

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(3)	18/02019/COMIND Newbury Town Council	13 th November 2018	Newbury Manor Hotel London Road Newbury Berkshire RG14 2BY Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, condenser unit to side and roof-mounted extract SCP Newbury Manor Ltd

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/02019/COMIND>

Ward Member(s): Councillor J Beck
Councillor D Goff

Reason for Committee determination: Councillor Beck has called the application to Committee should the application be recommended for approval

Committee Site Visit: 25th October 2018.

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

Contact Officer Details	
Name:	Mr. Matthew Shepherd
Job Title:	Senior Planning Officer
Tel No:	(01635) 519111
E-mail Address:	Matthew.Shepherd@westberks.gov.uk

1. Relevant Site History

- 1.1. 01/2511/FUL. Proposed extension and alterations to existing hotel to provide additional bedrooms and function room. Withdrawn 17.06.2002
- 1.2. 01/02514/LBC. Proposed bedroom extension and function room. Withdrawn 24.06.2002
- 1.3. 02/02208/FULMAJ. Proposed extension and alterations to existing hotel to provide additional bedrooms and function room. Plus change of use of additional land to car park. Withdrawn 20.01.2003.
- 1.4. 02/02222/LBC. Proposed extension and alterations to existing hotel to provide additional land to car parking. Withdrawn 20.01.2003
- 1.5. 03/00062/FULLMAJ. Proposed extension and alterations to existing Hotel to provide additional bedrooms and function room and ancillary parking. Approved 05.08.2004
- 1.6. 03/00075/LBC. Proposed bedroom extension and function room. Approved 23.04.2003.
- 1.7. 06/02011/FUL. Retrospective- New timber deck and balustrade to riverside restaurant. Refused. 31.10.2006
- 1.8. 06/02012/LBC2. Retrospective- New timber deck and balustrade to riverside restaurant. Refused. 31.10.2006
- 1.9. 06/02812/FUL. New timber deck and balustrade to riverside bar. Approved 15.02.2007
- 1.10. 06/02813/LBC2. New timber deck and balustrade. Approved 15.02.2007
- 1.11. 10/02937/FUL. Retrospective- Single storey extension to existing function room. Approved 12.04.2011
- 1.12. 10/02938/LBC. Single storey extension to existing function room. Approved 12.04.201
- 1.13. 15/00991/FUL. Removal of single storey 70's flat roofed building attached to the original watermill and blacksmiths. Withdrawn 02.07.2015.
- 1.14. 15/00991FUL. Removal of the single storey70's flat roofed building attached to the original watermill and blacksmiths brick building and the construction of a new flat roof Oak framed building to replace the building removed. The extent of the proposed new building is to extend in to the lagoon. Withdrawn 02.07.2015
- 1.15. 15/00992/LBC. Removal of the single storey70's flat roofed building attached to the original watermill and blacksmiths brick building and the construction of a new flat roof Oak framed building to replace the building removed. The extent of the proposed new building is to extend in to the lagoon. Withdrawn 02.07.2015
- 1.16. 16/01171/FUL. Two storey rear extension to hotel following removal of conservatory and outbuildings 912 net additional rooms); elevational improvements; internal alterations; permeable paving of car park. Approved 07/10/2016
- 1.17. 16/01172/LBC2. Two storey rear extension to hotel following removal of conservatory and outbuildings 912 net additional rooms); elevational improvements; internal alterations; permeable paving of car park. Approved 07/10/2016.

- 1.18. 16/002902/FUL. Extension of hotel cottage to create hotel restaurant with outdoor seating terrace. Withdrawn 07.03.2017.
- 1.19. 16/002903/LBC2. Extension of hotel cottage to create hotel restaurant with outdoor seating terrace. Withdrawn 07.03.2017.
- 1.20. 17/00865/COND. Approval of details reserved by condition 3: Removal of spoil, 4: Construction Method Statement, 8: Landscape Management plan, 9: Arboricultural watching brief, of planning permission 16/01171/FUL - Two storey rear extension to hotel following removal of conservatory and outbuildings (12 net additional rooms); elevational improvements; internal alterations; permeable paving of car park. Spilt decision 23.06.2017.
- 1.21. 17/00866/COND. Approval of details reserved by Conditions 3: Schedule of materials and 6: Windows/doors, of planning permission 16/01172/LBC - Two storey rear extension to hotel following removal of conservatory and outbuildings (12 net additional rooms); elevational improvements; internal alterations; permeable paving of car park. Approved 30.08.2017
- 1.22. 17/03223/FUL. Erection of plant room and substation. Approved 08/06/2018
- 1.23. 17/03232/FUL. Section 73 -Application for variation of Condition (2) - Approved plans of planning permission 16/01171/FUL. Approved 08.06.2018
- 1.24. 17/03233/LBC. Sec 19 - Application for variation of condition (2) Approved plans of planning permission 16/01172/LBC. Approved 08.06.2018
- 1.25. 17/03237/COMIND. Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, wall-mounted condenser unit and roof-mounted extract. Refused 08.06.2018
- 1.26. 17/03238/LBC2. Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, wall-mounted condenser unit and roof-mounted extract. Approved 08.08.2018
- 1.27. Full planning history available on file.

2. Publicity of Application

2.1. This application was advertised by way of Site Notice to which was posted to the front entrance of the Hotel site on 20th September 2018 and expired on 11th October 2018.

3. Consultations and Representations

Consultations

Newbury Town Council	No objection. The concerns with the previous refused application 17/03237 appear to have been addressed.
Highways	<p>1. Proposal</p> <p>According to the information submitted, the following is proposed.</p> <ul style="list-style-type: none"> • Total floor area of the restaurant to be 585 sqm • 10 full time and 15 part time staff are proposed • Maximum of 20 restaurant staff at busiest period – Saturday evening • Previously the restaurant employed 15 staff • Increase in car parking to 121 spaces; includes 4 disabled

- parking spaces
- 4 motorcycle spaces
- 10 new cycle stands
- 34 bedrooms within the existing hotel
- Additional 15 bedrooms (subject of planning applications)
- Census data 2011 for this area identifies that 65% of staff travel is by private vehicle

This application follows refused planning application 17/03273/COMIND.

2. Access

It is proposed that the existing access onto the A4 will be utilised which is acceptable.

3. Car Parking

This current application now proposes 121 car parking spaces.

The hotel and events are already provided/permitted. There is also a small bar area within the hotel. This proposal is for the proposed restaurant and additional car parking.

According to the floor plans the following number of diners could be accommodated:

- 110 covers internally;
- 40 covers externally;
- There is also a private dining area seating 12.

162 covers (internal and external) equates to around 3 covers per vehicle if all diners travelled by private vehicle, which is unlikely to be the case. In reality the spaces would be shared across the site.

Table 5.2 of the Transport Statement (TS) identifies that a maximum of 49 car parking spaces could be required for hotel guests at 100% occupancy and if all guests travelled by car. This is likely to be a rare occurrence if at all.

There could be up to 20 restaurant staff at peak times – Saturday evenings. It was established on the 2016 application that at this time there could be around 5 hotel staff. Assuming 65% of staff would travel by private car, as per the 2011 Census data, this could create a demand for around 16 staff vehicles.

Therefore with 49 spaces for hotel guests, 16 vehicles for staff, this would leave around 56 spaces for diners at the restaurant or for (existing) events.

The Transport Statement includes data gathered from TRICS and surveys undertaken within Newbury.

According to the data obtained from TRICS, Table 5.4 and paragraph 5.7.15 identify that the restaurant would require 23 car parking spaces on weekdays at busiest periods, and 28 car parking spaces at weekend peak times (Table 5.6 and paragraph 5.7.20).

	<p>It is noted at paragraph 5.7.21 that the TRICS data is derived from restaurant only sites rather than hotel and restaurants where parking could be shared between the two.</p> <p>Table 7.2 on page 20 suggests that 52 spaces are required for the hotel on non-event days at weekends, with 75 required for event days at weekends, this would leave 46 spaces for the restaurant.</p> <p>This current application includes a survey of parking spaces at other hotels within Newbury that also contain a restaurant. It was established that the average number of parking spaces per bedroom across the 5 surveyed hotels is 1.58 (Table 5.9 on page 17 of the Transport Statement – TS) with the average number of parking spaces per bedroom at the Newbury Manor Hotel being 2.6.</p> <p>No assessment has been undertaken at peak times e.g. Saturday evenings.</p> <p><u>Summary of car parking</u></p> <p>The hotel is already operating from this site. Recent/current applications could see the number of bedrooms increase to 49 (if approved). Events are currently permitted from this site and there is small bar within the hotel building. This application proposes a new restaurant with additional car parking spaces.</p> <p>West Berkshire Council does not have current car parking standards for A3 use and so applications such as this are assessed on their own merits.</p> <p>Given all of the above and the information accompanying this application, it is the view of the highway authority that, with the increased car parking now proposed, it would be difficult to now object to this application on these grounds.</p> <p>4. Motor Cycle Parking and Cycle Storage</p> <p>I am satisfied with the levels proposed.</p> <p>5. Vehicle Trips</p> <p>This proposal will see an increase in vehicle movements. It is noted that during the AM peak there should be no increase. In the PM peak period there could be an increase of around 27 two-way movements (paragraph 8.1.1). However, given this site is accessed directly onto the A4 this is a negligible increase.</p> <p>6. Recommendation</p> <p>The increase in car parking for this site is much welcomed and is a requirement of this application. The highway recommendation is for conditional approval as set out in my email response.</p>
<p>Sustainable Drainage Team</p>	<p>Having reviewed the application, we note that the proposals in terms of surface water management are broadly in accordance with previous proposals at the site, however, the proposals are to change the existing gravel car park to permeable block pavements. We consider</p>

	<p>these amended proposals to be acceptable.</p> <p>If LPA is minded to approve the application, we request that a condition is attached to the application to ensure that flood risk is appropriately managed for the lifetime of the proposed development.</p>
Environment Agency	<p>The Environment Agency have at the time of writing not responded to the council's consultation. They raised no objections to the previous application and their response is as follows that was submitted for the site and proposal previously;</p> <p>The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Lambourn Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)</p> <p>This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.</p> <p>This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.</p>
Archaeology	<p>Given the nature of the application as a resubmission the Archaeologist was content her previous comments still applied as follows.</p> <p>Mill Waters Cottage was apparently created in the 1930s out of part of a historic courtyard building at the former Newbury Mill (also Ham Saw Mills). Although the cottage contains some historic fabric, and is also quite attractive as an early 20th century conversion, it has been altered on more than one occasion. The proposals will retain the existing cottage although alter it further.</p> <p>The proposed restaurant is also within an area of 'high' to 'highest' potential for Mesolithic archaeology or palaeo-environmental evidence, but our previous advice was that the site would have been disturbed by the construction of buildings during the late 19th and early 20th century. Evidence suggests that there will be no major impact on any features of archaeological significance.</p> <p>I do not, therefore, believe that any archaeological assessment or programme of investigation and recording will be necessary in relation to the current proposal.</p>

<p>Conservation</p>	<p>Mill Waters Cottage was constructed in the first half of the C20th within the curtilage of the Grade II listed Newbury Manor Hotel. It has undergone a number of alterations and extensions in the C20th and C21st.</p> <p>Given the fact that it pre-dates 1948 and that there was a functional and physical relationship between the principal listed building and the cottage at the time of listing, the building is considered to be curtilage listed.</p> <p>The application is almost identical in form and design to the recently approved listed building consent application 17/03238/LBC2.</p> <p>My comments on the previous application therefore still apply:</p> <p><i>The application proposes to extend Mill Waters Cottage and convert it into a restaurant for the hotel. The extension is located to the rear and will combine a traditional brick and tiled gabled structure to mirror the existing cottage, as well as an extensive contemporary glazed section. The glazed structure will form a low profile link between the existing and proposed brick elements.</i></p> <p><i>The extension has been designed in a contemporary idiom with a lightweight profile, made possible by the use of fully glazed elevations and a shallow pitched glass roof. Whilst the proposed extension covers quite an extensive footprint, it does not dominate the main house, instead it allows the original cottage to remain the focal point.</i></p> <p><i>The application also proposes removing the existing C21st lean to porch, which spans across two thirds of the front elevation with a smaller, more traditional porch. I consider that this is a positive alteration that will enhance the principal elevation of the cottage.</i></p> <p><i>The design of the proposal is well considered and I do not feel that it would cause any harm to the character of this curtilage listed building or the setting of the principal Grade II listed hotel building.</i></p>
<p>Newbury Society</p>	<p>No response received by 18th October 2018.</p>
<p>Environmental Health</p>	<p>I have reviewed the submitted revised application and summary of changes as set out in the covering letter from the applicant</p> <p>Noise</p> <p>There have been a number of changes to address concerns about the impact on residential amenity as follows:</p> <ol style="list-style-type: none"> 1) Clarification that there will be a 2m high barrier at the east end of the terrace to protect residents in Two Rivers Way from noise from the restaurant / terrace. 2) There will be a 2.5m high acoustic barrier around externally mounted plant. 3) The condenser unit will no longer be wall-mounted but will be placed within a separate enclosure <p>The report gives specific recommendations on the noise mitigation measures that will be required which, if followed should prevent any negative impact on residential amenity.</p>

	I recommend the following conditions.
Canal and Rivers Trust	No comments received 18/10/2018.
Kennet and Avon Canal Trust	No comments received 18/10/2018.
Ecology	<p>Thanks for this (consultation) and it is nice to see the updated reports.</p> <p>My previous comments still apply however only the lighting and the provision of the swift boxes need to be conditioned.</p> <p>I note that the ecology information is dated December 2015.</p> <p>Standing advice from Natural England is that surveys should not be over 2 – 3 years old for medium to high impact schemes. (Natural England – Standing Advice for Protected Species)</p> <p>However, since this site is adjacent to a SAC and SSSI and has the potential to impact on a number of species it is worth having a refresh done especially as the land has been vacant for several breeding seasons and new species might have migrated in.</p> <p>I note that the Water Vole survey was updated in 2016 and again in 2017 and therefore does not need to be done again.</p> <p>Updated ecology reports were submitted to the LPA, to which were reviewed by the LPA's ecologist. Thank you for consulting Ecology with this updated information. If you are minded to approve please apply conditions.</p> <p>Regarding the recent objection on ecological grounds; Bats and Water Voles.</p> <p>The Bat survey done in 2018 clearly shows that there are no bat roosts in the building or in the surrounding trees that is impacted by the proposed development and the proposed mitigation measures with regards to lighting will preserve the area as a feeding area.</p> <p>With regards to the in season studies Bats can be active all year round. I suspect what is being called for is emergence and surveys which are normally conducted at dawn or dusk between April and September during which time Bats usually hibernate.</p> <p>In addition, tree roosts can be assessed all year round and often when the foliage is absent it is easier to spot cavities in trees that could provide a roost.</p> <p>However, as the application is related to a building it is still possible to undertake a physical survey of the buildings during winter months by searching droppings, food remains, smell and grease marks for example. It is therefore my opinion that it is not reasonable to require 3 emergence /re-emergence surveys.</p> <p>With regards Water Voles again the recent survey May 2017 found no evidence of Water Voles and went to some length to describe why. With regards to timing the May survey was undertaken during the recommended survey period which is between mid-April and late</p>

	<p>September.</p> <p>The study area was suitable for the application and the additional photo of a water vole appears to have been taken outside of this study area. However, the mitigation measures proposed are suitable.</p> <p>The case quoted involved the authority not taking due consideration and not proposing mitigation measure, this is clearly not the case with this application. The ecologists report clearly does consider the priority species around the site and the even though none are directly affected the proposed mitigation measures as a precautionary principle are suitable.</p>
Natural England	<p>Following receipt of further information on 16/05/2018, Natural England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved. We therefore consider that the identified impacts on the River Lambourn SSSI/ SAC can be appropriately mitigated with measures secured via planning conditions as advised and withdraw our objection. The planning conditions are as follows:</p> <ul style="list-style-type: none"> - That the site is connected to the public foul drainage system as mentioned in the letter dated 9th May 2018 and that foul water will not be dealt with through a package treatment plant or septic tank. - That the construction activities will be undertaken in a way which will avoid any detrimental impact on the adjacent SSSI/SAC e.g. from dust, spillages, polluted runoff etc. Measures will be put in place to ensure no sediment or polluted runoff enters the river when undertaking activities such as wheel washing, refuelling of machinery, storing materials etc. Best practice and Environmental standards will be adhered to and specific details regarding where certain activities will take place on site, such as the storage of materials etc, will be included in the final CEMP. - That a long term SUDs maintenance plan will be provided. The information provided in the technical note document is not detailed enough to reassure our concerns. Natural England would like to see a SUDs maintenance plan as requested in our letter dated 17th November 2016. This should include timescales of regular checks and details of the maintenance specific to the types of SUDs that will be used onsite. If the SUDs are not properly maintained and therefore fail, the River Lambourn SSSI/SAC is likely to be affected. - That a buffer zone between the river bank and the construction footprint of at least 8m will be retained and clearly marked by both a visual and physical barrier thus preventing materials, machinery or work from encroaching onto the SSSI/SAC either before, during or after demolition or construction as mentioned in the draft CEMP. The buffer zone will be maintained as an undisturbed riparian corridor. This point is linked to our request in our letter dated 17th November 2016 about considering how the development will be undertaken that ensures no altered hydrogeology will occur.
Tree Officer	<p>Observations:</p> <p>There are a number of significant mature trees that are affected by the proposals, they are all protected under the Conservation Area status.</p>

	<p>The submitted arboricultural information prepared by Ian Murat of A C S Consulting dated July 2018 and Landscape planting plan dated July 2018 is considered to be adequate for the purpose of determining this application as far as tree and landscape implications are concerned. The increase of the boundary landscaping on the eastern side is welcomed and reduces the impact of the development on the retained trees.</p> <p>Recommendation:</p> <p>I raise no objection to this development subject to the following conditions</p>
Thames Water Utilities Company	<p>N Waste Comments:</p> <p>Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.</p> <p>With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>Water Comments:</p> <p>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
Disability Access Officer	All doors to accessible toilets and bathrooms should open out wards.
Housing Development Team, PROW, Ramblers Association,	No response received as at 18/10/2018.

1. Representations

1.1. The Local Planning Authority received 7 representations to which 6 were objections and 1 was in support of the application.

1.2. The matters raised in the letters of objection (summarised by officer) are:

- The proposed development would be to the detriment of residents and wildlife in the vicinity of the development.
- It is an inappropriate location for this type of venue
- It will affect the quality of life and make the area very unpleasant to live in for neighbouring residential
- The Noise disturbance from car noises such as doors opening and closing and engines starting up will have an adverse impact on the quietness of the area. Additionally the impact from deliveries and refuse collections will add to this.
- An increase in air and light pollution levels will occur from the increased vehicle movements
- The likely increase in anti-social behaviour
- The poor boundary treatments proposed.
- The Noise impact assessments do not account for what objectors believe to be the most harmful noise issue of the proposal the users of the restaurant and hotel site.
- The Covering letter refers to Two Rivers Way as Three Rivers way, this is a worrying lack of attention to detail.
- The Ash Tree on the plan is still not located correctly.
- There are discrepancies in regards to floor space measurements.
- The objectors have submitted images of Water voles close to the site and Bats flying over the site.
- The changes made since the previous refusal do not go far enough to deal with the previous refusal reasons.
- No meaningful local engagement was undertaken
- The application quotes the name "Coppa Club" to which would suggest the use is more than just a "restaurant extension"
- The lack of planting to the north of the site to protect neighbouring flats should be addressed.
- There is likely to be an increase in flood risk in the areas given the replacement of an extensive area of scrubland/grass with hard surface will reduce absorption and increase surface runoff.
- The objectors urged the full review of the application and not focus solely on the previous issues on the site and give due weight to the long term social and environmental impact that the proposed development will have.

One letter of support of the application supports the proposal because of the benefit it will bring to Newbury through commerce, competition, and employment.

2. Planning Policy Considerations

2.1. The statutory development plan comprises:

- West Berkshire Core Strategy (2006-2026)
- Housing Site Allocations DPD
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

2.2. The following policies from the West Berkshire Core Strategy carry full weight and are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy

- Area Delivery Plan Policy 2: Newbury
- CS 5: Infrastructure requirements and delivery
- CS 11: Hierarchy of Centres
- CS 13: Transport
- CS 14: Design Principles
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 18: Green Infrastructure
- CS 19: Historic Environment and Landscape Character

2.3. The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by future development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- TRANS1: Meeting the Transport Needs of New development.
- OVS5: Environmental Nuisance and Pollution Control.
- OVS.6: Noise Pollution

2.4. The following Housing Site Allocations Development Plan document policies carry full weight and are relevant to this application:

- C1: Location of New Housing in the Countryside
- P1: Residential Parking for New Development

2.5. Other material considerations for this application include:

- The National Planning Policy Framework (2018), (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design Supplementary Planning Document (SPD)

3. Proposal

3.1. The application proposes the Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, condenser unit to side and roof-mounted extract. The proposed development is to extend the existing dwelling in the grounds of the Hotel, to the east by around 16 metres and to the south by 17 metres approx. in amongst other smaller extensions. An external seating area is proposed to the south adjoining the river Lambourn.

3.2. The site is located adjacent to the River Lambourn which is a site of Significant Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The dwelling itself is not listed but is listed by virtue of being within the curtilage of the Grade II listed building of Newbury Manor Hotel. The proposed development also falls within a Conservation Area and within the defined settlement boundary of Newbury Town.

Determining issues:

- The Principle of Development;
- The Impact on the Character and Appearance of the Area;
- The Impact on Neighbouring Amenities;
- The Impact on Highway safety;
- Drainage and flooding;
- Ecology of the Site;
- Archaeology of the Site;
- Community Infrastructure Levy.

4. The Principle of Development

- 4.1. The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy, the Saved Policies of the West Berkshire District Local Plan and the West Berkshire Housing Site Allocations Development Plan Document.
- 4.2. The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system including the need to support sustainable economic growth. The first core planning principle set out in the NPPF is that planning should be genuinely plan led.
- 4.3. The proposed development at Mill Waters Cottage, Newbury Manor Hotel, London Road, Newbury, is within the settlement boundary of Newbury, as defined within The West Berkshire Core Strategy (2006-2026) and the West Berkshire Housing Site Allocations DPD (November 2017).
- 4.4. Being within the settlement boundary and within an established commercial hotel site the principle of the proposed development is considered acceptable. The dwelling to be converted has been used by the hotel for staff accommodation and various 'back room' uses according to the Design and Access Statement (DAS). The proposed development being within the settlement boundary as directed by ADPP1 and ADPP2 is also situated on previously developed land. The proposed use would accord with the existing nature of the site and there are other commercial mixed use of the A4 London Road which contains a number of different restaurants and uses such as The Swan Pub and the 'Toby Carvery' which share a similar relationship to the surrounding uses as this development.
- 4.5. The proposed development would create 10 full time jobs and 15 part times jobs according to the application form. The development would therefore create jobs in a sustainable location with good transports links within West Berkshire.
- 4.6. Although the principle of development is acceptable the permission can only be granted subject to the proposal otherwise being in accordance with development plan policies on design, impact on the character of the area, and impact on the amenity of neighbouring land uses and other key issues.

5. The Character and Appearance of the Area

- 5.1. Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. 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. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.
- 5.2. Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional components of its character as a whole. Particular regard will be given to the sensitivity of the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

- 5.3. Mill Waters Cottage was constructed in the first half of the C20th within the curtilage of the Grade II listed Newbury Manor Hotel. It has undergone a number of alterations and extensions in the C20th and C21st. Given the fact that it pre-dates 1948 and that there was a functional and physical relationship between the principal listed building and the cottage at the time of listing, the building is considered to be curtilage listed.
- 5.4. The extension has been designed in a contemporary idiom with a lightweight profile, made possible by the use of fully glazed elevations and a shallow pitched glass roof. Whilst the proposed extension covers quite an extensive footprint, it does not dominate the main house, instead it allows the original cottage to remain the focal point.
- 5.5. The application proposes to extend Mill Waters Cottage and convert it into a restaurant for the hotel. The extension is located to the rear and will combine a traditional brick and tiled gabled structure to mirror the existing cottage, as well as an extensive contemporary glazed section. The glazed structure will form a low profile link between the existing and proposed brick elements
- 5.6. The application also proposes removing the existing C21st lean to porch, which spans across two thirds of the front elevation with a smaller, more traditional porch. The Conservation Officer consider that this is a positive alteration that will enhance the principal elevation of the cottage.
- 5.7. Given the location of the extraction units on the roof it will not be visible from ground level so will have limited impact on the character of the building or the character of the area. The addition of the acoustic barriers within this application do not raise concerns in regards to their impact on the design of the proposal and the listed building. They are directed discreetly to an area to the rear of the site not detracting from the setting of the listed building and where this feature will be associated with the service area of proposed restaurant.
- 5.8. The design of the proposal is well considered and overall the Conservation Officer and Planning Officer do not feel it would cause any harm to the character of this curtilage listed building or the setting of the principal Grade II listed hotel building.
- 5.9. In light of the above the case officer does not feel that the proposal would harm the setting of this Grade II listed building or the Conservation area, the Conservation Officer is in agreement with this assessment. Conditions have been recommended should approval be given.
- 5.10. It is considered the proposed development would not adversely affect the character and appearance of the area in accordance with the provisions of Core Strategy policies ADPP1, ADPP2, CS14, CS19 and the NPPF.

6. The Neighbouring Amenity

- 6.1. Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. SPD Quality Design - West Berkshire outlines considerations to be taken into account with regard to residential amenity, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies considers the potential noise impact of development. This policy requires appropriate measures to be taken in the location, design, layout and operation of development to minimise any adverse impact as a result of noise generated from the proposal.
- 6.2. The impact on the neighbouring amenity has been an area of strong objection within representation letters. A number of objection areas have been submitted to the LPA,

these relate in the majority to noise emitted from the restaurant, the external seating areas, deliveries and the noise from the associated car parking in amongst other matters.

- 6.3. Noise from the restaurant has been considered in the Cole Jarmen Noise Impact Assessment (NIA) Report 16/0017/RO1// Revision 1. Initial objection was raised in regards to some of the assumptions made in earlier NIA's however this document was reviewed. The assessment contained within revision 6 makes the assumption of all people at a 4 person table would speak at the same time, allowing for the worst case scenario to be presented. The figures presented in this report with this assumption, show a 'not significant' increase in noise at the site. This does not present an adverse impact from noise generated by the restaurant and external seating area and therefore Environmental Health officers were content with the impact. The internal noise levels have been generated without music (T6 Page 11 of the NIA report version 6). Therefore a restricting condition on certain music being played in the premises is warranted until further details have been submitted. The external seating area noise levels took into account the acoustic fence to the east of the seating area which was demonstrated to reduce the noise impact on neighbouring amenity.
- 6.4. The development has sought to orientate the external seating areas, and doors away from neighbouring properties to reduce the noise impact on neighbouring amenity. It is considered the design has been carefully considered and the NIA shows 'Not Significant' increase in noise levels from the restaurant on neighbouring dwellings. This evidence in combination with planning conditions, EH legislation and licensing will protect and guarantee the development will have an appropriate level of impact on the neighbouring amenity from the existing commercial site.
- 6.5. Noise from deliveries is an area of impact on neighbouring amenity. The revised NIA in section 8 addresses this area of impact. It concludes that the existing ambient levels next to the A4 on an established commercial site are such that the deliveries to the restaurant will not give a significant increase in noise impact over the existing situation. The EH team agree with this assessment, but do note that the deliveries and waste collections will be limited to times between 0900 and 1800, which can be secured by condition.
- 6.6. A very specific area of objection was the disposal of glass bottles and the adverse impact this can have on amenity from a particularly disruptive operation of the restaurant. It has been proposed that a 'glass buster' be used which breaks the bottles in smaller pieces in the restaurant area and deposits these into plastic tubs, to be stored until waste is collected. This would be considered an appropriate mitigation method to the noise and a condition requiring more specific details of this operation and machinery have been recommended.
- 6.7. Noise generated from the use of the car park was considered another area of potential unacceptable impact on neighbouring amenity. This was covered in section 9 of the NIA revision 6. The number of spaces will increase in the areas surrounding the hotel, however, the majority of the site is already a car park and the laying of additional parking has been previously approved under application 16/01171/FUL further north of the site. Despite this the NIA uses various car park noise databases to calculate the potential noise impact and the assessment is based on methods detailed in the Road Traffic Noise. The method of calculation and assessment is reasonable to the LPA's Environmental Health team as it would not be possible or reasonable to model every scenario. It has also been mentioned by the EH team, that licensing conditions could be used to limit the noise should the need arise. The Impact is considered acceptable and can be controlled. It should also be noted that the majority of the areas are existing parking areas, and therefore the increase in impact is considered minimal. In response to the previous refusal of application 17/03237/COMIND the motorcycle bays have been relocated away from the eastern boundary to reduce the impact on neighbouring amenity from the noise generated from the parking area.

- 6.8. Noise from plant works have been subject to a noise impact assessment 16/0017/R2 conducted by Cole Jarman. This documents outlines that suitable plant equipment can be installed to acceptable levels of noise. It has been noted that the subsequent revision 6 of the NIA states that choice of plant equipment has not been made yet despite what the Plant NIA states. It is considered that an appropriately worded condition that stipulates a maximum noise level for plant equipment to comply with gives the commercial business greater flexibility in choice of manufacture but also retains control of the noise levels. The condenser unit will no longer be wall-mounted but will be placed within a separate enclosure consisting of a 2.5m high acoustic barrier around external plant. This will reduced the impact on neighbouring amenity, additionally carefully worded conditions such as the requirement to switch off plant machinery when the restaurant is not operating will also assist in reducing any impact that may felt. The roof based extract system has been altered so it now extracts to the south located centrally within the roofscape. This thereby reduces any impact that may be felt from this feature.
- 6.9. The extensions to create the restaurant are all single storey, therefore it is not considered any impact on neighbouring amenity will occur through overlooking or perceived overlooking.
- 6.10. Conditions restricting external light until details have been submitted are recommended to reduce the impact on light spill to neighbouring dwellings. These are also justified in regards to protecting the ecology of the site.
- 6.11. There have been a number of objections submitted to the council in regards to the impact on the neighbouring amenity form the proposed development. This impact can be controlled through conditions. The Planning Practice Guidance states that cumulative impacts must be assessed from developments. The established levels of noise of the both existing and proposed have been considered and the levels of noise impact have been considered acceptable subject to conditions.
- 6.12. For these reasons, the proposal subject to conditions, in so far as it relates to protecting residential amenity, the development would be, on balance, in accordance with development plan policies CS14 and OVS.6, as well as guidance in SPD Quality Design and the NPPF.

7. Highway safety

- 7.1. The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 7.2. The LPA's highways department assessed the site as a whole, considering the previously approved hotel extension and the parking demands generated from this to draw a 'worst case' scenario in regards to the parking on the site for all the uses. No current car parking standards for A3 uses are adopted by the LPA and therefore each site and application is treated on its merits. According to the information submitted and reviewed by the Highways team, the following is proposed.
- Total floor area of the restaurant to be 585 sqm
 - 10 full time and 15 part time staff are proposed
 - Maximum of 20 restaurant staff at busiest period – Saturday evening
 - Previously the restaurant employed 15 staff
 - Increase in car parking to 121 spaces; includes 4 disabled parking spaces

- 4 motorcycle spaces
 - 10 new cycle stands
 - 34 bedrooms within the existing hotel
 - Additional 15 bedrooms (subject of planning applications)
 - Census data 2011 for this area identifies that 65% of staff travel is by private vehicle
- 7.3. This application follows refused planning application 17/03273/COMIND. It is proposed that the existing access onto the A4 will be utilised which is acceptable. This current application now proposes 121 car parking spaces. The hotel and events are already provided/permitted. There is also a small bar area within the hotel. This proposal is for the proposed restaurant and additional car parking.
- 7.4. According to the floor plans the following number of diners could be accommodated:
- 110 covers internally;
 - 40 covers externally;
 - There is also a private dining area seating 12.
- 7.5. 162 covers (internal and external) equates to around 3 covers per vehicle if all diners travelled by private vehicle, which is unlikely to be the case. In reality the spaces would be shared across the site.
- 7.6. Table 5.2 of the Transport Statement (TS) identifies that a maximum of 49 car parking spaces could be required for hotel guests at 100% occupancy and if all guests travelled by car. This is likely to be a rare occurrence if at all.
- 7.7. There could be up to 20 restaurant staff at peak times – Saturday evenings. It was established on the 2016 application that at this time there could be around 5 hotel staff. Assuming 65% of staff would travel by private car, as per the 2011 Census data, this could create a demand for around 16 staff vehicles.
- 7.8. Therefore with 49 spaces for hotel guests, 16 vehicles for staff, this would leave around 56 spaces for diners at the restaurant or for (existing) events. The Transport Statement includes data gathered from TRICS and surveys undertaken within Newbury.
- 7.9. According to the data obtained from TRICS, Table 5.4 and paragraph 5.7.15 identify that the restaurant would require 23 car parking spaces on weekdays at busiest periods, and 28 car parking spaces at weekend peak times (Table 5.6 and paragraph 5.7.20).
- 7.10. It is noted at paragraph 5.7.21 that the TRICS data is derived from restaurant only sites rather than hotel and restaurants where parking could be shared between the two. Table 7.2 on page 20 suggests that 52 spaces are required for the hotel on non-event days at weekends, with 75 required for event days at weekends, this would leave 46 spaces for the restaurant.
- 7.11. This current application includes a survey of parking spaces at other hotels within Newbury that also contain a restaurant. It was established that the average number of parking spaces per bedroom across the 5 surveyed hotels is 1.58 (Table 5.9 on page 17 of the Transport Statement – TS) with the average number of parking spaces per bedroom at the Newbury Manor Hotel being 2.6. No assessment has been undertaken at peak times e.g. Saturday evenings.
- 7.12. The hotel is already operating from this site. Recent/current applications could see the number of bedrooms increase to 49 (if approved). Events are currently permitted from this site and there is small bar within the hotel building. This application proposes a new restaurant with additional car parking spaces. West Berkshire Council does not have

current car parking standards for A3 use and so applications such as this are assessed on their own merits.

- 7.13. Given all of the above and the information accompanying this application, it is the view of the highway authority that, with the increased car parking now proposed, it would be difficult to now object to this application on these grounds.
- 7.14. In regards to Motor Cycle Parking and Cycle Storage the highways team are satisfied with the levels proposed.
- 7.15. This proposal will see an increase in vehicle movements. It is noted that during the AM peak there should be no increase. In the PM peak period there could be an increase of around 27 two-way movements (paragraph 8.1.1). However, given this site is accessed directly onto the A4 this is a negligible increase.
- 7.16. The increase in car parking for this site is much welcomed and is a requirement of this application. The highway recommendation is for conditional approval as set out the Highways Officers email response.
- 7.17. Therefore the proposal is considered to be acceptable and in accordance with CS13 of the West Berkshire Core Strategy (2006-2026), Saved Local Plan policy TRANS1 and the NPPF (2018), subject to conditions.

8. Drainage and Flooding

- 8.1. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS 16 addresses issues regarding flood risk. This policy stipulates that sites require a flood risk assessment if they fall within Flood Zone 2 or 3, a flood risk assessment has been submitted created by Peterbrett. This document was consulted upon with the LPA's drainage team who noted that the proposed development consisting of the re arrangement of the car park area would largely be similar in impact to that previously approved under application 16/01171/FUL. No objections were raised in response to the flood risk assessment that altered the parking areas within the hotels grounds. The proposal will change the existing gravelled car park to an area of block pavements with suitable sustainable drainage measures.
- 8.2. The Sustainable Drainage Team raised no objections to the details contained within the flood risk assessment and recommended a condition be applied for more specific details of the sustainable drainage methods be submitted prior to the commencement of works.
- 8.3. A number of objectors have raised concerns over the increase likelihood of flooding should the application be approved. The flood risk assessment has shown that through appropriate measures the impact from the proposed development can be mitigated and will not increase flooding in this area. The LPA's sustainable drainage team agrees with this assessment and for these reasons, the proposal would be in accordance with policy CS16 of the Core Strategy and advice contained within the NPPF subject to conditions

9. Ecology and Tress

- 9.1. Policy CS 17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The NPPF supports the overall aims and objectives of this policy. The application site is located adjacent to a SAC and SSSI of the River Lambourn it also contains a number of significant trees protected under the Conservation area.

- 9.2.** The application has evolved and responded to the previous reasons for refusal of application 17/03237/COMIND. It now proposes a substantial landscaped buffer to the eastern edge of the site. This is proposed to screen the development to neighbours and enhance and work in combination with the existing planting on this boundary. The application covering letter states that a closed canopy can be achieved within two growing seasons.
- 9.3.** There are a number of significant mature trees that are affected by the proposals, they are all protected under the Conservation Area status. The submitted arboricultural information prepared by Ian Murat of A C S Consulting dated July 2018 and Landscape planting plan dated July 2018 is considered to be adequate for the purpose of determining this application as far as tree and landscape implications are concerned. The increase of the boundary landscaping on the eastern side is welcomed and reduces the impact of the development on the retained trees.
- 9.4.** Due to the sensitive nature of the site and the adjoining SSSI and SAC site of the River Lambourn a number of objections have been raised in regards to the impact on the ecology of the site. This has been closely considered by the councils Ecology and Natural England.
- 9.5.** The LPA's Ecologist was consulted upon the application and noted that his previous comments still apply however only the lighting and the provision of the swift boxes need to be conditioned. These mitigation and enhancement measures suggested in response to the ecology reports that have been submitted in support of this application.
- 9.6.** The LPA's Ecologist notes that the ecology information is dated December 2015. Standing advice from Natural England is that surveys should not be over 2 – 3 years old for medium to high impact schemes. (Natural England – Standing Advice for Protected Species) However, since this site is adjacent to a SAC and SSSI and has the potential to impact on a number of species it is worth having a refresh done especially as the land has been vacant for several breeding seasons and new species might have migrated in. I note that the Water Vole survey was updated in 2016 and again in 2017 and therefore does not need to be done again.
- 9.7.** Updated ecology reports were submitted to the LPA, to which were reviewed by the LPA's ecologist who raised no objections.
- 9.8.** Regarding the recent objection on ecological grounds; Bats and Water Voles. The Bat survey done in 2018 clearly shows that there are no bat roosts in the building or in the surrounding trees that is impacted by the proposed development and the proposed mitigation measures with regards to lighting will preserve the area as a feeding area.
- 9.9.** With regards to the in season studies Bats can be active all year round. The ecologist suspected what is being called for is emergence and surveys which are normally conducted at dawn or dusk between April and September during which time Bats usually hibernate. In addition, tree roosts can be assessed all year round and often when the foliage is absent it is easier to spot cavities in trees that could provide a roost.
- 9.10.** However, as the application is related to a building it is still possible to undertake a physical survey of the buildings during winter months by searching droppings, food remains, smell and grease marks for example. It is therefore the ecologists opinion that it is not reasonable to require 3 emergence /re-emergence surveys.
- 9.11.** With regards Water Voles again the recent survey May 2017 found no evidence of Water Voles and went to some length to describe why. With regards to timing the May survey was undertaken during the recommended survey period which is between mid-April and late September.

- 9.12.** The study area was suitable for the application and the additional photo of a water vole appears to have been taken outside of this study area. However, the mitigation measures proposed are suitable.
- 9.13.** The case quoted involved the authority not taking due consideration and not proposing mitigation measure, this is clearly not the case with this application. The ecologists report clearly does consider the priority species around the site and the even though none are directly affected the proposed mitigation measures as a precautionary principle are suitable.
- 9.14.** The Environments Agency were of the opinion that the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Lambourn Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)
- 9.15.** This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.
- 9.16.** This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which aims to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. In addition in line with Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
- 9.17.** Natural England reviewed the information submitted within this application built there response on the previous information in regards to how the proposal will not adversely impact the River Lambourn SAC. They wanted to see information in relation to a Construction Environment Management Plan (CEMP) and further information in regards to the long term maintenance of the SUDs system and details of the onsite waste management system.
- 9.18.** Natural England withdrew their objection subject to a number of planning conditions. The suggested areas of conditions are considered appropriate and related to many of the conditions already being requested by the LPA's Ecologist and the Environments Agency. It is considered, on balance, that the development will comply with CS17 of the Core Strategy and provide mitigation and protection to the Ecology of the site and will not have a detrimental impact in accordance in accordance with the provisions of Core Strategy CS17 and advice within the NPPF.

10. Archaeology of the Site

- 10.1.** The Council's Archaeologist has reviewed the application and comments that the proposed restaurant is within an area of 'high' or 'highest' potential for Mesolithic archaeology or palaeo-environmental evidence, but previous advice was that the site would have been disturbed by the construction of buildings during the late 19th and early 20th century. Evidence suggests that there will be no major impact on any features of archaeological significance.
- 10.2.** It is therefore considered conditions are unreasonable and no investigation programme is required. The proposed development is therefore considered in line with CS19 of the Core Strategy and Advice within the NPPF.

11. Community Infrastructure Levy (CIL)

11.1. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations the proposal for the extension to the existing building for an A3 use would incur a CIL contribution. The Local Chagrining Authority will review the levy due if approval is given.

12. The Planning Balance and Assessment of Sustainable Development

12.1. The NPPF states there is a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.

12.2. The proposed development would bring economic development to Newbury through the creation of a Restaurant (A3) use that will provide 10 full time jobs and 15 part time jobs in a sustainable location that is well connect to transport links. The environmental considerations have been assessed in terms of the impact on the listed building, the impact on the Conservation area, and the impact on the River Lambourn (SSSI and SAC). It is considered that through appropriate conditions the impact of the development can be mitigated and enhanced in line with policy and that harm no harm to the trees and ecology of the site will occur from the proposed development. The Conservation Officer is content with the design and the impact from the development on the hotels grade II listed status.

12.3. The social implications for sustainable development have caused the most objection to this development. The noise emitted from the restaurant is considered to be of a level that will not cause significant impact, appropriate conditions can be recommended to control the noise emitted. There is also concern that the proposed development will cause an increase in flood risk, but sustainable drainage methods can be employed and the LPA's drainage team consider the level of impact acceptable subject to conditions.

12.4. The site has number of constraints that interlink with each other and the mitigation methods and conditions suggested will all interlink to produce a development that benefits Newbury commercially. Balanced against the commercial benefit are the issues of Conservation and protection of the ecology and trees of the site. However the LPA's officers all agree that the development will, subject to conditions, not have an adverse impact upon these. The evidence that has been submitted and reviewed the LPA's Environmental Health officers indicates that the level of noise is acceptable subject to conditions and that there are alternative licensing and EH legislation that can protect neighbouring amenity alongside the planning conditions recommended.

12.5. The scheme has evolved from the previous withdrawn and previously refused schemes that have been submitted for similar proposals on the site. The proposal has reacted to the council's refusal reasons and has made changes to the landscaping, car parking layout and associated plant machinery. These changes all, in the case officers eyes, enhance the development and deal with the concerns previously raised. Additionally the number of objections to this application has significantly fallen in comparison to previous applications.

12.6. When weighing the proposed development in the planning balance, each constraint can be mitigated by conditions and there is a clear economic benefit to the proposal. The case officer in weighing the negative impact upon the neighbouring amenity against the commercial and employment benefits considers that the negative impact can be mitigated by conditions.

12.7. The application is therefore recommended for conditional APPROVAL.

12.8. The proposal for the Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, condenser unit to side and roof-mounted extract is

considered in accordance with National Planning Policy Framework (2018), policies ADPP1, ADPP2, CS11, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and OVS.5 and OVS.6 of the West Berkshire Local Plan Policies 1991-2006 (Saved 2007). In addition to these the proposal is in line with supplementary planning guidance Quality Design (June 2006).

The Head of Development and Planning be authorised to Grant Planning Permission subject to the following 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).

2. Approved Plans

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

- Drawing title "Proposed Restaurant Elevations- Sheet 1". Drawing number RP.05. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Elevations- Sheet 2". Drawing number RP.06. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Sections". Drawing number RP.07. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Ground Floor Plan". Drawing number RP.02 A. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant First Floor Plan". Drawing number RP.03 Rev A. Date stamped 15th October 2018.
- Drawing title "Proposed Restaurant Roof Plan". Drawing number RP.04. Rev A Date stamped 15th October 2018.
- Drawing title "Landscaping planting Plan". Drawing number 149/PA/PP/00/01 Rev E. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Site Plan". Drawing number RP.01. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Location Plan". Drawing number RL.01 A. Date stamped 14th August 2018
- Drawing title "Proposed Restaurant Block Plan". Drawing number RB.01. Date stamped 14th August 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-01. Date stamped 14th August 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-02. Date stamped 14th August 2018.

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

3. Schedule of materials (optional samples)

No works above ground level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building 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 (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) AND Supplementary Planning Document Quality Design (June 2006).

4. Submission of Construction Ecology Management Plan

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) Measures to ensure no sediment or polluted runoff enters the river when undertaking activities such as wheel washing, refuelling of machinery, storing materials etc.
- (i) Measure to ensure best practice and Environmental standards will be adhered to where practically possible
- (J) 8m buffer zone from the river Lambourn prior to work by both visual and physical means to prevent any inadvertent impact on water voles. The buffer zone will be maintained as an undisturbed riparian corridor

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and the safeguarding of the SAC/SSSI. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Condition Environments Agency

No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- Details of how the existing river corridor will be protected during the construction period. The river corridor and associated habitats should be clearly identified and marked out. Access by construction vehicles and storage of materials shall not be permitted in this area.
- The existing river habitat and that of the large pool area adjacent to the old restaurant on site are currently has very poor marginal habitat with limited growth of marginal plants and much of the bank is made up with hard revetment such as
- End 2 wooden sleepers. The management plan should include the improvement of these marginal habitats including the replacement of hard revetment with a more natural option. The suitable management of these habitats should be agreed, including leaving significant 'un-mown' areas adjacent to the river.
- The ecological management should include provision for the sensitive management of the fish passes which allow movement of fish from the River Kennet and into the River Lambourn SAC can become much less efficient without proper management

Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is placed in accordance with National Planning Policy Framework (NPPF), paragraph 109 and 118 and in line with CS 17 of the West Berkshire Core Strategy (2006-2026).

6. SUDS Pre condition

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which 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);
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- g) Include elevated floors with voids underneath for flood storage to minimise the loss of flood storage capacity. Arches shall be fitted with grills to prevent access under the building by children or animals, or for storage of materials which would remove flood storage volume;
- 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 management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- o) This will also include specific measures to ensure the protection of the River Lambourn SSSI and SAC from the SuDs system.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the building(s) hereby permitted is occupied. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

7. HIGH12 - Parking/turning in accord with plans (YHA24)

The development shall not be brought into use until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. HIGH19 – Motor Cycle and Cycle parking (YHA35) - variation

The development shall not be brought into use until the motor cycle and cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of motor cycles and cycles at all times.

Reason: To ensure the development reduces assists with the parking, storage and security of cycles and motor cycles. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. HIGH19 – Electric Car Charging Point

The development shall not be brought into use until a parking space is installed with at least a single charging point with a minimum of two sockets to enable two vehicles to be charged at any one time with electricity.

Reason: To promote the use of sustainable travel methods. The provision of charging points is supported by paragraph 35 of the NPPF, which states that developments should be '*designed where practical to incorporate facilities for charging and plug-in and other ultra-low emission vehicles*'. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Public Foul Drainage System

The development shall not be brought into use until it has been connected to the public foul drainage system and that foul water will not be dealt with through a package treatment plant or septic tank.

Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is placed in accordance with National Planning Policy Framework (NPPF), paragraph 109 and 118 and in line with CS 17 of the West Berkshire Core Strategy (2006-2026).

11. Plant and machinery noise

Noise resulting from the use of plant, machinery and other equipment shall not at any time exceed a level of 5dB(A) below the prevailing background sound level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014, at the boundary of the application site at a point closest to residential dwellings in Two Rivers Way. Further assessment of the prevailing day time and night time background sound levels will be required to ensure compliance with this condition.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in

accordance with The National Planning Policy Framework (March 2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

12. Plant and machinery maintenance and operating times

All extraction plant, machinery and/or equipment installed externally on the development shall be regularly maintained and, except for refrigeration plant, be switched off when the restaurant is not operating.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007)

13. Acoustic fencing

Acoustic fencing shall be installed in accordance with drawing "Proposed Restaurant Ground Floor Plan Drawing Ref RP.02 A" to the area adjoining the external seat area to the east and around the proposed plant compound on the eastern facade

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

14. Noise from waste and bottle disposal

Before the use hereby approved commences the applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of waste and bottle disposal associated with the development on neighbouring amenity. This will include information regarding the 'glass buster' referred to in Cole Jarman Noise Impact Assessment Report 16/0017/RO1// Revision 07. The use shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007)

15. Hours of deliveries

No deliveries shall be taken at or despatched from the site outside the following hours:

9:00 to 18:00 Mondays to Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2018) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

16. Hours of use (restaurants etc.)

The use hereby permitted shall not be open to customers outside the following hours:

07:00:00 to 23:00:00 Mondays to Fridays;
07:00:00 to 23:00:00 Saturdays;
07:30:00 to 22:00:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is applied in accordance with The National Planning Policy Framework (March 2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

17. Hours of music

No amplified sound shall be played in the restaurant other than background music. No speakers shall be installed or used within or immediately adjacent to the outside seating area.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. The submitted Noise Impact Assessment Cole Jarman Noise Impact Assessment Report 16/0017/RO1// Revision 07 does not include music levels in its assessment. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

18. Hours of work (construction)

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

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

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

19. Odour from extract systems.

Before the use hereby approved commences the applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of odour from the preparation of food associated with the development. The approved use shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The extraction system including odour prevention measures shall be retained and maintained for the duration of the permitted development

Reason: In the interests of the amenities of neighbouring occupier. To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

20. Lighting strategy

No external lighting shall be installed on the development hereby permitted until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall ensure that any lighting limits the impact on bats and avoid light spillage along the River Lambourn to avoid potential impact on otters. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of Bat and Otter species among other species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

21. Mitigation (implement)

Prior to the commencement of the use of the building Two Ibstock Swift Box, Schwegler Swift Box Type 25 or the Schwegler Swift Box Type 16 are provided on the exterior of the new building AND shall thereafter be retained and maintained.

Reason: To ensure the protection of Bats, Otters and other species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

22. Tree Protection (scheme submitted)

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan Arboricultural Plan ref no: ARB/3519/Y/500. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

23. Arboricultural supervision condition

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured with the implementation of an arboricultural watching brief in accordance with written scheme of site monitoring within the Arboricultural Report, 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.

24. Tree Protection (scheme submitted)

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan Arboricultural Plan ref no: ARB/3519/Y/600. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

25. Landscaping implementation

The approved landscaping plan 149/LA/PP/00/01 rev E dated July 2018 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

No objections, some need for revision

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.

River Lambourn SSSI and SAC Site

The River Lambourn, designated a SSSI and SAC, is a sensitive environmental receptor. We advise the applicant that they refer to the current guidance on pollution prevention to protect this site. Please see: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

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.

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.

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.

Ecology Advisory

The brash and log pile is dismantled and removed by hand. This should be undertaken outside the hibernation period for grass snakes, avoiding the period October to March inclusive. Any snakes encountered should be removed by hand to safety. Suitable habitats occur immediately to the east of the site are suitable for the species and any reptiles encountered can be placed within this habitat, along the River Lambourn. It is recommended that log piles are retained within the site, within discrete areas of the garden. New log piles could be created from the felled trees.

DC

