

| <b>Item No</b> | <b>Application No. and Parish</b>     | <b>8/13 week date</b>   | <b>Proposal, Location and Applicant</b>  |
|----------------|---------------------------------------|---|--|
| (2)            | 16/03070/FUL<br>Thatcham Town Council | 30 <sup>th</sup> December 2016<br>(Extension of time until<br>13 <sup>th</sup> February 2017) | Change of use from B1 office to 64 place children's' day nursery falling within use Class D1.<br><br>The Coach House, Turners Drive, Thatcham, Berkshire.<br><br>Khaira. |

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/03070/FUL>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

**Ward Members:** Councillor Croft  
Councillor Denton-Powell

**Reason for Committee determination:** 14 letters of objection received.

**Committee Site Visit:** 1<sup>st</sup> February 2017.

#### **Contact Officer Details**

**Name:** Andy Heron  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519111  
**Email:** andrew.heron@westberks.gov.uk

## 1. PLANNING HISTORY

No previous applications of relevance.

## 2. PUBLICITY

Site Notice Expired: 29<sup>th</sup> December 2016  
Neighbour Notification Expired: 5<sup>th</sup> December 2016

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

**Thatcham Town Council:** Object. Additional traffic generated, disturbance to neighbours and children's safety.

**Highways:** Car Parking

Staff must not park within the drop off bays. The internal dimensions of the two garages must be provided in order that it can be established whether they could be utilised for staff parking or not.

I would prefer the parking spaces to be marked out to ensure the full number of spaces can be utilised. Vehicles not parking appropriately will reduce the available drop-off spaces which could result in some displacement.

#### Cycle Storage

Some undercover cycle stands must be provided for staff to encourage travel to the nursery by alternative modes.

#### B1a Office Use

According to the TRICS data, the average trip rate per 100 sqm floor area is 14.740 vehicles, which is 56 (rounded) vehicles per day on a floor area of 381.64 sqm.

Peak time is 0800-0900 with around 24.8% of vehicle movements – total of 14 vehicles (rounded).

#### Nursery Use

A trip rate of 24.074 per 100 sqm floor area, which is 92 (rounded) vehicles per day for 381.64 sqm floor area.

Peak time is 0800-0900 when around 24.01% of vehicles are shown to be travelling to/from the sites – total of 22 vehicles (rounded).

### Net Impact

According to the TRICS data provided there will be an increase in overall vehicle movements from around 56 per day with the permitted use, to 92 per day with the proposed use. This is a daily increase of 36 vehicle movements, that is 18 in and 18 out.

In the AM Peak there will be an additional 8 vehicles. That is potentially 4 in and 4 out.

Whilst I had originally estimated this figure would be significantly greater, the details above have been obtained from actual survey data provided within TRICS.

### Parking in the Vicinity

Some on-street parking does take place along Turners Drive, with student and parent parking for the school taking place near to the junction with Station Road. I have discussed this site with colleagues within the Council's Traffic Management team who have advised that parking restrictions are going to be introduced, hopefully before the end of March – this has already gone through the public consultation process.

Parking will be prohibited between Mon-Fri 0800-0930 and 1430-1600. This will assist in alleviating parking problems at peak school drop-off and collection times in the vicinity of the junction with Station Road.

These restrictions will also reduce the likelihood of staff and parent parking being displaced onto the public highway in the vicinity of the site.

The parking requirement has been based upon survey data from another nearby nursery. Given the distance from the nursery to the public highway, plus the proposed impending parking restrictions, it is our view that parents/carers vehicles are unlikely to be displaced onto the public highway.

If it transpires that this application does result in a shortfall in spaces, it is probable that vehicles would be displaced to other parking spaces within the forecourt area of Thatcham House for a short period of time during drop off or collection. It is noted that this is of concern to existing businesses, however this would be a private matter for the landowner to manage.

I would suggest consideration is given to signing and lining of the parking to demarcate where parking for each of the units should take place.

## Conclusions

It is acknowledged that there is concern over parking and vehicle movements associated with this proposed use. There is an existing office use at this site which must be taken into consideration.

When considering each of the above matters, the highway authority has determined that it would be difficult to substantiate a refusal on parking or traffic impact grounds. The impact on the public highway is not considered to be 'severe' as specified in the NPPF.

The highway recommendation is therefore for conditional approval.

**Environmental Health:** No objection subject to condition.

## **3.2 Representations**

14 Letters of objection received.

### Summary of objections:

- Traffic implications.
- Noise.
- Loss in office space.
- Poor outdoor recreational space for children.

## **4. PLANNING POLICY**

4.1 The statutory development plan comprises policies in the West Berkshire Core Strategy 2006 – 2026, July 2012 and those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF).
- The National Planning Policy Guidance (March 2014) (NPPG).
- By Design: urban design in the planning system: towards better practice (DETR/CABE).

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

- ADPP1: Spatial Strategy.
- ADPP3: Thatcham.
- CS5: Infrastructure Requirements and Delivery.
- CS9: Location and type of business development.
- CS13: Transport.
- CS14: Design Principles.
- CS19: Historic Environment and Landscape Character.

- 4.4 The following policies from the West Berkshire District Local Plan, Saved Policies 2007 are relevant to this application:
- OVS.6 Noise Pollution.
  - TRANS1: Meeting the Transport Needs of New Development.
- 4.5 The Draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document (November 2015) (DPD) is a key material consideration. The following policies from the DPD are relevant to this application:
- GS1: General site policy.
- 4.6 In addition, the following locally adopted policy document is relevant to this application:
- Supplementary Planning Document (SPD) Quality Design (June 2006).
    - Part 1 Achieving Design Quality.
    - Part 4 Sustainable Design Techniques.

## **5. DESCRIPTION OF DEVELOPMENT**

- 5.1 The site is located within the Thatcham settlement boundary. The south-eastern area of the site is situated within a critical drainage area. The site consists of a small vacant detached (B1 use class) office building situated to the north-east of the grade II listed Thatcham House. Thatcham House is currently in use as B1 office space. The Coach House has two storeys and is constructed of red brick, with a brown tiled half-hip roof. It has a total floor space of 381.64 square metres.
- 5.2 The property is a former Coach House. It is situated on Turners Drive, a short distance from the junction with Station Road. Vehicle access is located to the west of the site via Turners Drive with car parking situated in the south-eastern and north-western areas of the site. Thatcham train station is within close proximity, to the south of Station road.
- 5.3 The Kennet secondary school is situated to the north of the site, the schools playing fields are located to the east. Three storey residential flats lie to the south, Thatcham House, a large three storey detached period property adjoining to the south-west. Lock up garages are located to the north-west, communal parking is situated in the courtyard to the west, with residential properties beyond.
- 5.4 Planning permission is sought for the change of use from a (B1) office to a (D1 use class) children's day nursery. No external changes to the building are proposed. Provision for outside play will be via a private enclosed rear garden, and a private garden to the north. These areas will be enclosed by a timber fence. The business is proposed to operate between the hours of 07:30 to 18:30 Monday to Friday. 13 full-time staff and 3 part-time staff are proposed.
- 5.5 A total of 15 car parking spaces are proposed on site. Two of the car parking spaces will be situated in garages to the north-west. Cycle parking will be situated in a small area to the east of the building.

## **6. APPRAISAL**

The main issues for consideration in the determination of this application are:

- Principle of the development
- The impact upon the character and appearance of the surrounding area and the grade II listed building
- Design and appearance
- The impact upon neighbouring amenity
- Traffic implications
- Community Infrastructure Levy (CIL)
- The presumption in favour of sustainable development

### **6.1 Principle of the development**

6.1.1 Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates Thatcham as an urban area within its district settlement hierarchy. These are areas with a wide range of services. The policy seeks to focus the majority of development within these areas.

6.1.2 Policy ADPP3 of the WBCS re-emphasises Policy ADPP1. It sets out the criteria for the principle of development within Thatcham. Policy ADPP3 permits such development providing it preserves the surrounding environment. It seeks to conserve and enhance the character of the area, ensuring that any development responds positively to the local context.

6.1.3 The development is located within the Thatcham settlement boundary where there is a presumption in favour of development, although any development would need to accord with the character and appearance of the surrounding area.

6.1.4 Policy CS9 of the WBCS concerns employment and the economy, it seeks to manage the scale, type and intensification of business development. A range of types and sizes of employment sites and premises will be encouraged throughout the district to meet the needs of the local economy. Proposals for business development should be in keeping with the surrounding environment, not conflict with existing uses, and promote sustainable transport.

6.1.5 More efficient use of existing sites and premises should be made in order to attract inward investment, respond to modern business requirements, and meet the demand for employment land over the plan period. The Council will promote the intensification, redevelopment, and upgrade of existing, vacant and derelict employment sites and premises for business development.

6.1.6 The surrounding area has a mix of different uses. The site has good public transport access. It is not situated within the Thatcham town centre commercial area, nor is it within a protected employment area. The applicant has provided supporting information to show that the building has been advertised for rent as office space. The building is self contained and is distanced away from neighbouring properties.

6.1.7 In view of the above the principle of development is therefore acceptable providing it preserves the character and appearance of the surrounding area.

## **6.2 The impact upon the character and appearance of the surrounding area and the grade II listed building**

- 6.2.1 Policies CS14, and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.2.2 The criteria contained within the policy state that development shall contribute positively to local distinctiveness and sense of place. This is achieved by making efficient use of land whilst respecting the density, and character of the area.
- 6.2.3 Policy CS19 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 to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Proposals for development should be informed by and respond to features identified in various settlement character studies including the Quality Design West Berkshire Supplementary Planning Document, and community documents which have been adopted by the council such as Parish Plans and Town Design Statements.
- 6.2.4 No external changes or alterations are proposed to the building. The only proposed changes consist of proposed landscaping for the garden and amenity space, and boundary fencing. These works are likely to fall under permitted development, however, a condition will be recommended for details of boundary treatment to be agreed prior to occupation.
- 6.2.5 In view of the above the proposed development will preserve the character and appearance of the area and the setting of the grade II listed building and therefore complies with policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026, and the NPPF.

## **6.3 Design and appearance**

- 6.3.1 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.
- 6.3.2 The NPPF also adds that the visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 6.3.3 Policy CS14 of the WBCS states that new development must demonstrate high quality and sustainable design that relates not only to the appearance of a development, but the way in which it functions.
- 6.3.4 There are no changes proposed to the building itself. Works are proposed outdoors to improve safety and provide outdoor amenity space for the children. Concern has been raised by objectors that the outdoor recreational space will be inadequate. The case officer has reviewed the Department for Education statutory framework for the early year's foundation stage, 'Setting the standards for learning, development and care for children from birth to five' (effective September 2014). The framework states that, "providers must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis". There is no minimum size requirement for outdoor amenity space. It is therefore considered that the proposed outdoor amenity space is adequate. Furthermore, a condition will be recommended to limit the numbers of children attending the nursery to 64 at any one time.
- 6.3.5 In view of the above the proposed development will preserve the design and appearance of the building and its surrounding area and is in compliance with the NPPF, and Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### **6.4 Impact upon neighbouring amenity**

- 6.4.1 Policy CS14 of the WBCS is of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire.
- 6.4.2 The nursery will not harm neighbouring amenity in terms of an overbearing impact, a loss in privacy, or a loss in sunlight. However, concerns have been raised with regards to noise. The NPPF and Policy OVS6 of the WBDLP are therefore relevant in this instance. These policies are given due weight by the NPPF.

#### Noise:

- 6.4.3 Policy OVS6 of the WBDLP concerns noise pollution. It states that the introduction of noisy activities into residential areas can be disruptive. It therefore requires appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Policy OVS6 requires noise sensitive developments to have regard to existing sources of noise, for example roads, and commercial developments, and the need for appropriate sound insulation measures.
- 6.4.4 Environmental Health have raised no objections subject to appropriate conditions for hours of use. It is therefore considered that the impact upon neighbouring amenity can be mitigated by condition, and therefore, the proposal is considered to be acceptable. The proposal accords with Policy OVS6 of the WBDLP. Neighbouring amenity will therefore be preserved.
- 6.4.5 The proposed development will conserve the amenity of neighbouring occupants therefore complying with Policies CS14 and CS19 of the WBCS.



## **6.5 Traffic implications**

- 6.5.1 Policy CS13 of the WBCS concerns transport. It emphasises that road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, and other vulnerable road users.
- 6.5.2 Policy CS13 states that development generating a transport impact will be required to; reduce the need to travel, improve and promote opportunities for healthy and safe travel, mitigate the impact on the local transport network and the strategic road network, and prepare transport assessments to support planning proposals in accordance with national guidance.
- 6.5.3 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development. It states that transport assessments must; ensure safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. It further states that, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.5.4 Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies, and give priority to pedestrian and cycle movements. Proposed development must have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 6.5.5 The site benefits from good public transport provision, cycle storage is also proposed. According to the TRICS (Trip Rate Information Computer System) data provided there will be an increase in overall vehicle movements from around 56 per day with the permitted use, to 92 per day with the proposed use. This is a daily increase of 36 vehicle movements. The Council's highways service have reviewed the proposed plans raising no objections. Adequate car parking and access is available. It is therefore considered that the proposed development will comply with the criteria contained within Policy CS13 of the WBCS and the NPPF.

## **6.6 Community Infrastructure Levy (CIL)**

- 6.6.1 Policy CS5 of the WBCS states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery. The Council has implemented its Community Infrastructure Levy (CIL) as from 1st April 2015. Planning applications which are decided after 1st April 2015 may be liable to pay the levy.
- 6.6.2 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, new dwellings, and retail and residential development of 100m<sup>2</sup> or more will be liable to pay the Community Infrastructure Levy. In this instance the application is not CIL liable as it is not retail or residential development.

## **6.7 Sustainable Development**

- 6.7.1 When considering development proposals, the Council is required to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. To achieve this the Local Planning Authority has worked proactively with the applicant to find solutions which mean the proposal can be approved.
- 6.7.2 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. The proposed nursery will provide 13 full-time and 3 part-time staff therefore benefitting the local economy. The environmental considerations have been assessed in terms of design, and impact on the character and appearance of the area and the grade II listed building, and for the reasons given above are considered acceptable. Social considerations overlap those of environmental in terms of amenity. As these have been found acceptable the development is considered to constitute sustainable development.

## **7. Conclusion**

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that having regard to the clear reasons to support the development proposed is acceptable and conditional approval is justified for the following reasons.
- 7.2 The proposal will not unduly harm the character and appearance of the surrounding area and the setting of the grade II listed building, or neighbouring amenity, and there are no other material considerations that indicate planning permission should otherwise be refused.
- 7.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP3, CS5, CS9, CS13, CS14, and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy OVS6, and TRANS1 of the West Berkshire District Local Plan Saved Policies 2007, Policy GS1 of the Draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document (November 2015) (DPD), and the National Planning Policy Framework.

## **8. FULL RECOMMENDATION**

**DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

### **8.1 Schedule of conditions**

1. **Full planning permission time limit**  
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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. **Standard approved plans**

The development hereby permitted shall be carried out in accordance with drawing numbers; promap, ordanance survey, Dreweatt Neate, and The Coach House received 3<sup>rd</sup> November 2016 and 28<sup>th</sup> November 2016.

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

3. **D1 Nursery use**

Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 2015, the Coach House shall not be used for any purpose other than as a children's day nursery (D1 use class), unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To prevent the overdevelopment of the site and to safeguard the amenities of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

4. **Child number restriction**

The number of children attending the nursery at any one time shall not exceed 64 unless permission has been granted by the Local Planning Authority in respect of a planning application.

Reason: In the interests of sustainability and highway safety, in accordance with Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007, Policy CS14 of the West Berkshire Core Strategy 2006 – 2026, and the National Planning Policy Framework (March 2012).

5. **Boundary treatment**

The use hereby permitted shall not commence until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to and permitted in writing by the Local Planning Authority via a condition discharge application and the boundary treatments have been provided in accordance with the approved details.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

6. **Hours of use**

The opening hours shall be restricted to the hours of 07:30 to 18:30 Mondays to Fridays only.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026 and OVS6 of the West Berkshire Local Plan Saved Policies 2007.

7. **Land contamination**

The use hereby permitted shall not commence until a report demonstrating that the external garden areas present a low risk to future occupiers has been submitted to and approved by the Local Planning Authority via a condition discharge application.

Reason: In order to protect the amenities of proposed occupants/users of the application site. This is in accordance with the NPPF and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

8.

**Parking/turning in accord with plans**

The use hereby permitted shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars and light goods vehicles at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007.

9.

**Cycle storage**

The use hereby permitted shall not commence until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority via a condition discharge application and the cycle parking and storage space has been provided in accordance with the approved details. Thereafter the approved cycle parking and storage space shall be retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007.

## Informatives:

### 1. **Decision to grant permission**

The decision to grant planning permission has been taken because the development will preserve the character and appearance of the surrounding area, the setting of the grade II listed building, and neighbouring amenity. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

### 2. **Sustainable**

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.

### 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.