

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	11/00092/FULMAJ Newbury Town	3 rd May 2011	Erection of 54 dwellings including 23 live-work units with associated works. Former Travis Perkins site, Mill Lane, Newbury. David Wilson Homes Limited.

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

Ward Member(s): Councillors Hunneman and Allen.

Reason for Committee determination: Called in by Councillor Hunneman due to the employment land and housing issue plus local public interest.

Committee Site Visit: 7th April 2011.

Contact Officer Details	
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1. Site History

09/02701/fulext – Erection of 87 dwellings with associated works.

Withdrawn before committee determination.

2. Publicity of Application

Site notice displayed 18th February 2011.

Departure Site Notice displayed on the 30th March 2011. Expiry 13th April 2011.

3. Consultations and Representations

Town Council:	Support but comment that overlooking issues of Windsor Court needs to be addressed, plus the live-work unit continuation, plus s106 funding for local public open space required.
Greenham Parish Council	Object to the application – there is a need to conserve local employment land in the town, given the amount of housing recently permitted locally – a balance is needed. ECON1 should be retained.
MoD	No safeguarding objections noted.
British Waterways Board	Objects to the application given the additional cycling and pedestrian impact on the nearby towpath of the canal. Objection removed if s106 figure of £12,150 is agreed in an obligation to mitigate the impact.
Housing	Recommends a 30% figure of the housing [16 units] to be for affordable purposes. 70% for rent 30% shared equity. Layout of the affordable housing is acceptable.
Environment Agency	Although site is in flood plain the flood risk assessment report submitted has satisfied the Agency that this is not now an issue – conditional permission is thus recommended.
Tree officer	No trees on site so no objections. The submitted landscape plan is satisfactory.
Highways	Various detailed comments on forward visibility splays, access and car parking arrangements, and traffic generation - no s106 funding needed since there will be an overall fall in traffic levels from the permitted industrial uses on site. Amended plans requested. Concerns over low parking levels on site. Recommends refusal if amended plans are not submitted.
Public Open Space	To be notified.
Primary Care Trust	£8,985 requested under SPG4/04.
Social Care	£35,682 requested under SPG4/04.
Library Service	£13,284 requested under SPG4/04.

Travel Plan Officer	No objections. Conditions re revised travel plan, consider a car club, better cycle parking for visitors required.
Planning Policy	Although it is noted that 23 live work units are proposed on site, this does not remove the central policy ECON1 objection to the loss of valuable employment land to housing. Further housing not needed given an adequate 5 year housing land supply in the District.
Archaeologist	No objections - conditional permission is recommended.
Education	£284,483 requested under SPG4/04
Access Panel	No objections but seek more detail over level thresholds and 5 of the dwellings should be fully accessible under policy HSG8.
The Newbury Society	The Society welcomes the scheme – great improvement over last application which was withdrawn. Better on site permeability.
Thames Water	Conditional permission – surface water run off and surveys for additional capacity into water supply/ pressure.
Fire Service	No objections, but potential for further fire hydrants, once detailed plans are submitted.
Ecologist	Swift boxes will need to be provided on site – conditional permission.
Public Protection	Conditional permission is recommended – acoustic report for the dwellings next to the bus depot is required, plus other conditions re. construction noise etc. Air quality adjacent the A339 also needs to be examined.
Correspondence:	6 letters of objection received to the application. Concerns based upon increase in traffic levels, lack of parking on site overdevelopment, retain site for industrial units [low rise], serious overlooking and overshadowing issues will arise.

4. Policy Considerations

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

PPS25 - Development and Flood Risk

South East Plan May 2009 - Policies SP3, CC1, CC7, CC8, H3, H5, NRM4.

West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007 - Policies OVS2, OVS3, HSG1, TRANS1, HSG9, RL1.

Developer Contributions - SPG4/04 CIL Regulations 2010.

Circular 5/2005.

5. Description of Development

- 5.1 The application site is now a cleared area, which used to comprise the former Travis Perkins builders business, who have since relocated eastwards along Mill Lane to another site. It is just under 1ha in extent and is very roughly rectangular in shape, on a north / south axis. The site is virtually surrounded by existing housing although on the north-west and east axis points there are employment uses – offices and the Newbury Bus Garage. The site lies to the south of Mill Lane, and to the north of the Kings Road. It currently comprises virtually all concrete hardstanding.
- 5.2 It is proposed to erect 54 dwellings on the site, 15 being two bed-roomed and the remainder three bed-roomed in 13 distinct blocks. Nine of the blocks will be 3.5 storeys high, with the remainder being 3 storeys. The 3.5 storey units will be 12m in height whilst the 3 story houses will be 10.5m high. Twenty three of the units will be for live-work purposes i.e. the ground floor will be set out as distinct office space – Use Class B1a. The remaining floors of the houses concerned will be normal residential use - Class C3. These units are centrally located on site, aligned on an east west axis and will face on to a central area of public open space. There will also be a small play area provided to the west of this area. A new footpath link will connect through to Windsor Court to the west in addition. Thirty per cent of the houses will be for affordable purposes and will be provided by a local RSL, probably Sovereign Housing Association – this equates to 16 dwellings in total.
- 5.3 There will one principal access into the site for vehicles off Mill Lane, to the north, with adequate visibility splays across new open space areas. One spine road will be aligned on a north/south axis across the whole of the site. In terms of on site car parking, there will be a total of one allocated space per dwelling [either undercroft or adjacent hardstanding] plus 14 visitor spaces so giving an average ratio of 1.25 spaces per dwelling. The design of the dwellings is traditional with a degree of articulation and detailing of the elevations, which the street scene plans show. Materials are to be predominantly red brick with light brown facings as feature components, roof tiles are to be red/brown with some slate, and brick arches and stone headings are also proposed.
- 5.4 In addition to the above a landscape scheme has already been approved by the Council's Tree Officer and a boundary treatment plan indicates railings/ wood panel fencing and walling as appropriate. Every house will have its own individual garden albeit some will be rather small – for example the smallest will be some 6m in length and just 5m wide so being circa 30m² in area only - plot 23.

6. Considerations

The application will be considered under the following issues.

- 6.1. Employment designation
- 6.2. Amenity and built form.
- 6.3. Highways and access

6.1. Employment designation.

- 6.1.1 Current Local Plan - The application site lies within Newbury's defined settlement boundary, where there is a presumption in favour of development. The site also lies within an area of protected employment, as designated by policy ECON.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). Policy ECON.1 seeks to retain identified key employment sites significant to the availability of business, industrial and warehousing land and premises' (WBDLP, para. 4.5.3). The policy looks favourably upon 'the development and redevelopment of existing employment sites to appropriate alternative employment generating uses', subject to a set of criteria to be examined by the Development Control officer.
- 6.1.2 It is recognised that this proposal includes 23 live work units, however it is considered that given the proportion of floorspace of the overall site dedicated to such uses, the proposal does not go far enough to comply with policy ECON1 as the majority of the site would be residential.

Local Development Framework:

- 6.1.3 The West Berkshire Employment Land Assessment (ELA - May 2007) examines the supply of and demand for employment land throughout the District, over the period to 2026. The main aim of the ELA is to ensure appropriate provision for employment land is made through the Local Development Framework over the next 20 years and provides a technical evidence base for future policy developments. The main conclusions of this study reveal that West Berkshire has sufficient employment land to meet future requirements, however, there are variations in supply and demand across the different employment Use Classes. For example, the report states that the demand for B2 space is expected to decline resulting in an excess of B2 supply, however there is insufficient supply to meet the forecasted demand of B1 requirements resulting in a shortfall of B1 floor space and in the longer term a potential shortfall of B8 space. It is therefore important that the Council continue to safeguard the current supply of employment land to ensure adequate provision for the future.
- 6.1.4 It is the Council's intention to respond positively to this mismatch in supply and demand through a comprehensive assessment of the existing Protected Employment Areas and their boundaries through the Site Allocations and Delivery DPD once the policy direction has been confirmed through the examination and adoption of the Core Strategy. This assessment will take into account all of the available evidence and the role and function of each Protected Employment Area within its location, including the effect of any housing allocations. The assessments will also involve consultation, taking into account the views of local businesses, Parish Councils and the public. It is thus important that land is not released in a piecemeal manner prior to a comprehensive assessment taking place, but rather that a holistic approach is taken to examining the District's employment land to address the imbalance and ensure the right type of employment land is in the right location to accommodate the needs of West Berkshire's working population [and beyond] over the plan period. There is accordingly an 'in principle' policy objection to this site coming forward for residential development within a Protected Employment Area.

South East Plan:

- 6.1.5 At present the South East Plan remains part of the development plan for West Berkshire following revocation in July 2010 and then re-instatement through the Courts in November 2010. Within the South East Plan, Policy RE3 states that local authorities 'should have regard to strategic and local business needs', as well as stating that 'accessible and well located industrial and commercial sites should be retained where there is good prospect of take up'. The policy also goes on to say that local authorities will 'review all extant allocations of employment land for their suitability to meet future needs'. The Council intend to add further detail to the strategic planning framework set out in the Core Strategy by conducting such a review through the Site Allocations and Delivery DPD, as outlined above.
- 6.1.6 Policy WCBV2 sets out the policy for employment land within the Western Corridor and Blackwater Valley, within which West Berkshire sits. The policy states that the need for additional new employment floor space will be met through the more efficient use of employment land in town centres and established employment areas. It goes on to state that local development documents will therefore give priority to the retention of existing employment land in employment use. This is the approach taken by the Council through the emerging Core Strategy in policy CS10.

Planning Policy Statement 4 (PPS4):

- 6.1.7 PPS4 was published in December 2009 providing guidance at a national level on economic development. The overall objective of the policy statement is to achieve sustainable economic growth through positive planning. PPS4 sets out the definition of economic development, which includes 'B' Use Classes, public and community uses and main town centre uses. The definition also includes any development which provides employment opportunities, generates wealth or produces or generates an economic output. Specifically, housing is recognised as being a non-employment generating use, notwithstanding the temporary employment created over the construction period, which is of course important, but not permanent.

5-year housing land supply:

- 6.1.8 In line with Planning Policy Statement 3 – Housing, the Council currently have an up-to-date 5-year housing land supply. The calculation of the requirement is based on the housing figures set out in the adopted South East Plan, adjusted to reflect the level of housing that has already been delivered, as advised by Government. The document lists sites which provide a deliverable supply of 2,708 units, equivalent to 5.3 years supply, to meet the requirement from March 2011 to March 2016. This total supply is likely to be an underestimate as it does not include any housing applications presently under consideration or approved since November 2010, nor any windfall developments or further identified sites that may come forward by 2016. Given the Council's current housing land supply position there is no requirement for a site which does not comply with current planning policy to come forward at this stage ahead of the LDF process.

Conclusion on Policy Issues.

6.1.9 In conclusion, notwithstanding the Governments recent proposals to revisit the current planning regime to lay more emphasis upon the “conversion” of employment sites to residential uses, under its budget statement, outlined above this planning application is **not** in conformity with policy ECON1 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007. The Committee is reminded that should they wish to approve the application the Development Control Manager has determined that the application should be considered at District Planning Committee, given that it comprises a clear departure from current adopted development plan policy.

6.2. Amenity and built form.

- 6.2.1 The application site area is 0.93 ha in extent so the overall density of housing [gross] will be 58 units per ha, so this falls squarely within what would be expected in such a central location. However, it is not purely density which needs to be examined in order to assess whether actual harm to the surrounding areas character and amenity will result. For example, the number of bed spaces which will be created on site will be 147 which equates to 155 bed spaces per hectare. This is also not taking into account the 23 live/work units i.e. the additional space required by the offices in the 23 dwellings concerned. These are the equivalent scale of 2 bedrooms in physical terms so one could add 46 bed spaces in theory to the 155 figure noted above, resulting in a density of 201 bed spaces per ha.
- 6.2.2 Density is not the only factor however to be taken into account. Layout and physical mass of the dwellings is an important material consideration as well. To take some of the plots in turn - plot 51 is just 2m distant from Mill Court [an office block] in the north of the site, whilst plot 19 is just 5m from Atlantean Court [residential] to the east of the application site. Plot 16 is 7m distant in addition from the same Court. The distances between plots 38 and 37 on the west side of the site to existing residential flats in Windsor Court is more generous at a minimum of 8m [plot 38] to 11m for plot 37. These distances are not problematic in themselves but when combined with the height of many of the 3 and 3.5 storey buildings proposed, in connection with their narrow sections, will create some significant overlooking and overshadowing both between the new dwellings on site and indeed between the scheme and its existing neighbours, as a number of the objectors note. In order to address these difficulties, the applicants have submitted a shadow analysis of the scheme during both the summer and winter solstices, but this has not convinced your officers that there will be no problems for amenity arising as a consequence.
- 6.2.3 In terms of overlooking, one expects a degree of this in compact urban situations such as this. However, by way of example, the extent of potential overlooking from the rear [south] elevation of plot 19 over the rear garden of plot 20 will be substantial, and this is by no means the only serious example which can be cited. For example a similar situation will occur between plot 32 and 28, which will be harmful. Not only that, but the rear gardens of plots 9 to 11 will be in shadow for much if not all of the winter, given their aspect and layout, and the same applies to plots 20 to 23, and 5 to 8.

- 6.2.4 Added to the above is the overall design of the units as proposed. It is recognised, with due respect to the existing locality, that the area is not of the highest architectural quality. This is no reason however to select the lowest common denominator in terms of elevational treatment and design. The applicants are clearly capable of producing “good” and attractive designs, as recognised in their forthcoming submission for the reserved matters in the racecourse housing scheme. However the present submission is considered as being rather bland and repetitious in elevational detail, which is not assisted by the substantial height of some of the units. It is accepted that there is some articulation and visual interest in the scheme, but it is considered that much more could be achieved in enlivening the local street scene, in order to produce an attractive development, as espoused within PPS3 advice, and indeed in policy OVS2 in the Council’s own local plan. Policy H5 in the South East Plan of 2009, currently extant, notes also the need for achieving good quality design in new housing schemes, notwithstanding the need to achieve higher density housing above 40 units per ha.
- 6.2.5 In conclusion, despite requests for a series of design, layout and density revisions to the present application, none have been forthcoming. Accordingly, in conjunction with the other concerns about the scheme, one further reason to reject the application is noted at the end of this report on the grounds of poor design and layout leading to a harmful overdevelopment and impact upon local amenity.

6.3. Highways and access.

- 6.3.1. The highways officer has examined the layout and form of the access into the site plus the on site parking provision. He has some concerns over the precise alignment and forward visibility available for the sole vehicle access onto Mill Lane, but it is considered that these can be overcome via minor revisions which will be available for committee – the update will note this if required. The highways officer is also satisfied that there will be a net reduction in daily traffic flows from the 54 dwellings when compared to the past use as builders merchants of Travis Perkins. The latter was calculated as having 604 vehicle movements daily some of which would have been HGVs. The residential scheme will have about one third of these movements, although it is acknowledged that peak hour flows may be similar, and naturally housing flows will be over a 7 day week not 5.5 as the builders merchants. Notwithstanding these points, the highways officer [and planning officers concur] has accepted that the traffic flows onto the network give no rise for concern. The site is in a sustainable location and so greater pedestrian, cycling and public transport use is to be expected and indeed encouraged through the provision of an effective travel plan. Accordingly, no s106 contributions are requested under highways, however some minor improvements to pedestrian routes have been sought along Mill Lane and British Waterways have sought a financial contribution to the nearby canal towpath.
- 6.3.2. However, the highways officer is concerned that the overall level of parking is low for 54 dwellings at one per unit, including for three bedroom dwellings, plus 14 visitor spaces. He is also concerned that much of the undercroft parking will not be actually available for use given the propensity to use this for storage purposes. Finally he is concerned that the use of the live-work units might attract more car parking on site in some cases. As a consequence, there is likely to be additional pressures for on street parking not only within the scheme but also in the locality, to the detriment of the local highway safety and amenity, in an area which already

suffers in this regard. This in turn will be contrary to the revised advice in the draft version of PPG13 - Transport, which calls for [inter alia] the reduction in the use of private vehicles as opposed to the ownership of them i.e. a more pragmatic approach to parking levels on new sites should be adhered to. Thus a ratio of 1.5 spaces per 3 bed dwelling and 1.25 spaces per 2 bed dwelling is called for, plus visitor parking, but without a specific redesign of the scheme this is not physically achievable in the current application. For information a total of 24 more car parking spaces would be needed on site i.e. 88, depending on the layout and type of parking provided, plus the 14 visitor spaces. [102 No.] in order to achieve a ratio of 1.9 spaces per dwelling overall on average. Accordingly, one further reason for rejecting the application is based upon this lack of on site parking, being contrary to PPG13 advice and policy OVS2 in the local plan.

7. Conclusion

- 7.1. On the one hand this application has much to commend it since it is for housing at a reasonable density, on a brown field site in a very sustainable location. It will provide some further affordable housing and 23 live-work units in addition. However, there are a range of difficulties with the scheme, which work against it. Firstly there is the prime reason of the ECON1 policy objection as noted, secondly there is the concern over layout massing and scale, and thirdly the lack of on site parking. Finally the lack of the s106 obligation is noted in case the application is appealed, assuming it is refused of course.
- 7.2. To conclude having regard to the strong reasons for rejecting the application, the development proposed is clearly unacceptable and so should be refused for the four reasons as set out below. Members are reminded that should they wish to approve the application it will be required to be considered at District Planning Committee.

8. Full Recommendation

The Head of Planning and Countryside be authorised to REFUSE planning permission for the following reasons.

1. The applicant has failed to enter into a s106 planning obligation which would mitigate the impact the new occupants of the housing would have upon the District's services, facilities and infrastructure, and provide planning gain in the form of affordable housing. Accordingly the application does not comply with policies OVS3 and HSG9 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007, policy CC7 in the South East Plan May 2009, the advice in Circular 5/2005 and the 2010 CIL regulations and the Council's SPG4/04 as amended. Accordingly the application is unacceptable.
2. The application site is for principally housing, notwithstanding the element of 23 live-work units in the application scheme. The application site lies on a designated employment site as noted within policy ECON1 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007. Within such sites, the protection of employment land for the future, to 2026 is required, particularly in such sustainable

locations as this, as noted in PPS4 advice. Given also the emerging policy advice in CS10 in the West Berkshire Proposed Submission Core Strategy, and the advice in policy RE3 in the South East Plan of May 2009, the consequent loss of this protected employment site is considered currently unacceptable and premature to the Council's future site allocations DPD which will be considered over the coming years.

3. The application scheme comprises the erection of 54 dwellings. A number of the proposed units are to be constructed at a such a height , massing and overall scale that there will be not only a demonstrable and harmful impact upon adjoining residential amenity by virtue of both overshadowing and overlooking, but given the small plot sizes and layout of the application scheme, the amenity of future occupants will be harmed by overlooking and overshadowing in addition, leading to overall loss of privacy and a poor living environment , contrary to policy OVS2 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007. Furthermore, it is considered that the elevations and design of the proposed housing is poor giving rise to unattractive street scenes leading to a lack of coherent character and sense of place, contrary to the advice in PPS3 and the Council's own design guidance. The scheme is thus considered to be an unacceptable overdevelopment of the site, contrary to well established policy as noted above.
4. The application provides only an average of 1.25 parking spaces per dwelling. Given the nature and scale of the housing proposed, and the nature of undercroft parking in 31 of the dwellings, it is considered that this lack of parking will lead to severe pressures for on street parking, not only within the site but also on the local highway network causing harm to local highway safety and local amenity. The application is thus contrary to the advice in PPG13 and policy OVS2 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

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