

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	16/00924/OUTMAJ Newbury Town Council		Demolition of existing building, erection of 35 flats with associated 1700m2 of office space and associated car parking and access. 115 London Road, Newbury. Ressance Land Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00924/OUTMAJ>

Recommendation Summary: **The Western Area Planning Committee resolve to recommend approval to the application to the District Planning Committee.**

Ward Member(s): Councillors Benneyworth and Fredrickson

Reason for Committee determination: The application, if approved would comprise a departure from extant planning policy CS9

Committee Site Visit: 23rd June 2016.

Contact Officer Details	
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1. Site History

13/02803/PACOU. Change of use of offices to 14 flats. Not required. December 2013. Not implemented.

14/001524/OUTMAJ . Erection of 42 flats. Refused. Dismissed at appeal. July 2015.

14/02589/OUTMAJ. Erection of 37 flats. Refused. Dismissed at appeal. July 2015.

14/00952/PACOU. Prior approval of Merchants Court to the south. 28 flats. Implemented.

2. Publicity of Application

Site notice displayed on 19 April 2016. Expiry on 10 May 2016. Advertised as a departure.

3. Consultations and Representations

Newbury Town Council	Support/comment. It would comprise a landmark building on a prominent entrance point to Newbury. Help to regenerate the area. Concerns with regard to the appeal dismissal have been addressed.
Newbury Society	Welcomes the application. Good design but concerns about the shared parking situation.
Highways	Remaining concerns with the use of shared parking spaces of residential use and office use. Issue is still being considered. Now resolved via amended plans.
Environment Agency	No response received.
Archaeologist	No observations to make. Site of little archaeological importance.
BBOWT	Conditional permission. Landscape and ecological management plan.
Natural England.	No objections to the application.
Thames Water	Grampian condition to be applied re. drainage strategy on site.
Transport Policy.	Accept that the site is in a sustainable location with good cycling provision and improving links to the town centre. However concerned as highways with the cross over provision of parking on site. Now resolved.
Conservation Officer.	The new design of this scheme overcomes previous concerns regarding the impact on designated heritage assets including the town conservation area and listed buildings. On balance, acceptable.
Waste management.	Originally objected. Now notes that in the reserved matters application full details of bin stores as close as possible to the adopted highway needs to be addressed.
Tree Officer.	Conditional permission.
Planning Policy.	It is noted that the proposed residential use is clearly contrary to adopted policy CS9 in the CS. However it is also noted that the scheme adds 700m ² of B1 a space on site. Case officer needs to weigh policy issues in the balance. Flooding and sequential tests need to be addressed. If approved would be a departure.
Environmental Health	Conditional permission recommended.
Fire Service	No further hydrants required.
Housing	In accord with policy 30% of the units should be affordable i.e. 10 units via a s106 obligation.
SUDS	Conditional permission is recommended.

Defence Infrastructure Organisation.	No objections.
Education.	CIL will be sufficient to meet the Council education needs arising, i.e. no s106 obligation needed.
Representations.	No letters received from the public.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026. Policies ADPP1, CS5, CS6, CS9, CS16, CS19.

West Berkshire HSA DPD. Policy P1 - parking standards.

5. Description of Development

5.1 The application site is 0.39ha in extent and lies on the north-west quadrant of the London Road Industrial Area. It is presently a partially vacant two storey office block. The application is submitted in outline form with the access, layout and scale to be considered at this stage. The proposal is to demolish the present building entirely and erect in its place 35 flats [Two 1 bed, twenty 2 bed and three 3 bed]. 10 of the units will be for affordable purposes i.e. 30%. In addition, attached to the building to the north will be the offices of 1700m², an increase of 700m² over the existing space. Car parking was originally set out for 72 spaces on the ground floor an increase of 42 over the existing 30 spaces with 103 cycle spaces in addition. Via amended plans this number has now increased to 84 spaces in total. Access will be from Kelvin Road to the east. The building will be 4 storeys in total and, whilst appearance is reserved for future consideration, the illustrative drawings give an indication of considerable glazing and a contemporary approach in terms of design.

6.0 Consideration of the application.

The application should be considered under the following issues.

6.1 - The planning policy position.

6.2 - The mixed use parking issue.

6.3 - The conservation/design issues.

6.4 - Other issues.

6.1 Planning policy

6.1.1 Paragraph 22 of the NPPF notes that Local Planning Authorities should avoid the long term protection of employment sites, where there is no reasonable prospect of a site being used for that purpose. The application site comprises a policy CS9 site which allows for employment uses only to be permitted, unless an exceptional case can be made. In this instance, it is recognised that whilst housing is being provided, on site, the following is apposite:-

A - Policy ADPP1 sets out that Newbury will be the principal location for new housing in the District to 2026, and sustainable locations on previously developed land is encouraged.

B - It is noted that the scheme will increase offices by 700m² whilst retaining the present office space of 1000m². The schemes dismissed at appeal had no employment space associated with it. This could potentially provide employment for up to circa 85 employees.

C - The application, if permitted, will regenerate a tired part of the town in what is a prominent location so close to the Robin Hood roundabout. This will have economic and visual benefits, in accord with both the Vision for the LRIE, and the advice in the NPPF.

D - para 24 of the NPPF notes that applications for town centre uses [such as offices] where to be located in non town centre sites such as this one, should have the sequential test applied. In this case, given that there are offices already existing on the site, and it is possible that through the Local Plan review process the LRIE area may become part of Newbury Town Centre [in policy terms] in the future, officers have taken a pragmatic and flexible approach in not seeking this test be applied in this instance. This is consistent with the officer approach taken in past applications on the site.

E - part of the application site lies in flood zone 2 - mostly the access road. The Environment Agency did not object to the previous applications for dwellings on the site, so it is assumed they will not do so with this application.

6.1.2 Officers consider that the principal policy issue to be considered in this case corresponds to policy CS9 and protected employment areas. It is acknowledged that in past appeal decisions as on Faraday Plaza [12/00772/XOUTMAJ] the Inspector, allowed the appeal, notwithstanding the fact that housing formed a component of that scheme [160 units]. This was on a CS9 site as well. In addition a similar approach was taken by the Council in permitting the housing and offices at the Travis Perkins site also on a PEA, elsewhere in the town. [13/00835/fulext refers]. Given that not only will visual and regeneration benefits arise from the proposal, plus the provision of 10 affordable units and the additional 700m² of office space, the application, on balance is considered favourably by officers, although it does not comply with policy CS9 as such. Hence it comprises a departure. As the Inspector noted in his letter on Faraday Plaza, the Council should not take a short sighted approach to such matters, with a rigid approach to extant policy.

6.2 Parking provision.

6.2.1 The Council has recently published the HSADPD in November 2015 , now being considered by the Inspectorate .Within that document , the Council has issued new parking standards , inter alia, for new dwellings, including flats. Policy P1 notes that since the application site lies in parking zone number 1, a need for 53 spaces would be required. In addition, for the 1700m² of office space, a need for 49 spaces. Accordingly, if the plans had remained as originally 72 spaces, in theory only 23 spaces would have remained for the 35 flats, which is clearly inadequate. The Highways officer and Transport policy officer both had concerns over the approach advanced by the applicant that a mixed use of the parking would occur on site, over each working day – clearly at weekends the situation would not be a problem. In addition the very good level of cycling provision [103 spaces] and the highly sustainable location of the site would assist. Notwithstanding this, the applicant was requested to submit revised plans indicating a total of 84 spaces, which has been done. This figure is based on a figure of 35 spaces allocated to residential parking, so that each flat has one dedicated space. In addition 31 spaces would need to be allocated to the office use and 18 spaces being shared which will then avoid any additional parking pressures being placed on the surrounding road network within Faraday Road industrial area, which would be contrary to both policy and amenity, including local road safety. The revised layout plan will be conditioned such that the allocated spaces are so designated on the site and this can be “followed up” via any reserved matters application, should this outline application be approved. It is important for the Committee to note that access IS one of the matters to be examined at this outline stage. In conclusion it is accepted that the development as proposed is acceptable in terms of the parking provision on site having regard to the latest Council parking policies.

6.3 Conservation / Design issues.

6.3.1 It is necessary to note in this case that planning applications 14/01524 and 14/02589, as noted above were dismissed at appeal. One of the reasons for dismissing these two schemes was their massing, scale and location on the application site, having regard to the prominent corner location, and the position of designated heritage assets, being the listed public house to the north the listed Shaw Terrace crescent, and the town conservation area adjacent. The Inspector in particular recognised the height of the proposals at 5 storeys and the proximity to the highway edge, so creating a more dominant visual impact, on the street scene. He accordingly believed the

schemes would not enhance the local townscape, but rather have a detrimental impact on heritage assets and so not be in accord with advice in the NPPF and in policy CS19 in the Core Strategy.

6.3.2 The applicant, in this case, has attempted to resolve these design inadequacies. The following is apposite. It is important therefore that any new proposals for this site address the issues previously raised, and notwithstanding “appearance” remaining as a reserved matter, the applicants have demonstrated a much improved approach to the development of the site, addressing the Inspector’s (and this Council’s) concerns about scale and layout. In particular the complete redevelopment of this important corner site, rather than retention and extension of an existing building on the site, allows for a more unified design approach and a more considered “landmark” building (which it is noted that the Newbury Society and Newbury Town Council are content with in terms of design). The reduced height of the building and its set back are welcomed, and will allow replacement landscaping. The new building on the north elevation will be no more than 14.5m high, and 16m at its greatest, with a maximum set back of 8m from the highways edge which is acceptable. Reference is made to the use of traditional materials in the some of the supporting paper work, including reference to red/orange bricks, although the illustrative drawings and supporting text indicate a contemporary, glazed structure (with presumably limited brick work). “Appearance” is however a reserved matter, and therefore potentially subject of further consideration. This can be conditioned as appropriate.

6.3.3 Accordingly, given the above and the fact that the scheme is now taken to comply with policy CS19 in the CS, there will potentially be a substantial improvement to the local street scene by this new landmark building on this corner site, which is to be encouraged. On this issue the scheme is acceptable.

6.4 Other issues.

6.4.1 The application, if approved, will be liable for CIL charges. These cannot be calculated exactly at present given the fact that the application is in outline form. At present the net additional residential space is noted as being 3,273m² which @ £75/m² would be circa £175,000, when the affordable unit allowance is taken into account. In addition, should the application be approved, it will be subject to the first completion of a s106 planning obligation to ensure that the 10 affordable units are delivered. Next, it is anticipated that any ongoing concerns of waste colleagues can be addressed at the reserved matters stage, as identified above. Flooding and archaeological issues are not a barrier to approval, and environmental health colleagues have not raised any issues regarding the noise of living so close to the busy A339 or indeed air quality issues, which would merit rejection of the scheme. Although SUDS colleagues have not responded at the time of writing the report, it is noted that a drainage strategy condition will be applied as requested by Thames Water. Finally the Education Section have confirmed that no additional contributions are required via a s106 obligation, other than through CIL.

7.0 CONCLUSION

7.1.1 All planning applications are required to be determined in accord with the provisions of the NPPF in terms of the three tenets of sustainability. Firstly, in economic terms the application is to be encouraged. It will provide not only 1700m² of new office floor space, with up to c85 employees on site, but also the construction benefits during that phase. In addition, extra expenditure from the new residents and employees in the town will assist the local economy, with a new homes bonus, additional rates and the CIL charges being payable - estimated to be a total of some £500,000, excluding annual council tax. Secondly, in social terms the application has benefits in terms of the additional social housing, and having a regenerative impact on this sector of the town. Finally, in environmental terms, it is recognised by officers that the scheme, via reserved matters, will be of an acceptable impact in terms of design, location and scale. Parking and access issues have now been resolved satisfactorily.

7.1.2 It is the policy issue of CS9 which is the turning point on the application as a whole. For the reasons as set out above, whilst it is not disputed that the application, if approved would be in

conflict with that policy, officers believe the planning balance lies in favour of approval. Accordingly the application is duly recommended for approval, but first it must be considered at District Planning Committee.

8. RECOMMENDATION.

The Western Area Planning Committee resolve to recommend the application for approval to the District Planning Committee with a s106 obligation attached to achieve the 30% affordable housing and relevant conditions as noted below.

CONDITIONS.

1 The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

3 years from the date of this decision or
the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: to clarify the permission in accord with the advice in the DMPO of 2015.

2. Full details of the external appearance of the building and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with the advice in the DMPO of 2015.

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed"

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

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

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

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

5. No development shall commence until details of a scheme of works for protecting the occupiers of the development from externally generated noise, has been submitted to and

approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed before any dwelling is first occupied.

Reason: In order to protect the amenities of proposed residents/occupiers of the development in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

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

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

If required:

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

7. No development shall commence until an air quality assessment has been undertaken to assess the exposure of future receptors (residents and visitors) to existing air pollution and detail any mitigation required. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. It shall then be implemented to the satisfaction of the LPA on completion of the development hereby permitted.

Reason: In order to protect the amenities of proposed residents/occupiers of the development in accord with the advice in the NPPF of 2012.

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

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

9. The office development hereby permitted must be completed to shell stage ready for office fit out on or prior to the same date as the completion of the final dwelling on site ready for sale purposes.

Reason: To ensure that the employment aspect of the development is built out, in accord with policy CS9 in the West Berkshire Core Strategy 2006 to 2026.

10. The development must be carried out in strict accord with the following revised plans received on the 16 June 2016. Plan numbers RL14/P2/04a, 09a, 08a, 05a, 07, and 06 . In addition the 84 car parking spaces noted on plan number RL14/P2/04a shall have the following designations in terms of allocated parking spaces, to be agreed at the reserved matters stage ie 35 spaces for the flats, 18 spaces as shared and 31 spaces allocated to the offices.

Reason. To clarify the permission in accord with the advice in the DMPO of 2015, and to ensure sufficient car parking on site in accord with policy CS13 in the West Berkshire Core Strategy of 2006 to 2026.

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and other local and national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- d) Include a drainage strategy for surface water run-off from the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority;
- e) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- n) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- o) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (Flood Zone 2 and 3) or developments larger than 1 hectare;
- p) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the

approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

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

INFORMATIVE:

- 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 which improves the economic, social and environmental conditions of the area.

DC