

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	17/01833/FULEXT Hungerford Town Council.	25 th September 2017	Erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop. Land at former Oakes Bros site, Station Yard, Hungerford. Oakes Bros Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/01833/FULEXT>

Ward Member(s):

Councillor Hewer
Councillor Podger

Reason for Committee determination:

Councillor Podger has called the application in should the officer recommendation be to refuse.

Committee Site Visit:

14 September 2017.

Recommendation.

The Head of Development and Planning be authorised to REFUSE planning permission.

Contact Officer Details

Name:

Michael Butler

Job Title:

Principal Planning Officer

Tel No:

(01635) 519111

E-mail Address:

michael.butler@westberks.gov.uk

1. Site History

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

2. Publicity of Application

Site notice displayed 7th July 2017. Expiry 28th July 2017.
Advertised as a departure on 6th July 2017.

3. Consultations and Representations

Hungerford Town Council

Support.

Highways

Objection. The application would involve the loss of 21 car parking spaces on the site frontage within the network Rail car park. In addition the existing pedestrian routes in to the town centre are poor

Education

CIL will be sufficient to offset any additional impact from new residents on local schools.

SuDS

Concerns raised in regard to on and off site drainage being worsened. Amended plans submitted. Comments awaited.

Planning Policy

Objection. The scheme is residential and so as the site lies on a protected employment site under policy CS9, the development is contrary to this policy. In addition the Council has in excess of a 5 year housing land supply. No objection to the coffee shop.

Housing

Support. This is a brown field site in the town where the Council would expect 30% of the units to be for affordable purposes i.e. 9 in number - s106 required to achieve this.

Environmental Health

Two principal issues correspond to the site. The first is noise [from the rail line and the Tavern] the second is possible land contamination. These can both be resolved by appropriate conditions.

Network Rail.

Objection. The application if approved will include land in the ownership of Network Rail and this matter has not been resolved with the applicant – i.e. loss of car parking land to the frontage.

Tree Officer

No objections. Conditional permission. Impact on local tree accepted as is the proposed landscape scheme.

Environment Agency	No objections. Conditional permission.
Fire and Rescue Service	No further hydrants needed.
Thames Water	Conditional permission is recommended. Regarding waste drainage, and no piling. [Pre conditions].
Waste Services	Suitable waste collection/storage facilities are available on the site as is access recently demonstrated by the appeal on the Yard further to the east for 8 dwellings. Conditional permission.
Conservation	The application site lies outside but adjacent the town conservation area. The proposed elevations are generally considered to be acceptable, although there will be some impact on the “ambulance” site to the east should the extant permitted scheme for 6 flats be built out on that site. Impact on Railway Tavern to the west is accepted. No objections.
Natural England	No objection re. any impact on SSSI or protected species. However, as the site lies in the AONB, the advice in paras 115 and 116 of the NPPF must be taken into account.
Archaeology.	No objections to the site itself being developed but the historical context of the two adjacent non listed but historic buildings i.e. the Railway Tavern and the Old Police Station should be taken into account.
Economic Development Officer.	Objection. The application would entail the loss of protected employment land. In addition the parking loss would impact upon local businesses operating at Station Yard as well.
Transport Policy	Do not object to the loss of the car park, but do object to the loss of the Network Rail parking spaces on the site frontage.
Public representations	6 objections received. Would place Crofton House [to the south] into darkness and would not be acceptable. Impact on local businesses in the Yard area not acceptable. Impact of additional residents on the Town infrastructure and facilities. Loss of very useful car parking in the Yard area. Loss of employment land. Buildings too large. Access to the site is very poor. Safety? The junction of the Station Road with Park Street should be improved. Poor design of buildings and impact on local conservation area - harm and integrity. In addition 2 letters of objection sent on behalf of the applicants / developers for the allocated housing site to the south of the town. Objections based upon loss of employment land, to approve would be contrary to policy CS9 in the DP, and policy ADPP5, the Council has an adequate Housing land supply, noise will impact upon local residents, scheme too bulky. The marketing of the site has been flawed, the situation on this site is very different from the appeal decision elsewhere on Station Yard for 8 dwellings [allowed] and is the site deliverable given the outstanding objection from Network Rail? The design is poor and the loss of the car park is of local concern to business.

One letter of comment - If the application is approved please address the car parking loss issue.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

Policies ADPP5, CS9, CS14, CS19 .

West Berkshire District Local Plan 1991 to 2006. Policy OVS6.

5 Description of development.

- 5.1.1 The application site comprises an existing temporary car park operated by the applicants on a private commercial basis. It has capacity for up to 96 vehicles and is well used during the working week for local employees and commuters. The site itself is 0.3 ha in extent and roughly square in shape. It lies in the Station Yard employment area immediately to the south of the railway station, and to the east of the Railway Tavern. It lies to the north of the former Police Station and Crofton House a scheme of flats. To the east of the application site lies the former ambulance station which has an extant permission for 6 flats. The site itself lies adjacent to, but not in the Town Conservation Area, and also lies in the North Wessex Downs AONB, which washes over the identified settlement boundary of Hungerford as identified under policy C1 in the now adopted HSADPD of May 2017. Finally, the site lies in a protected employment area [PEA] under policy CS9 in the Core Strategy.
- 5.1.2 Members will have noted from the site visit that the levels in the area have a considerable height difference: the land to the south is some 5/6 m higher than that on the car park itself, with some significant trees on the existing southern boundary.
- 5.1.3 The applicant is proposing to redevelop the site for 30 flats [9 of which are to be affordable] over a maximum of 5 floors. There is to be associated landscaping, with a new ground floor coffee shop on the eastern frontage. On the ground floor will be 27 parking spaces [undercroft] and a further 6 on the site frontage. On each of the next 3 floors there will be 10 flats, and 2 of which will be duplex, so having another 5th floor to the east – flats 22 and 23. There will be communal bin storage and cycle storage provided, with vehicle access obtained via Station Yard onto Station Road to the west. There will be some external amenity space of 893m² in addition.
- 5.1.4 In terms of elevational treatment, the proposal has an “interesting” curved roof form with a varied palette of external facing materials including brickwork, vertical timber cladding, metal cladding panels, and render, the precise nature and colour of which will be agreed at discharge of conditions stage should the application be approved. The maximum height of the building when taken from the north perimeter will be 16m and the full frontage width of 47m. The depth of the site is 45m bringing the site forward building line further to the north than existing built form in the vicinity. Finally the application would comprise a net density of 100 dwellings per ha if built out.
- 5.1.5 The Council, on 29th September 2016, wrote to the applicant’s agent in regard to a pre application enquiry on the site for 31 flats under reference 16/00026/preapp. In addition under the Environmental Impact Assessment Regulations of 2017, the Council informed the applicants on the 7th July 2017 that NO environmental statement was required to be submitted for the development in question. The application has also been formally advertised as a departure from the Development Plan as it involves non-employment generating development on a protected employment site. This was done on 6th July 2017.

6 Consideration of the application.

- 6.1.1 The application will be considered under the following issues; design, massing and scale, planning policy position, access and car parking and other issues.
- 6.1.2 **Design, massing and scale.** As noted above the application site lies immediately to the north and east of the town conservation area. Accordingly, any new development here must fully respect the setting and value of that conservation area, without detriment, if it is to accord with policy CS19 in the Core Strategy and the advice on respecting designated heritage assets as noted in the NPPF. Para 137 of the latter notes that proposals that enhance or better reveal the significance of such areas should be treated favourably. In addition, CS19 replicates this advice in principle. Firstly, it is recognised that whilst the existing car park forms a highly useful function in the local context of pressured parking capacity, its visual appearance is relatively very poor and does little to enhance the conservation area; it merely provides a feeling of openness in an otherwise built up area. On the other hand it is concluded by officers that the introduction of this new built form will obviously remove this open character, but given the design and massing, will not harm the overall balance and setting of the local urban context and indeed could potentially improve that visual appearance. Whilst design is of course a subjective matter to a degree, and the case officer appreciates that a contemporary appearance is not to all tastes, the degree of vertical articulation through the use of varying materials and roof form over 5 floors, is on balance, satisfactory.
- 6.1.3 Clearly the nature of the area will change considerably should the scheme proceed, but the area is already/will become more built up with the advent of the 8 dwellings to the east, which in itself is a dense scheme, although not of the same height. It is the physical relationship with adjoining buildings around the site which the Committee is required to carefully address, to see if the scheme is acceptable. Officers, including the Council conservation officer has accepted that this relationship is satisfactory, given the levels difference and the separation afforded by the new amenity space to the houses to the south, and the good separation to the Railway Tavern to the west; this is helped by the set down to 3 floors only of the scheme on the western side.
- 6.1.4 Some have commented upon the forward building line of the new scheme particularly in relation to the St Johns Ambulance Scheme to the east - by 14m. This is substantial. However, should this current application be approved it is quite conceivable that a fresh application for the latter can be considered in its new context: the planning history is a material consideration but does not carry so much weight as an implemented scheme. In addition the forward building line accords with the Railway Tavern to the west.
- 6.1.5 Accordingly, having regard to the advice in the NPPF, the advice in policy CS19, and the surrounding visual context, it is considered in terms of impact on the conservation area, the massing and scale is acceptable as is the design. However, the Council also needs to examine if the application is a major development in the AONB albeit in the settlement. If it were to be taken as major then the advice in para 116 of the NPPF would apply and exceptional reasons would be needed to permit the application. Officers have determined that it is NOT major development and thus the tests in para 115 applies: i.e. great weight needs to be given to any visual impact which might arise. It is "fortunate" that the application site is bounded by built form to all sides and has a very mature tree screen to the north in addition. Any wider visual impact on the AONB is thus minimal, and so the thrust of policy ADPP5 is met.

6.2. Planning Policy

- 6.2.1 Hungerford is defined as a Rural Service Centre in the Council Core Strategy. Policy ADPP1 notes that most development will be within these settlements, in conjunction with the urban areas and service villages. In addition, under bullet point 4 in policy ADPP5

relating to the AONB, it is noted that Hungerford will be the prime location for new housing. Next, policy CS1 relates to the delivery of new homes. This application site corresponds to the first bullet point, being brown field lying in a settlement. It's location is obviously highly sustainable. Next policy CS4 examines the type of housing to be delivered. More dense schemes can be delivered in town centres and this site is one such type. The density at about 100dwh is considerable, but the policy does allow for densities in excess of 50. This in turn makes efficient use of urban land. Policy CS6 seeks to ensure that affordable housing is delivered. If this application were to be approved it would need to combine 9 units as affordable to comply with this policy. The next policy is certainly the most contentious for both officers and the Committee to consider. CS9 seeks to conserve employment land over the Plan period, such that the Council is not placed in a position where fresh allocations of employment land are made on green field sites, in order to supply enough jobs for an increasing population. It is clear that the planning policy objection is based on this very point.

- 6.2.2 Officers, in advising the Committee are required to take into account other factors which might sway this policy position. The first is that the site has been marketed for some considerable time for employment purposes to no avail. The only material interest according to the submitted marketing report has been for housing. Secondly para 22 in the NPPF makes it clear that planning authorities should avoid the long term protection of employment sites where there is little prospect of a site being used for that purpose. Thirdly, a recent appeal decision at Station Yard for the approval of 8 dwellings on land to the east of the application site was published in July this year. [16/00787/fuld refers]. The Inspector at that appeal specifically mentions the advice in para 22 in his letter, in para 7, and thought the site would remain undeveloped in the future, so making no meaningful contribution to the towns economy. The test for the Council is whether this very recent and relevant appeal decision should be brought to bear on this application site—which is for a much larger scheme. On balance, given the Governments continuing advocacy of pressing for more homes, especially in sustainable locations, the application will not be recommended for rejection on the basis of policy CS9, although should the application be refused, it is open to the Committee to add this reason for refusal should they wish to do so. This officer recommendation is **ONLY made on the basis that the specific PEA at Station yard should not continue to be protected**; it does not relate to other employment areas in the Town such as Charnham Park which continue to serve a very valuable economic function.
- 6.2.3 Next, policy CS11 considers the hierarchy of centres in the District. Hungerford is identified as a Town Centre second down in the overall range. Policies seek to sustain the vitality and viability of such centres. The inclusion of the coffee shop in the scheme is considered to be a useful adjunct to the application, which will assist such diversification and be helpful in social terms. It is considered to accord with CS11 on this basis. Policy CS13 considers access and transport, which will be examined later in this report. Policy CS14 considers design which has already been examined. Policy CS17 considers ecological and biodiversity issues: the applicants have submitted a phase 1 ecological assessment, which has concluded that no species or sites of special ecological value relate to the application site. Policy CS19 considers the historic environment, which has been examined earlier in the section on design.
- 6.2.4 Officers now conclude that the application scheme conforms to all policies in the Core Strategy, apart from CS9 for the reasons identified. Members are reminded in this context that should they conclude in approving the application, it will have to be taken to District Planning Committee since it would comprise a departure from the Development Plan.

6.3. Access and parking

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

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

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

6.3.2 The proposal complies with Councils new car parking standards, and highway Officers are generally content with the overall layout of the site internally. However there is a concern that the layout will affect the car parking opposite as the proposal will narrow the aisle width fronting the spaces rendering them difficult to use. An aisle width of six metres is required, but this will be narrowed significantly

6.3.3 Highway Officers have concerns regarding the loss of the RCP Parking Ltd temporary car park approved with planning application 12/01229/FUL, because it is likely that the car parking will be displaced elsewhere within Hungerford as commuters would have got used to using the car park. However as this car park is temporary, it may be difficult to object to its loss but highway officers will be keen to cooperate with Network Rail and GWR in seeking a longer term solution for additional parking for Hungerford Station.

6.3.4 While it may be difficult to object to the loss of the temporary car park, highway officers have a significant concern that this proposal will result in the loss of 21 car parking spaces from the Network Rail car park managed by APCOA Parking (UK) Ltd. This is considered unacceptable, as the station car park is heavily used and serves a wide rural area. As with the temporary car park, the loss of this car parking is likely to result in parking displacement to other locations within Hungerford town centre where there often already is parking congestion. The loss of these parking spaces is also contrary to all aims of encouraging use of the train as a sustainable alternative of travel to the private car. If anything levels of car parking at Hungerford train station should be increased to encourage more travel by train in line with all local and national policies.

6.3.5 A further concern that highway officers have is the somewhat poor pedestrian routes to and from the site up to and across Station Road, along with no convenient place to cross Station Road itself. Routes into Hungerford town centre are also often poor. The route via Park Street is disjointed in some locations along Park Street with footways being narrow without any dropped kerbing around the Park Street / Station Road / Fairview Road crossroads. The footpath and route through the car park alongside the railway line has limited or no overlooking from dwellings that would reduce the possibility of crime, and finally the route through the Tesco car park lacks footways and involves crossing the level crossing that could be difficult for anyone that is disabled. Highway officers consider it essential to ensure a safe pedestrian route to and from the site and to encourage walking as a sustainable mode of travel.

6.3.6 In conclusion highway officers therefore recommend refusal of this planning application due to the loss of the 21 car parking spaces within the APCOA Parking (UK) Ltd car park and the lack of convenient and safe pedestrian routes to and from the site

6.4 Other issues.

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

6.4.2 The Council requires all new dwellings to have at least a degree of external amenity space available for future residents. A total of just under 900m² is to be provided on the site, namely a communal garden area to the south and a hard paved area to the west. This is almost 30m² per flat which is considered to be acceptable. It is recognised however that the rear amenity space will be unfortunately rather dark with the new building to the north and the significant rise in levels to the south - but at least it is south facing.

6.4.3 In terms of CIL the application, if approved, would comprise a total net gain of circa 3735m² of new C3 space. This is currently charged @ £125/m². Taking out the 30% affordable housing, which is not CIL liable, this equates to a sum of approximately £327,000 under CIL. It is stressed that this figure is for illustrative purposes alone.

7.0 Conclusion

7.1.1 All planning applications are required to be determined in accord with the three principles of sustainability in the NPPF. In economic terms the application is neutral since if approved it will involve the loss of employment land and of course if refused that employment land will remain available for future users - although there is no guarantee that this would occur over the Plan period. The build out of the scheme would create local employment and the perhaps 60 new occupants in the flats will spend additional money in the local economy. In social terms the benefits are clear since 9 further affordable units would be created, with new activity being brought into Station Yard, with the advent of the coffee shop. In environmental terms the benefits are less apparent. Whilst officers have accepted the built form mass and scale of the new scheme in regard to the conservation area, the real problems will arise with the poor vehicular access to the site and the impact on car parking at the Yard, which will be detrimental to the area, for the reasons set out above in the Transport section. It is on this principal basis that the application is to be recommended for refusal, with the additional reason that no s106 obligation has been submitted, to agree the 9 affordable units.

7.1.2 Given the clear reasons on which a decision can be justified to reject the application, officers recommend that the application be rejected on the grounds identified below.

8. Recommendation.

The Head of Development and Planning be authorized to REFUSE Planning Permission for the following reasons:-

- 1 The applicant has failed to enter into a s 106 planning obligation, which would ensure that 9 affordable units would be provided on the application site. Given the significant local demand for such housing in the Hungerford Town, the absence of this planning gain is unacceptable having regard to the advice in policy CS6 in the West Berkshire Core Strategy of 2006 to 2026 and the advice on affordable housing in para 50 of the NPPF of 2012.
- 2 The proposal will result in the loss of car parking that is currently provided for commuters travelling by train. This will result in parking being displaced to other locations within Hungerford town centre where there often already is parking congestion. The loss of these parking spaces is also contrary to all aims of encouraging use of the train as a sustainable alternative of travel to the private car. It is therefore contrary to Government advice contained within the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire District Core Strategy 2006 to 2026 and the Local Transport Plan for West Berkshire 2011 - 2026.
- 3 The application fails to provide convenient and safe pedestrian routes towards and across Station Road and into Hungerford town centre. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework (March 2012), Policies CS5, CS13 and CS14 of the West Berkshire District Core Strategy 2006 to 2026 and the Local Transport Plan for West Berkshire 2011 - 2026.

DC