public have been received.

4. Planning Policy

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

- Policies NPPF, ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies ECON.5, TRANS.1, OVS.5, OVS.6, OVS7 and OVS.8, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DfT Manual for Streets
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- Conservation of Habitats and Species Regulation 2017

5. Appraisal

Principle of development

5.1 The spatial strategy and settlement hierarchy for development in the District is set out in Core Strategy policy ADPP1. It directs development to within the settlements of the hierarchy and Newbury is listed as an urban area.

5.2 With regard to the proposal for residential development, policy ADPP2 in identifying a broad location for housing in Newbury states that there is significant development potential on previously developed land, particularly in the town centre and periphery.

5.3 Policy CS1 of the Core Strategy states that new homes will be developed on suitable previously developed or other land within settlement boundaries. Policy C1 of the Housing Site Allocations DPD has a presumption in favour of housing development within the boundaries of the listed settlements which includes Newbury.

5.4 The site is considered to be previously developed land; there are existing buildings on site most of which are occupied and the site is within an identified protected employment

area. In terms of whether the site is suitable for residential development this is generally precluded by being within a protected employment area. However, there are examples of housing granted within it. In the balance of considerations of those permissions was the fact there would be a significant increase in the amount of office and/or employment generating uses which were of particular benefit within the protected employment area and were not considered to conflict with the housing element proposed as part of those schemes.

- 5.5 In this instance the existing footprint on site of the employment uses is 3,460m² (measured from the site plan outline of existing buildings). As existing floor plans haven't been submitted it is not possible to know accurately the extent of any first floor space. The proposed office space, excluding the entrance lobbies and main stairwells, is 3,348m² (the total of each office floor area quoted on the floor plans).
- 5.6 This is not considered to represent a significant increase in B class use floor space in comparison to other permissions in the protected employment area. It is acknowledged that the proposed buildings would be of better quality and as such may increase the employment generation of the site. This may be sufficient to allow an element of housing as part of a mixed use scheme, where the site is on the edge of the protected employment area.
- 5.7 Notwithstanding the potential for an element of housing within a protected employment area, the main constraint of the site with regard to the principle of housing is that it is within flood zone 3; the highest flood risk zone. The national definition of this flood zone is having a high probability of river flooding of 1 in 100 or greater annual probability. So within 50 years there is a 50% or greater risk of river flooding over this site. (For comparison flood zone 1 is defined as low probability of less than 1 in 1,000 annual probability of river flooding, and flood zone 2 is defined as medium probability of between 1 in 100 and 1 in 1,000 annual probability of river flooding).
- 5.8 The national flood risk vulnerability classification defines offices as a less vulnerable type of development and buildings used for houses as a more vulnerable type of development. National guidance states that office development can be considered appropriate in flood zone 3, whereas housing development can only be appropriate in flood zone 3 if it passes both the sequential test and the exception test. A sequential test assessment and a supplementary one were submitted by the applicant.
- 5.9 The NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from them. The NPPF paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding.
- 5.10 The planning practice guidance outlines at paragraph 019 that the aim of the sequential test for the location of development is to steer development to flood zone 1. Where there are no reasonably available sites in flood zone 1 to consider reasonably available sites in flood zone 2. Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of sites in flood zone 3 be considered.
- 5.11 Where the site is located in flood zone 3 the flooding exception test to the housing element of the proposed development also applies. The NPPF paragraph 160 states that for the exception test to be passed it should be demonstrated both that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible,

will reduce flood risk overall. The planning practice guidance in paragraph 035 states the exception test should only be applied following application of the sequential test.

- 5.12 Policy CS16 states that the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable alternative sites at a lower flood risk. Furthermore development will only be permitted if it can be demonstrated that through the sequential and exception test (where required) it is demonstrated the benefits of the development to the community outweigh the risk of flooding (as well as other matters).
- 5.13 With regard to the Core Strategy and Housing Site Allocations DPD a level 1 strategic flood risk assessment was undertaken for the whole of the district. The strategic flood risk assessment did not assess this site or the protected employment area it is a part of for housing development. This site has not been allocated for housing and no sequential test for housing has been undertaken for this site as part of the development plan. Nor has the level 1 strategic flood risk assessment undertaken as part of the evidence base for the next Local Plan.
- 5.14 A sequential test was submitted with the application. At 2.13 it states that whilst the site is in flood zone 3 as it benefits from flood defences the risk of flooding is reduced to the equivalent of flood zone 2. However, the planning practice guidance on flood zones is that they ignore the presence of flood defences (they may not be maintained over time). Therefore the starting point of the sequential test that the site is effectively in flood zone 2 is incorrect, it is in flood zone 3.
- 5.15 Guidance on the sequential test states that potential alternative sites are to be identified within a search area agreed with the Local Planning Authority as being suitable for the development sought. The search then reviews allocated sites within the adopted or draft local plan, permissions for the same or similar development on land that has not been allocated for that development, and windfall sites that could be available but aren't allocated and don't have planning permission. The information to be presented on the potential alternative sites in the submitted sequential test should include their addresses, whether they are allocated or not, issues that might prevent development and if they could be overcome, an estimate of their capacity using the local planning authority density policy, their status under the local plan and supporting documents such as the local plan background, evidence base documents, housing and economic land availability assessments.
- 5.16 In this case the search area was not agreed with the local planning authority in advance of submission of the sequential test. The applicant decided the area they would search would be the urban areas identified in the Core Strategy of Newbury, Thatcham, and Eastern Urban Area. It did not include rural service centres, service villages or sites outside of settlement boundaries. The applicant's justification of this was that it was due to the proposed development being high density residential development.
- 5.17 The applicant did not include sites which were less than 0.4 hectares with the justification being that this would be smaller than the application site. The applicant also excluded sites within or partly within the following: a Conservation Area or other heritage designation; the setting of a listed building or heritage asset; an Area of Outstanding Natural Beauty; an environmental designation such as a nature reserve; an area of low density housing; adjacent to an incompatible use such as a waste facility; sites within flood zone 2 or 3. Finally sites with full permission or both outline and reserved matters approved and sites where development has commenced were not included due to being unavailable.

- 5.18 With regard to the applicant's identified search area a number of parameters are considered unduly restrictive. Excluding sites in flood zone 2 goes against the sequential test in that such locations are preferable to flood zone 3. Excluding all rural service centres goes against the Council's own allocation processes where a similar amount of housing units have been allocated in Burghfield Common, Hungerford, Lambourn and Theale. Similarly excluding all areas in the Area of Outstanding Natural Beauty means that settlements such as Hungerford and Lambourn are excluded when the Council has allocated land for housing for a similar number of units in these locations.
- 5.19 The Environment Agency, in its comments on application 18/00797 gave Planning Inspectorate decision APP/R3650/W/15/3136799 as an example of how to assess whether sequentially preferable sites are available. The Inspector notes that the supply of housing can be a combination of sites capable of delivering a number of houses. It also states that there is no policy or rational basis for considering sites on a 'like for like' basis only, or for excluding sites that fall outside an arbitrary size.
- 5.20 It is for the Local Planning Authority to assess the sequential test. An acceptable site specific flood risk assessment is also not a reason to negate the need or pass a sequential test. This was recently confirmed locally by appeal decision APP/W0340/W/19/3223949.
- 5.21 The submitted sequential test assessment focuses on density of units and affordable housing. It does not consider other planning policies and how the site compares with others for policy compliance against other sustainability objectives of the Core Strategy.
- 5.22 In terms of density the development proposed is very high density at approximately 118 dwellings per hectare. The Council's housing mix policy CS4 outlines that for most locations development will be between 30 and 50 dwellings per hectare, and lower in certain circumstances including in urban areas. Over 50 dwellings per hectare is considered higher density under policy CS4 and may be acceptable in town centres. The strategic sites in the Core Strategy within the main urban area of Newbury were around 40 dwellings per hectare (Newbury Racecourse 1,500 units over 40 hectares, and Sandford Park 2,000 units over 52.26 hectares). Therefore the submitted sequential test applies a higher density requirement than policy CS4 and is not in accordance with it.
- 5.23 In terms of affordable housing any site over 0.5 hectares for housing or for 10 dwellings or more would be required under policy CS6 to provide affordable housing. Sites within designated rural areas for fewer than 10 dwellings would also be required to provide affordable housing. This proposal includes a policy compliant, but no more than required, level of affordable housing.
- 5.24 It is also noted that sites in the rest of the London Road Industrial Estate, Newbury Business Park and River Park have been excluded on the basis of being in a protected employment area and in flood zone 3. These are the same constraints as the application site.
- 5.25 It is therefore considered that eliminating sites for the following types of reason do not reflect local circumstances relating to the catchment area for housing development for a sequential test: sites in service centres and sites in service centres in the Area of Outstanding Natural Beauty; sites of 0.4 hectares or less; for reasons of density; for reasons of value judgement such as potentially impacting on a conservation area or being unacceptable in a protected employment area unless it can be demonstrated it would conflict with the development plan. If the above types of reason do not exclude sites the submitted sequential test shows that there would be a combination of sites available located in areas of lower flood risk that could provide at least the same number of housing units as this application.

- 5.26 The supplementary sequential test assessment which was submitted changed the search area without agreement with the local planning authority to only Newbury. According to paragraph 2.2 this is to limit the area to the housing market area. However, a housing market area isn't the same as a development plan policy area. The strategic housing market assessment identifies the housing market area as being across Council boundaries. The supplementary assessment again excludes sites in flood zone 2 which are sequentially preferable to sites in flood zone 3. It also added an exclusion of those applications with only outline permission whereas the original excluded those with outline and reserved matters.
- 5.27 The supplementary sequential test assessment identifies 3 sites which could be suitable alternatives totalling 32 units. Site NEW073 for 20 units was discounted for being in flood zone 2, and NEW046 for 75 units was discounted for having outline permission. This was granted in 2017 and no reserved matters has been submitted to date. The Council's Strategic Housing Land Availability Assessment states that the site is available, but the supplementary sequential test states that it isn't without any explanation. Lastly the allocated site of Sandleford which has neither outline nor full permission is not included in the assessment. It was excluded in the original sequential test assessment due to density, which as discussed above is not considered to accord with policy CS4.
- 5.28 On the basis of the above the proposal is considered to fail the sequential test as there are reasonably available sites appropriate for the housing development in areas of lower risk of flooding. As such the principle of housing in this location is not considered acceptable and this constitutes a reason for refusal.
- 5.29 As the sequential test is not passed the exception test assessment has not been undertaken.
- 5.30 With regard to the proposed office development as the site is within a protected employment area which has undergone strategic flood risk assessment as part of the Core Strategy a sequential test is not required for the proposed office development and as a less vulnerable land use the offices do not require a flooding exception test.
- 5.31 Policy ADPP2 identifies the Faraday Road area as suitable for office development and the site is close to the town centre commercial area where it is only separated from it by the A339. The consultation response from Planning Policy notes that the most recent Economic Development Needs Assessment concludes that there is a continuing demand for office and industrial floor space in West Berkshire.

Housing mix, density and affordable housing

- 5.32 Policy CS4 expects residential development to contribute to delivering a mix of dwelling types and sizes to meet the needs of the community having regard to the area, its accessibility and evidence of housing need. The market housing proposed is 12x 1 bedroom, 34x 2 bedroom and 4x 3 bedroom. The affordable housing proposed is 12x 1 bedroom and 9x 2 bedroom.
- 5.33 The Council's Housing Development Officer was consulted on the proposal but did not comment on the mix of the proposed market housing. Taking the Strategic Housing Market Assessment (SHMA) the recommended housing mix within the Western Berkshire Housing Market Area (of which Newbury is a part) is for 5-10% 1 bedroom, 25-30% 2 bedroom, 40-45% 3 bedroom and 20-25% 4 bedroom. The proposal, would meet the market need almost exclusively of smaller units.
- 5.34 Policy CS4 also requires development to make efficient use of land with greater intensity of development at places with good public transport nodes. Close to such nodes density

above 50 dwellings per hectare may be achievable. Otherwise density is to be predominantly between 30-50 dwellings per hectare of family size housing.

- 5.35 The density has been calculated for the site area of the building containing the flats, external bin and parking and amenity space area of roughly 0.6ha. For the 71 units proposed the density would be 118 dwellings per hectare (71 units divided by 0.6 hectares). Newbury as an urban area has public transport provision with buses and a railway station linking further afield to Reading and London. Given the public transport infrastructure in Newbury a higher than 50 dwellings per hectare density could be justifiable under policy CS4, although the proposal would be approximately more than double this.
- 5.36 In accordance with policy CS6 of the Core Strategy the Housing Development Officer advised that 21 units would be required on site for affordable housing and they state the required ratio would be 10x 1 bedroom, 7x 2 bedroom and 4x 3 bedroom. This differs from the proposed 12x 1 bedroom and 9x 2 bedroom stated on the application form. Assuming that the applicant is willing to accept the mix of affordable housing outlined by the Housing Development Officer to meet the identified need, the affordable housing would need to be secured by a planning obligation. Given the issues with the sequential test and that housing in this location is unacceptable in principle the Council has not instructed on a legal agreement.
- 5.37 There are some issues with the proposal in terms of the housing mix, density and affordable housing. As there is a lack of planning obligation to secure the affordable housing the proposal fails to comply with policy CS6. Albeit the Council has not instructed such an obligation this nevertheless constitutes a reason for refusal.

Design and impact on character and appearance of the conservation area

- 5.38 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.
- 5.39 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 5.40 Policy CS 19 relates to the historic environment including conservation areas, and seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 5.41 The Council's Archaeologist was consulted on the application. In their consultation response to the previous application the Council's Archaeologist noted that the site has high archaeological potential, particularly for the Upper Paleolithic and Mesolithic period. An excavation at the former Council offices at Faraday Road in 1997 found an important early Mesolithic hunting site and also lists finds within proximity of the site. Geotechnical work around 10 years ago demonstrated that peat was present on land of Newspaper House.
- 5.42 With this application the Council's Archaeologist advises that a 2018 archaeological desk-based assessment has been submitted. The assessment notes that due to the archaeological potential further investigation is necessary and the Council's Archaeologist recommends a condition to secure this. Building recording is also necessary due to the historic interest for the town of Newspaper House.

- 5.43 The Council's Conservation Officer was consulted on the application due to the proximity of the conservation area. On assessing the previous application they advised that whilst the proposal's impact on views from the A339 will be fairly significant, there was limited visibility between the site and the conservation area due to the dense tree cover to the south of the site, which screens views from the canal; and the tall mature trees lining either side of the A339, which screen views from Victoria Park. They noted that during the winter there would be filtered views of the proposal through the trees, however, given the fact the height of the proposed building is staggered (the height decreases towards the canal) they did not feel that that the proposed buildings would cause any substantial harm to the setting of the conservation area, when viewed from the canal. In terms of views from the park during the winter they felt that that the combination of the distance between the park and the proposal, the depth of the trees which run alongside the south of the park, and the intervening dual carriageway, are sufficient to reduce the impact of the proposal on the setting of Victoria Park. For these reasons they did not feel that the proposal would have a harmful impact on the setting of the conservation area.
- 5.44 However, notwithstanding these comments, from a design perspective they did feel that the previous application failed to respond to the character and scale of the surrounding industrial park, and would have a significant impact on views from the A339.
- 5.45 Their comments on the amended scheme included some ongoing design concerns relating to the height in terms of bulk and massing where they would prefer either a reduced height across the scheme, the upper floors given a more lightweight appearance, or the upper floors set back. Further amendments were submitted which the Conservation Officer confirmed addressed these points. The proposed rhythm of materials were considered to result in an overly fussy and stripey appearance, particularly from the A339 which can be addressed by a materials condition. There are no design concerns regarding the offices proposed.
- 5.46 The Canal and River Trust were consulted on the application and have concerns regarding the impact on the waterway and the conservation area it runs through. The façade towards the waterway they state would have a ground floor with limited openings and limited interaction with the area of open space between it and the waterway. They also have concerns regarding the proposed materials where they consider the previous application scheme to have a simpler more muted colour palette.
- 5.47 In terms of the impact on the character of the area the existing built form and pattern of development along the A339 is generally smaller in footprint and height. The larger development of Parkway beyond Victoria Park to the west relates more to the town centre. The proposed buildings would be larger than those within the protected employment area. There are extant permissions for larger buildings along the east side of the A339 which are comparable to that proposed. Whilst these are material considerations their completion cannot be assumed. The wider London Road industrial area is identified for redevelopment, but there are no detailed proposals to assess whether the proposal is in line with the aspirations of that regeneration.

Amenity

- 5.48 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. The Supplementary Planning Document Quality Design discusses light and private garden space. The saved OVS policies of the Local Plan on noise and pollution are also applicable.
- 5.49 Environmental Health were consulted on the application. They note that a land contamination desk study has been submitted, but that further site investigation is

required in order to confirm any mitigation required for future users of the site from previous historic uses and the adjoining former landfill site.

- 5.50 Environmental Health noted that a noise report was submitted with the application. They consider that the noise impacts can be mitigated subject to more details of the specific measures. Conditions are recommended for a noise protection measures condition for both traffic noise and possible air conditioning unit noise from the proposed offices, and a construction method statement.
- 5.51 Comments have been received on possible air quality impacts on future occupiers. Environmental Health were asked to comment on this and they stated it was not considered to be an issue and that the site is outside the Air Quality Management Area further south. No surveys or mitigation has been required by Environmental Health.
- 5.52 The quality design SPD sets out the private amenity space for new dwellings. For flats of 1 or 2 bedrooms this is 25m² per unit and for 3 bedrooms 40m² to generally be provided as a communal area. For this proposal that would be a total of 1,795m². The areas indicated on the plans to the centre of the primarily residential block, the area between it and the office block, and the area towards the canal would be a total of approximately 1,257m². The area between the residential block and the A339 is not considered to be suitable as useable amenity space due to being set below adjacent ground level and due to noise, nor the area between the canal and the parking spaces to the east of the residential block for similar reasons.
- 5.53 Overall there is an under provision of amenity space of approximately 500m², around 30% of the requirement under the supplementary guidance. It is noted that the site is accessible by the occupiers to Victoria Park via the public right of way under and across the A339. It is therefore considered that a reasonable on site provision has been made.
- 5.54 With regard to overlooking the Quality Design guidance notes that for facing windows a separation distance of at least 21m should be provided. In this instance there are a couple of areas of potential overlooking within the scheme. This is across the central amenity space of the residential block of flats where it is just under 17m, and between the residential flats and the office building which is approximately 13.75m.
- 5.55 Having considered the floor plans there would not be direct overlooking between residential units across the central amenity space of the block of flats. There are windows to habitable rooms on the north elevation of the flats facing towards windows in the office building 13.75m away. As they are in different use classes it would not be expected for there to be overlooking from the offices into the flats at weekends, early morning, or late evenings. However, in order to ensure this a condition would be required on the operating hours of the office.
- 5.56 Due to the separation distance between the office building and the flats there would be a somewhat restricted outlook and less daylight into those north facing flats. However, this is not considered to be harmful. A daylight assessment in the form of calculated daylight factor has been submitted. With the exception of 9 of the rooms for which a daylight factor has been given the remainder are between 2 and 4. The other 9 rooms would be more than 4. A daylight factor of less than 2 is considered inadequate and over 5 is considered well lit. Across the whole scheme very few of the units would achieve well lit, but almost all are adequate. As a result there are not considered to be any units which would be unduly impacted from overshadowing or loss of light.

Highways, access and parking

- 5.57 Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Policy P1 of the Housing Site Allocations DPD outlines the parking provision required for residential development.
- 5.58 Highways were consulted on the application. They reviewed the submitted Transport Assessment and noted some differences in the quoted floor areas for the existing and proposed uses which is an issue for calculating and comparing the traffic impact. With regard to parking for the flats Highways consider the site to fall under zone 2 in policy P1 which would be a total of 116 spaces. 105 spaces are proposed under and outside of the flats building, a shortfall of 11 spaces.
- 5.59 Appendix 5 of the Local Plan outlines parking standards for non-residential uses. For the proposed 3,720m² office buildings a total of 124 spaces. 96 are proposed, a shortfall of 28.
- 5.60 In total 240 spaces are required, with 201 proposed, a total shortfall of 39 spaces which are proposed to be shared between the offices and flats which has been accepted by highways.
- 5.61 Highways also commented on the layout of the parking spaces and required dimensions of the parking spaces be reviewed to ensure they were adequate, as well provision to be made/shown for disabled parking spaces, and electric vehicle charging points for between 5-10% of the residential spaces. The level of motorcycle and cycle storage shown on the submitted plans is acceptable.
- 5.62 With regard to traffic generation and impact additional information was requested. The Transport Assessment quotes the morning and evening peak traffic movements of the existing uses as 41 and 38 respectively, but not overall daily movements. The peak morning and evening movements projected by the submitted assessment for the residential use is 15 and 18, and for the offices 69 and 64. There would be a net increase of 43 and 44 peak morning and evening of vehicle movements.
- 5.63 Highways considered the trip rates for the commercial uses to be acceptable, but the residential trip rates somewhat low. They have considered TRICS data for town and edge of town centre locations. By their calculation the net increase would be 45 and 47 movements at morning and evening peaks.
- 5.64 In either scenario Highways consider the additional vehicle movements to have an unacceptable impact on the already congested local road network. Details of traffic distribution to the A4 and A339 was submitted and has been accepted by Highways as being dispersed from the site such that there would not be a severe residual cumulative impact.
- 5.65 Waste Management have also been consulted on the application. They required plans to demonstrate the bin storage areas and collection point are sufficient for the size and number of refuse and recycling bins required. They also note that the residents' bins will require a management company to move the bins from the stores to the collection point. This will need to be undertaken on the day of collection by 7am and returned to the stores. They raise concern that if this is not undertaken waste will not be collected until the next scheduled collection and that there could be issues with the long term nature of the need for management of residents bins. The swept path of the refuse vehicle to access the collection point is acceptable.
- 5.66 Transport Policy request conditions on residential and workplace travel plans as well as vehicle charging points to encourage more sustainable modes of transport. They also

request improvements to the pedestrian and cycle links from the site, particularly in the form of lighting at night for pedestrians. These may be provided through CIL receipts.

Flooding and sustainable drainage

- 5.67 Policy CS16 requires a flood risk assessment for sites in flood zones 2 and 3 and there is an adopted Supplementary Planning Document on Sustainable Drainage. Where the site is in flood zones 2 and 3 a flood risk assessment was submitted with the application on which the Environment Agency, Local Lead Flood Authority, and Emergency Planning have been consulted.
- 5.68 The Environment Agency initially objected to the proposal for failing to propose adequate floodplain storage compensation. This is due to the document not stating and the plans not showing the 1 metre wide voids as extending above the annual exceedance probability and climate change flood level allowance from ground level with a void opening every 5 metres the length of all sides of the building. The voids also need to be open in perpetuity for the lifetime of the development.
- 5.69 Additional information was submitted which the Environment Agency was consulted on and they have withdrawn their initial objection, subject to a condition on the flood risk assessment. They note that the voided areas are to be used as undercroft car parks and that the Council needs to be satisfied that these can be safely evacuated, as well as safe access and escape routes.
- 5.70 The flood authority commented that whilst the voids and finished floor levels are acceptable, further information on groundwater flood risk mitigation and discharge rates was required. In particular the potential typographical error regarding the membrane depth and that the calculations on the storage area within the permeable paving be reviewed. Also, the water discharge rate out of the site should be restricted closer to the 1:1 year greenfield rate. Following the submission of additional information the flood authority are satisfied with the design principles of the drainage strategy subject to condition.
- 5.71 The Council's Emergency Planning have concerns that the site could become an island in the event of exceptional flooding or the flood defences in the area fail. In which scenarios the residents could either be unable to stay in their properties resulting in a need for over 170 people requiring emergency temporary accommodation, and/or residents becoming trapped in their properties and requiring rescue. It is noted that due to the location of the flats on higher floors there would not be anticipated to be recovery work to the flats after such a flood event.
- 5.72 The management of vehicles parked in the undercroft where they may be damaged or require to be moved in the event of flooding, as well as more information on the details of the safe route along all blocks to an exit point above flood level, are issues raised by Emergency Planning.
- 5.73 No comments were received from the Fire Authority. In their comments to the previous application they commented on the possible need for a fire hydrant, access and layout for fire fighting and safety in line building regulations, but not access and egress in the event of flooding.

Biodiversity

- 5.74 An updated ecological report was submitted with the application. Measures on external lighting, bird nesting boxes, reptile precautions during development, protective fencing for retained habitat, and measures to prevent pollution into the Kennet and Avon are

recommended to mitigate potential impacts on protected species. In terms of enhancements additional bird and bat boxes, and native species planting in the landscaping are recommended. These measures can be secured by conditions and meet the requirement of policy CS17 to provide biodiversity enhancements.

Green infrastructure

- 5.75 Policy CS 18 of the Core Strategy requires green infrastructure such as tree protection orders and public rights of way to be conserved by development. There is National Cycle Route 4 and a public right of way between the site and the Kennet and Avon canal.
- 5.76 Both Transport Policy and the Canal and River Trust seek improvements to the pedestrian and cycle links from the increase in use from the development. These could be funded from CIL receipts.

6. Planning Balance and Conclusion

- 6.1 The principle of the proposed office development is acceptable where the site is located in an area identified for regeneration including offices. The principle of the proposed residential development is not considered acceptable. Taking this application on its own merits the residential development fails the flooding sequential test where it is located in higher risk flood zone 3 and there are other suitable alternative available sites for housing development at lower risk of flooding. This attracts substantial weight against the proposal.
- 6.2 Where the Fire Authority has not responded to consultation request on the access and egress of residents from the site, Emergency Planning have not been able to confirm that access and egress of residents in the event of a flood event can be assured.
- 6.3 The benefit of the scheme would be the provision of market and affordable housing which attracts significant weight. It has been noted that the market housing would be predominantly smaller units such that the mix of flats is not particularly in line with the Strategic Housing Market Assessment which notes that more 3 bedroom properties are required. The affordable housing would be policy compliant but not above the policy requirement so would not attract additional weight in its own right. The density of the development is more than double the 50 dwellings per hectare identified as high density by policy CS4.
- 6.4 Modest weight is given to the provision of office space in that it would be of better quality than the commercial space it replaces (although it would involve a loss of occupied commercial floor space and it would not provide a significant increase in B class use floor space compared to the existing on site).
- 6.5 The design and impact on the character of the area is considered acceptable. It has been noted that the development would be larger than the existing buildings in proximity to it and that as there are no detailed proposals for the industrial area of which it is a part to know if it is in line with the regeneration aspirations of the area. The design and character impact are therefore considered to be of neutral weight in the balance.
- 6.6 The parking and highways impacts are considered acceptable. It has been noted that there is a shortfall in parking provision which has been accepted to be managed by sharing spaces. Similarly the domestic refuse will need permanent management to ensure collection. As such the highways impacts are considered to be of neutral weight in the balance.

- 6.7 In terms of amenity there would be adequate light into the flats. Mitigation may be required for land contamination and will be required for noise for future residents of the proposed flats. A shortfall of on-site resident only amenity space has been accepted due to proximity to existing public open space, and a lesser separation distance between the flats and office building accepted due to the different use classes. As such the amenity impacts are considered to be of neutral weight in the balance.
- 6.8 Minor positive weight is given to the biodiversity enhancements of additional bird and bat boxes, and neutral weight to the biodiversity mitigation required.
- 6.9 Neutral weight is also given to the impact on green infrastructure. The scheme could utilise existing public rights of way and cycle routes but its use by residents would result in improvements and/or enhancements being needed.
- 6.10 Minor positive weight is given to floodplain storage compensation, groundwater flood risk mitigation and water discharge rate measures. Whilst in some respects they are mitigation measures to accommodate the development proposed it is acknowledged it would represent some improvement on the existing drainage measures on site.
- 6.11 Overall, the benefits do not outweigh the substantial harm and conflict with policy identified. Therefore, having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application fails to comply with the development plan and is recommended for refusal.
- 6.12 The tilted balance of paragraph 11d of the National Planning Policy Framework is not considered to be engaged where there are relevant and up-to-date policies to determine the application. Notwithstanding this even if the tilted balance were engaged the National Planning Policy Framework is clear that more vulnerable land uses such as housing should be located in areas of least risk of flooding. There is sufficient land available within areas of lower flood risk for housing development in the District over the development plan period.
- 6.13 The National Planning Policy Framework is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Conditions should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. A number of conditions have been identified. However, there are no conditions which can be applied to enable housing development on this site.

7. Full Recommendation

- 7.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Reasons

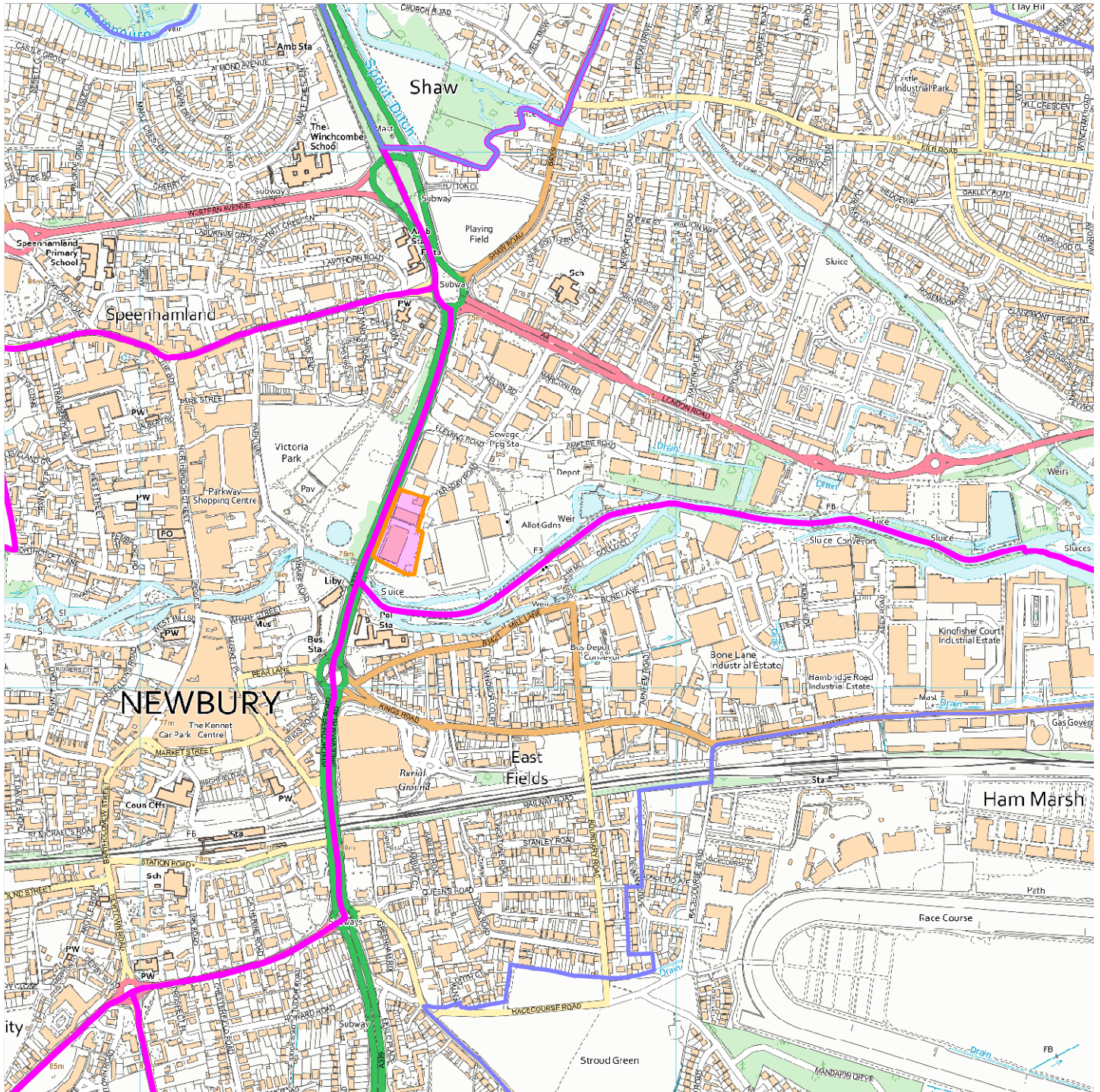
- 7.2 The proposed residential development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The search area and methodology of the submitted sequential test are not accepted. As such the proposed development fails the flooding sequential test with regard to residential development contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, and the Planning Practice Guidance.

7.3 The application fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the policy CS6 of the West Berkshire Core Strategy 2006-2026, The Planning Obligations Supplementary Planning Document and the National Planning Policy Framework 2019.

DC

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Newspaper House and Units Q1-6, Plot Q, Faraday Road, Newbury, RG14 2D

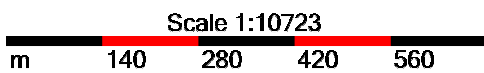


Map Centre Coordinates :

Scale : 1:10723

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	23 January 2020
SLA Number	0100024151

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Agenda Item 5.

NEWBURY 18/02205/FUL Pins ref: 3229421	21 Woodside Newbury Berkshire RG14 6HL	Semi-detached house being used as 6 bedroom HMO. Change of use for bedroom 7 to be used as HMO.	Dele Refusal	Allowed. 17.01.2020
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Decision

The appeal is allowed and planning permission is granted for the change of use of a House in Multiple Occupation (Use Class C4) to a 7-bedroom Large House in Multiple Occupation (Sui Generis) at 21 Woodside, Newbury, Berkshire RG14 6HL, in accordance with the terms of the application, Ref 18/02205/FUL, dated 1 August 2018, subject to the following conditions:-

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:50 Proposed Floor Plans; 1:500 Block Plan and 1:1250 Location Plan
- 3) Prior to the change of use hereby permitted taking place, details of the cycle parking and storage space shall be submitted to and approved in writing by the Local Planning Authority. The change of use hereby permitted shall not commence until the cycle parking and storage space has been provided in accordance with the approved details. The cycle parking and storage space shall be retained for this purpose at all times during the lifetime of this development.

Application for costs

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

Procedural Matter

The description of development, as stated on the application form, is set out in the heading above. The Council, on the decision notice, has described the development as 'semi-detached house being used as 6 bedroom HMO. Change of use for bedroom 7 to be used as HMO'. However, the Inspector considered that the description of development is more accurately described as 'change of use of the dwelling to a 7 bedroom HMO'. In order to provide clarity, He considered that the description of development is more accurately described as 'a House in Multiple Occupation (Use Class C4) to a 7-bedroom Large House in Multiple Occupation (Sui Generis)' and he determined the appeal on this basis.

Main Issue

The main issue is the effect of the development on highway safety with particular regard to parking provision.

Reasons

The appeal site comprises a large, extended two-storey semi-detached property on a residential street on the outskirts of Newbury town centre. The existing plans show that the property has 7 potential bedrooms although the property is currently operational as a 6 bedroom House in Multiple Occupation (HMO). As such the existing use falls within Use Class C4 as a HMO. The proposal would utilise the seventh bedroom making the property a large HMO defined as a Sui Generis Use and provide 4 parking spaces off-road to the front of the property. Although no plans accompanied the planning application to indicate minimum dimensions required for such parking spaces, photographs are incorporated within the appellants' statement to demonstrate that four cars could be accommodated on the driveway.

The Highway Authority considered that there was available space for parking 4/5 vehicles clear of the highway. However, this was considered unacceptable because it did not comply with the adopted parking standards whereby the Council considered the proposal would require 'approximately 11 spaces'. As there are no adopted parking standards for HMOs, this figure was based on parking standards for 7 one-bedroom flats.

The Council's appeal statement, following some additional supporting information from the appellant, recognises that typically there is a low level of car ownership with HMOs and that parking demand is likely to be lower than for a block of 7 one-bedroom flats. Although the Council is now satisfied that 4 parking spaces is acceptable, it considers that sufficient space could be secured on site for no more than 3 cars. This is because tandem parking, as proposed for 2 vehicles, is not considered appropriate for individually occupied units of accommodation such as a HMO. Also, it is considered that the space required to park 2 cars in tandem is not adequate. Consequently, this would result in a shortfall of one space.

In the absence of any adopted parking standards for HMOs and any clear evidence of a local parking issue, the Inspector did not find that the proposal would result in a material shortage in off-road parking provision in this location. Furthermore, it has not been demonstrated that even if there was a material deficiency it would have a harmful effect on highway safety. The Inspector noted concerns raised by an interested party about a shortage of parking spaces and parked vehicles creating obstructions. However, at his site visit, he did not see any restrictions on parking on the highway in the vicinity of the site. Although there was a degree of on-street parking straddling the pavement on the narrow road, the availability of off-road parking for many houses would not indicate a high degree of parking stress and overload in the locality. Furthermore, the appeal site lies in a sustainable location where there are opportunities to travel other than by car. He noted a regular bus service with stops close to the site and there is a train station locally in the town. The National Planning Policy Framework 2019 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling. It also advises that parking standards should take account of the accessibility of development and the levels of car ownership.

Overall, the Inspector found that as the site lies in a sustainable location, development using alternative means of transport should be encouraged. In the absence of more detailed evidence of a clear parking problem, he considered that it has not been demonstrated that the small incremental addition of parking demand, which could potentially arise, would be materially harmful to highway safety.

The Inspector was therefore satisfied that there is adequate local capacity to accommodate potential overspill parking within reasonable walking distance of the appeal property without causing undue local competition for on-street parking space or obstructing the passage of vehicles. While the Council is concerned that an increase in reversing movements from the site would cause concern for highway safety, there was no compelling evidence before the Inspector to show that the site could not be accessed safely.

On this basis, the Inspector found no conflict with Policy P1 of the Housing Sites Allocations Development Plan Document (2017), Policy CS13 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (2012), saved policy TRANS.1 of the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007) and the Framework. These provide, amongst other matters, provide parking standards and generally support the promotion of alternative modes of transport and reducing the reliance on the private car.

Conditions

The conditions set out above are based on those suggested by the Council. Where necessary the Inspector had amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

Planning permission is granted subject to the standard three-year time limit condition. A condition to require the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of certainty. A condition requiring safe storage of cycle space is necessary in the interests of providing opportunities for alternative methods of transport. Given that this storage space would be required in association with the change of use, it is necessary to agree the relevant details prior to the commencement of development.

Conclusion

For the reasons given above the Inspector concluded that the appeal should be allowed.

Costs Decision

The application for an award of costs is allowed, in the terms set out below.

Reasons

Paragraph 028 of the Planning Practice Guidance (PPG) states the established premise that parties to an appeal normally meet their own costs. However, the PPG in paragraph 030 advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and thereby has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal.

The PPG makes it clear that a local planning authority is at risk of an award of costs if it prevents development, which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

The basis of the applicant's claim arises from the delay in issuing the correct decision and that the Council acted unreasonably in so far that it rigidly applied the standards set out in its adopted parking standards in Policy 1 of the Housing Sites Allocations Development Plan Document (2017), referring to one-bedroom flats rather than for HMOs, for which there are no standards. The applicant considers that the Council also failed to provide any substantive evidence to support its view that the proposal would have an adverse impact on highway safety by means of the cumulative impact of parking.

Councils are required to behave reasonably in relation to procedural matters. The delay in issuing the decision notice, which according to the Council's response was a technical administration error, is unfortunate, but it is not considered excessive and does not in itself amount to unreasonable behaviour.

With regard to the Council's adopted parking standards, the consultation response from the Highway Authority (HA) required the provision of 'approximately' 11 car parking spaces to support the proposed use. The assessment was based upon parking standards for one-bed flats in the absence of parking standards for HMOs.

The policy acknowledges that where parking standards may not accord with the proposal, cases will be assessed on an individual basis. In this case, the parking requirements for the proposal were not assessed on an individual basis. Consequently, the requirement for the

number of on-site parking spaces to comply with the adopted parking standards, where there were none for HMOs, was unreasonable.

No specific evidence or objective analysis was presented to demonstrate that there was not capacity for vehicles to park on the road. Neither was it demonstrated that the additional vehicles parking on the roadside would cause significant harm to highway safety. From the evidence before the Inspector, it was clear that the surrounding neighbourhood provides unrestricted areas to park which would not compromise highway safety.

The applicant is seeking costs in relation to the preparation and submission of the appeal together with the lost income from the additional room during the appeals process. Paragraph 032 of the PPG is clear that awards cannot extend to compensation for indirect losses, such as those which may result from the alleged delay in obtaining planning permission. As such the lost income would be ineligible.

Although the delay in issuing a correct decision notice was not unreasonable, the Inspector did consider that the Council failed to properly evaluate the planning application. Significant weight was given to the Highway Authority response, which was based on parking standards that did not relate to the proposal and not an individual assessment of the proposal. Furthermore, the concerns of the Council about the impact of the proposed development, which justified its decision, have not been clearly demonstrated.

Accordingly, the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that the costs application should succeed and a full award of costs is justified.

Costs Order

In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Berkshire Council shall pay to Russell Hanson, the costs of the appeal proceedings, described in the heading of this decision. The appellant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. Such costs to be assessed in the Senior Courts Costs Office if not agreed.

DC

NEWBURY 19/01435/L BC2 19/01436/A DV Pins ref: 3237764 3237766	Camp Hopson 7 - 11 Northbrook Street Newbury Berkshire RG14 1DN	Retention of unauthorised signage to rear elevation. New signage to rear elevation.	Dele Refusal	Dismissed 27.01.2020
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Decisions

Appeal A is dismissed.

Appeal B is dismissed.

Procedural Matters

The applications were made retrospectively, and the Inspector saw during his site visit that all the signs as applied for have been installed. Both appeals concern a signage on the modern rear elevation of a Grade II listed building in a Conservation Area. In the interests of clarity and conciseness, he dealt with some aspects of each appeal together in his reasoning.

Main Issues

The main issues are the effect of the signage on visual amenity, having regard to the building's Grade II listed status and location in the Newbury Town Centre Conservation Area (CA); and whether the works have preserved the Grade II listed building, its setting, or any features of special architectural or historic interest that it possesses.

Reasons

The appeal property lies within the Newbury Town Centre Conservation Area (CA). The mid-terrace, brick-built building's principal frontage addresses Northbrook Street, a bustling commercial thoroughfare in the centre of the town, characterised by traditional mainly brick-built buildings with ground floor-level shopfronts.

Formerly a terrace of two or three houses, the listed building (Nos. 6 – 12 Northbrook Street) is now in single occupation, with a modern shopfront and rebuilt rear premises. The rear of the appeal building has been recently constructed and is notable for its contemporary design, characterised by clean lines, a limited material palette of glass, grey-coloured panelling, red brick and timber. To the rear of the building is a carpark and an enclave characterised by contemporary, commercial buildings.

The statutory list description specifically identifies the listed building as having been included for the group value of the frontage, a key attribute of its special interest and significance of the listed building. That said, the quality and refinement of the rear addition is part of the way the listed building is experienced. Reflecting the commercial evolution of the site it comprises part of its setting and is a component of its significance and special interest.

Signage in the vicinity of the appeal site includes large signs in modern materials, however, there is also a clear rationale to their positioning above shop entranceways. Overall, the signage in the vicinity of the appeal site is harmonious and consistent with a refined, high-quality, modern townscape that complements the character and appearance of this part of the CA.

The appeal signage consists of two large pvc 'stretch canvas' signs (signs A and B) installed on brick panels either side of the double-height glazed entranceway and framing windows.

Additionally, two horizontal vinyl-wrap signs have been installed either side of the entrance doors, applied to the cladding panels (signs C and D).

Signs A and B are large and cover a significant portion of the red brick-faced element of the building's elevation. The top of these are sited at high level and occupy a significant proportion of the brick panels. The large central photographs framed by white borders draw the eye and, in terms of design and material quality, do not reflect the design rationale nor palette of materials that characterises the building itself. Although there are large signs in the vicinity, none that the Inspector saw are as substantial as signs A and B.

Though smaller, signs C and D detract from the overall consistency and the understated refinement of the design rear entranceway. In combination, the appeal signage has instigated a harmful cluttering of overtly dominant and intrusive features that do not reflect the quality of the building or that of the surrounding CA townscape.

The local environment in which the appeal signs are seen is modern, and that they are not legible in the context of the listed building's primary frontage nor particularly obvious from Victoria Park or the Kennet and Avon Canal is accepted. Even if this part of the listed building and the CA are not in themselves historic, the sensitivity of both as designated heritage assets warrants a careful approach to signage.

Crucially, the appeal signage is at odds with the appeal building and with the character and appearance of its locality, where commercial signs are predominantly understated. Undermining the quality and refinement of the local townscape, the character and appearance of the CA as a whole has not been preserved. Through eroding the townscape quality of its setting, the significance of the listed building has, albeit in a small way, not been preserved.

As a consequence, the appeal signage is harmful to visual amenity and runs contrary to the expectations of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 insofar as it requires the decision-maker to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural interest which it possesses. Furthermore, Section 72 of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Bearing in mind the nature and scope of the signage, the degree of harm has been less than substantial in terms of the paragraph 196 of the National Planning Policy Framework, revised February 2019, which requires this be weighed against the public benefits.

The Inspector appreciated that there may be commercial benefits from maximising the business's prominence and its retail offering. However, he had been given no strong evidence to indicate that the signage is essential to the continuing viable use of the building. The Inspector was unconvinced as to why signage could not be installed internally and provide the same understanding to customers of the retail offer.

Overall, the public benefits are modest and not sufficient to outweigh the great weight that should be given to the conservation of designated heritage assets. That there have been no objections to the signage, including from the Town Council, does not justify allowing the harm that he had identified. Therefore, the signage is contrary to Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 – 2026, insofar as these seek to ensure high standards of design and to conserve and enhance historic assets.

Conclusions – both appeals

For the reasons set out above, both Appeal A and Appeal B should be dismissed.

DC

WINTERBOURNE 19/00346/FULD Pins ref: 3237025	Winterbourne Arms Winterbourne Newbury Berkshire RG20 8BB	Conversion of existing public house to a residential dwelling.	Dele Refusal	Dismissed 21.01.2020
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Procedural Matters

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

The date of the application in the banner heading above was confirmed at the hearing as this information is redacted in the copy of the application provided to the Inspector.

The appellant submitted two bat survey reports and a letter in relation to past marketing of the pub in support of the appeal, each seeking to address the Council's reasons for refusal. The Inspector noted the Council's objection to the submission of such evidence on the basis that it has not been subject of consultation. However, whilst submission of such evidence is not unusual in the context of an appeal, aside from the proposal to install a bat tube, no change has been made to the appeal proposal. Furthermore, the Inspector could see no obvious way in which his consideration of two bat reports and letter on past marketing would prejudice the interests of any party, and none has otherwise been identified. He therefore took this evidence into account in his reasons below, and was satisfied that the interests of no party would be prejudiced by his doing so.

Main Issues

The main issues are the effects of the development on:-

- local vitality;
- the significance of a non-designated heritage asset; and
- bats.

Reasons

Vitality

West Berkshire Council Supplementary Planning Guidance No. 19 Public Houses 2000 (the SPG) provide a list of restrictive criteria to be considered in the context of applications involving the loss of public houses. The SPG is almost 20 years old, nonetheless the Inspector considered that it remains generally relevant to the interpretation of more recent policies cited by the Council, and set out within the West Berkshire Core Strategy (2006-2026) Development Plan Document 2012 (the CS) and the Housing Site Allocations DPD (2006-2026) 2017 (the HSA). Moreover, he saw no fundamental conflict between the approach set out in the SPG and paragraph 83(d) of the National Planning Policy Framework (the Framework), which states that decisions should enable the retention and development of accessible local services and facilities, including public houses.

Winterbourne is a very small settlement within which the Winterbourne Arms occupies a reasonably central position. The past importance of the pub as a community facility is disputed by the appellant, citing factors such as its reliance on broader trade, and its lack of hosted activities such as clubs. Be that as it may, relative to the size of the local community, and lack of other community facilities, the Inspector saw no reason to believe that the pub played anything other than an important role in village life prior to its closure in 2017, offering a place to meet and socialise, as too employment opportunities. The extent to which the use was valued is indeed clearly reflected in the high level of public representation made in relation to the planning application, and further submissions made in relation to the appeal.

The testimony of the previous owner indicates that closure of the pub in 2017 was for personal rather than financial reasons. The appellant bought the pub in 2018. At this time the pub had been on the market for 10 months, and thus longer than the SPG requirement for a minimum of 6 months marketing. The appellant however confirmed at the hearing that in purchasing the Winterbourne Arms his intention was to reopen it and to continue running it as a pub. As such, regardless of how much interest was shown by other individuals or organisations during the marketing process, what their particular motives might have been, and how long marketing went on for, the marketing process was itself ultimately successful as it found a buyer who wished to operate the business. This fact is not altered by the appellant's subsequent decision not to reopen the pub.

The Inspector also noted the fact that the pub has since been registered as an Asset of Community Value (ACV), and the steps taken by the Parish Meeting to assemble funding to potentially purchase the pub if marketed. The ACV registration is subject of appeal, and assembly of funding remains at a very early stage. However, in each regard circumstances have changed since the pub was last marketed, and interest in a resumption of its use demonstrably exists.

For the above reasons, past marketing of the pub under a different owner cannot be considered to prove that were the exercise to be undertaken again, it would fail. It is not in any case any adequate substitute for up-to-date evidence.

Viability nonetheless remains in dispute. Both parties rely on a viability report (VR) commissioned by the Council. Here the Inspector acknowledged that interested parties dispute the validity of the VR for a number of reasons, and he considered that its lack of any firm basis in past accounts reduces certainty. The main parties nonetheless agreed at the hearing that the VR indicates that viability essentially turns on the condition of the building, and the level of investment that would be required to rectify this. Even acknowledging the limitations of the VR, it was indeed apparent from his visit that the building is in poor repair, and that substantial investment would be required to remedy this. In this regard however it was also agreed by the main parties that condition is a factor taken into account in valuation.

On this basis, were the building in full repair, its value would clearly be greater than if not. The difference in value would, if not wholly, be substantially reflective of the costs involved in undertaking remedial work. As such an incoming buyer with resources sufficient to purchase the pub in full repair, would presumably be equally capable of covering the costs of remedial work, provided this was properly accounted for in the valuation.

The extent to which this basic formula was considered by the appellant when purchasing the pub is disputed, including by the previous owner, who claims that an allowance was made in the price paid by the appellant. This was indeed less than the price at which the pub was marketed. At the Hearing the appellant also made reference to a plan to develop a dwelling in the grounds, which would presumably have provided a further source of funds, though no permission for this appears to have been sought. Whatever the reason for the appellant's decision not to reopen the pub following its purchase may have been however, this cannot be taken as a reliable indication of the pub's potential to be viable in a different, and securely financed ownership.

The Inspector acknowledged that the VR considers that the pub would not attract interest from other buyers given the element of risk involved. However, in the absence of any up-to-date and realistic marketing of the building at a price which is clearly reflective of both its current condition and public house use, it has yet to be proven whether the need for remedial works in fact renders its use unviable, or therefore that the use is truly redundant.

The appellant has drawn attention to other pubs which exist in the wider area, and which local residents can make use of instead. The character of these pubs however varies, and not all offer the same types of service. Moreover, they all require travel, and as they are obviously located outside Winterbourne, they clearly cannot provide direct or adequate substitute for a facility physically located at the centre of the village community.

As the pub has now been closed for more than two years, harm to the social and economic vitality of the community, and indeed related harm to its sustainability, has accrued over this period. This harm would be made permanent were the use of the Winterbourne Arms to change. Such harm would be unacceptable in the absence of demonstrable redundancy of the use proven by realistic up-to-date marketing.

For the reasons outlined above the Inspector concluded that the development would have an unacceptably harmful effect on local vitality. It would therefore conflict with Policy C4 (ii) of the HSA, which, in the context of the conversion of existing redundant buildings in the countryside requires proof of redundancy; Area

Delivery Plan Policy 5 of the CS, which amongst other things seek to support, encourage and protect small businesses in the North Wessex Downs Area of Outstanding Natural Beauty (the AONB); supporting guidance in the SPG; and relevant provisions set out in the Framework, and outlined above.

Non-designated heritage asset

The Council has identified the Winterbourne Arms as a non-designated heritage asset. The Inspector also noted the evidence on heritage matters presented by interested parties.

Externally the building appears to be of late nineteenth century date, but it may also incorporate elements of an earlier building. The size of the building, and its apparently mock Tudor architecture, provide it with a distinctive appearance. In addition to providing public house facilities, the building is said to have hosted a bakery and shop in the past. It has therefore played an important long term role within the economic and social life of the community, albeit not solely as a public house.

In his view the significance of the building therefore principally resides in its architectural appearance and visual presence within the village streetscene, as too evidence of the past functions the building has served within the village community. In this regard the use of the building clearly has a bearing on the way in which this significance is experienced and appreciated, by local people in particular.

The development would not involve any change to the exterior of the building, and the renovation works required would be much the same as the works that would need to be undertaken if the building were to remain in use as a pub. These would help to secure the physical integrity of the building fabric. The appellant has also confirmed that the pub sign could be retained. Externally therefore, there would be little change.

The Inspector's attention was drawn to changes which would occur inside, principally including removal of the bar. However, changes to the interior could occur whether or not the pub changed use and would not generally be subject of any control. The internal changes proposed are in any case quite modest.

The design of the building is not sufficiently specialised that use in a specific way is essential in order to enable the design to be understood. In this context a change to residential use would not appear incongruous. Traces of past public house use would remain, in the same way as does evidence of other uses to which the building has been put in the past.

The change of use would mean that historic social and economic role the building has played within the village community would permanently cease, and the way in which the building was experienced and appreciated would change. In view of his reasons above however, and making a balanced judgement in accordance with paragraph 197 of the Framework, any harm this would cause to the heritage interest of the building overall would be limited, and not unacceptable in its effect.

The Inspector acknowledged the Council refused planning permission partly on the basis that no heritage impact assessment was provided. In this context paragraph 189 of the Framework indeed states that applicants should be required to describe the significance of any heritage assets affected, in a level of detail proportionate to the assets' importance and sufficient to understand potential impact. Paragraph 190 of the Framework indicates a similar responsibility for local planning authorities when assessing an application. In this regard, notwithstanding the absence of information from the appellant, the Inspector was satisfied that he had sufficient information to reach the view set out above.

For the reasons set out above the Inspector concluded that the development would not cause any unacceptable harm to the Winterbourne Arms as a non-designated heritage asset. It would therefore comply with Policy CS19 of the CS, which amongst other things, seeks to ensure the conservation and, where appropriate, enhancement of heritage assets and their settings; and Policy CS14 of the CS which seeks to secure design that respects and enhances the character and appearance of the area.

Bats

The decision notice makes generalised reference to protected species. In this regard the Council confirmed at the hearing that the species of particular concern is bats. The suitability of the building for use by bats is confirmed in the appellant's Preliminary Roost Assessment submitted with the appeal. This also confirmed the potential for the development to have an impact on bats.

An Emergence Survey (ES) was subsequently undertaken, and the results of this were also submitted with the appeal. Though this recorded a high level of activity by bats in the vicinity of the site, it did not show any bats entering or leaving the building. On this basis, if the conversion was undertaken within the 12 month period within which the ES is valid, it is unlikely that it would have an adverse effect on bats. Any planning permission would clearly endure for longer than this, however general legal obligations and licensing requirements in respect of bats would continue to apply regardless.

The ES also sets out modest enhancement measures relating to lighting and provision of a bat tube, each of which could be secured by condition.

The Inspector noted the three appeal decisions referenced by the Council, however insofar as these relate to appeals dismissed partly on grounds on a lack of evidence related to protected species, they are not relevant. This is because the required information has been supplied.

For the reasons set out above the Inspector concluded that the development would not have an adverse effect on bats. It would therefore comply with Policy CS17 of the CS which seeks to conserve and enhance biodiversity across West Berkshire.

Other Matters

As the site is located within the AONB the Inspector had regard to the statutory purposes of the AONB's designation, which are, most particularly, to conserve and enhance the natural beauty of the area; and paragraph 172 of the Framework, which states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. In this context the site has very little exposure within the wider landscape and is well related to

surrounding development. As the external appearance of the building would not in any case be subject to change, the landscape and scenic beauty of the AONB would be preserved.

Interested parties drew his attention to a number of listed buildings within the general vicinity of the Winterbourne Arms, and the potential for the development to affect their settings. These listed buildings are the Winterbourne War Memorial, a dovecote, and dwellings consisting of Pedlars, The Shack, and April Cottage. Most form components of the same general streetscene as the Winterbourne Arms. Other than this however the Winterbourne Arms makes no obvious or direct contribution to the significance of these buildings. As the external appearance of the Winterbourne Arms would be left unchanged, it follows that the general contribution it makes to the settings of these buildings within the streetscene would be preserved.

The appellant states that residential use of the site would deliver a number of benefits over its use as a pub. These include less noise, and less disturbance of neighbours, less environmental harm generated as a result of travel by patrons, and better use of the site. However, whilst noise and disturbance do not appear to have been factors giving rise to any significant local concern, the need for travel instead exists for local residents who must drive long distances to access alternative facilities. Furthermore, as use of the site as a public house would, if active, provide a range of social and economic benefits for the local community, use for housing, which would not deliver the same level of benefit, cannot be considered a 'better' use. The benefits advanced by the appellant do not therefore alter the Inspector's view of the merits of the appeal scheme.

Conclusion

For the reasons set out above he concluded that the appeal should be dismissed.

Costs Decision

The application for an award of costs is dismissed.

Reasons

The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The applicant claims that the Council acted unreasonably on grounds which the Inspector summarised as:-

- a) making vague, generalised or inaccurate assertions in relation to viability and marketing, which are unsupported by any objective analysis, and indeed refusing planning permission partly on this basis;
- b) failing to request information in relation to heritage and ecology at the application stage which could have avoided refusal on these grounds; and
- c) failure to withdraw its reason for refusal on ecological grounds despite evidence being presented, necessitating additional costs in relation to an expert witness.

The Viability Report (VR) commissioned by the Council reached a view that the Winterbourne Arms could not be viably returned to use as a pub. It nonetheless also indicated that viability turned on the condition of the building. In this regard, whilst the VR touches briefly on past marketing, it does not consider valuation. The marketing evidence is itself old, relating to the sale by the previous owner to the appellant. There is therefore no up-to-date marketing evidence based on a realistic valuation of the building in its current condition. As neither the

VR nor the marketing evidence can therefore be held to prove that the Winterbourne Arms has no future as a public house, the Council did not act unreasonably in arriving at the view that the pub was potentially viable, or therefore refusing permission partly on this basis. Ground (a) therefore fails.

The PPG states that costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, however behaviour and actions at the time of the planning application can be taken into account. In this regard the Council does not dispute that information on heritage and ecological matters was not requested at application stage. In the Inspector's view this was unreasonable. Given his findings in relation to ground (a) however, it is apparent that even if the Council had sought this information, it would have made no difference to the Council's decision, which was principally concerned with the proposed change of use. It would also not therefore have avoided the case coming to appeal.

In relation to the appeal itself, the applicant incurred costs in commissioning the bat surveys. The same costs would however have been incurred had the surveys been undertaken at or before application stage. Insofar as these surveys were essential, the related costs were necessary. Little or no expense appears to have been generated in relation to heritage at appeal stage. Indeed, no heritage impact assessment or other detailed evaluation of the matter was provided by the applicant. In the absence of any unnecessary or wasted expense, ground (b) fails.

Following submission of the bat surveys with the appeal it would have been reasonable for the Council to withdraw the related reason for refusal, and accept that the matter could be dealt with by condition. This is because the surveys set out in no uncertain terms that bats were absent from the building, and that enhancements could be achieved. The Council's stance however appears to have been to continue to defend the principle of its original refusal, rather than to accept that the reason was no longer valid. This was unreasonable.

The Inspector acknowledged that the applicant therefore engaged an ecology consultant to attend the hearing as an expert witness. He also noted that the applicant warned the Council in advance of his intention to do so. Be that as it may however, in view of his finding above, it was not essential for the consultant to attend the hearing. Indeed, in the absence of any substantive case on the Council's side, this served little purpose other than to confirm the content of the survey reports. The expense involved was therefore unnecessary. However, in the Inspector's view this could have been reasonably anticipated by the applicant, and therefore simply avoided. He therefore placed the responsibility for this expense with the applicant rather than with the Council. Consequently, ground (c) fails.

Whilst not forming one of the main grounds of the application for costs, the applicant additionally notes a delay in the Council's determination of the planning application. The date of determination was extended twice. It is apparent that the first extension of time was agreed, but it is unclear whether the second extension, which expired on the date the Council issued its decision, was also agreed. It is therefore unclear whether or not the Council acted unreasonably in this regard. Either way, the delay did not cause any obvious wasted or unnecessary expense in the context of the appeal, and therefore no basis for an award of costs exists.

Conclusion

For the reasons set out above the Inspector concluded that the applicant's claim for a full award of costs should be dismissed.

DC