

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4)	19/01281/OUTMAJ Newbury Town	9 September 2019 ¹	<p>Outline application for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale.</p> <p>Newspaper House, Plot Q and Units Q1 to Q6, Faraday Road, Newbury.</p> <p>Newspaper House Holdings Ltd.</p>
<p>¹ Extension of time agreed with applicant until 29 November 2019.</p>			

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01281/OUTMAJ>

Recommendation Summary: Delegate to the Head of Development and Planning to refuse planning permission.

Ward Member(s): Councillor J. Beck
Councillor J. Cant

Reason for Committee Determination: Part of the site is on Council owned land and the proposal is a major application.

Committee Site Visit: 30th January 2020

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1. Introduction

- 1.1 The site is in Newbury along the east side of the A339 road between the Robin Hood and Bear Lane/Kings Road roundabouts. A public car park and the Newbury football ground is to the east, the River Kennet/Kennet and Avon Canal is to the south, Victoria Park is beyond the A339 to the west, and the Faraday/London Road industrial estate is to the north and north east.
- 1.2 The planning constraints of the site are:
- it is within the settlement boundary of Newbury;
 - it is within a protected employment area;
 - it is in flood zone 3;
 - a public right of way NEWB/28/6 and national cycle route runs to the south of the site along the River Kennet and Kennet and Avon canal;
 - the River Kennet is a Site of Special Scientific Interest;
 - it is adjacent to a conservation area to the south and east of the site (to the east the conservation area boundary is the opposite side of the A339 road);
 - it is in an area of potential archaeological interest.
- 1.3 The existing Newspaper House building is understood to be vacant where the printing presses are no longer in use and the office staff are now based in Plot Q. It is understood the majority of the industrial units Q1 to 6 are in use. Elevation drawings of the existing buildings were not submitted. From the submitted location plan and previous planning applications the height and form of the existing buildings are:
- Newspaper House footprint 66 x 34m, from 8 to just over 9 metres high, gable ended rectangular form;
 - Plot Q: footprint 14 x up to 19.5m, 5.9 metres high, gable ended roughly 'L' shape form;
 - Units Q1-6: footprint 46.5 x 20.5m, 5.9 metres high, gable ended rectangular form.
- 1.4 The application seeks planning permission to demolish the existing buildings and redevelop the site for office and residential use. There would be 3 buildings; 2 office blocks, and a block of primarily flats and some office space. The application is outline with landscaping the only reserved matter.
- 1.5 The block of flats would be 71.8 metres long and 45.3m wide. It would be roughly 'c' shape with a semi-enclosed courtyard of 16.3 by 40.5m. The ground floor would be for cycle and bin storage and parking. Above this there would be 2 offices at first and second floor level orientated towards the football ground. The remainder of the first floor and above would be the 71 flats.
- 1.6 The section of the building facing the canal would be 9m high with a curved roof. The section it joins would be over 12m in height to a flat roof which would be the same as the roof on the inner 'c' part on the elevation towards the football ground. The part facing the A339 would rise in height to 18.7m, which is also the height of much of the building facing north. The building would house a total of 71 flats; 24x 1 bedroom, 43x 2 bedroom, 4x 3 bedroom. Of these 12x 1 bedroom and 9x 2 bedroom would be affordable.
- 1.7 Proposed office block 1 would have a footprint of just under 39m by just over 18m. It would be separated from the flats by 13.75m, and from office block 2 by approximately 15.5m. Office block 1 would be from 3 to 5 storeys in height with flat roofs except that over the 5 storey element which would be slightly curving mono-pitched. The 3 storey sections would be a height of 10m, and the 5 storey central element 17.5m. The ground floor would be parking, with the office space stated on the plans and totalling 1,698m².

- 1.8 Proposed office block 2 would have a footprint of 36.5m by just over 18m. It would be 3 storeys, from just over 10m to approximately 13m with flat roofs with the exception of a slightly curving mono-pitched roof. The ground floor would be parking, with the office space above stated on the plans and totalling 1,154m².
- 1.9 The materials proposed include red/orange brick, timber and render. The roofing is shown on the elevations as dark grey along with the fenestration on the office blocks.
- 1.10 Access to the proposed development would be as existing; via the junction on the A339 to the north or the junction off the A4 onto Faraday Road further north. 201 parking spaces are proposed, 105 on the ground floor and outside the block of flats building, and 96 on the ground floor and outside the blocks of offices. Cycle and motorcycle spaces are also shown on the plans.
- 1.11 Planning History
- 1.12 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision/Date
18/00797/OUTMAJ	Outline permission for demolition of existing Newspaper House and industrial units and redevelopment of the site for 82 flats and office accommodation together with parking and associated works. Matters to be considered: Access, Appearance, Layout and Scale.	Undetermined
18/01234/FUL	Partial change of use of unit Q5 from B1 to A3. Conversion of existing loading bay to create shop front with canopy behind shutter and outside cafe seating area. Vent for extraction system	Approved 2018
18/00792/FUL	Change of use of existing motor dealership (sui generis) to offices (B1(a)) with associated parking.	Approved 2018
14/02983/FUL	Installation of compactor system and associated extract pipework on Newspaper House and adjacent Unit 2 Plot Q.	Approved 2015
14/01190/FUL	Creation of new opening in the rear elevation of unit 2Q and install roller shutter door.	Approved 2014
13/01431/FUL	Change of use of unit Q3 from B1 to boxing gym (D1).	Approved 2013
11/01222/FUL	Approval of change of use from B1 to B2.	Approved 2011
08/01984/FUL	Erection of a raised roof section adjacent to the existing raised roof.	Approved 2008
08/01293/FUL	Erection of a raised roof section adjacent to the existing raised roof.	Approved 2008

04/01651/FUL	Alterations to Newspaper House to enable the installation of new press machinery, including raising part of the roof and associated internal alterations. A new electrical sub-station is also required.	Approved 2004
04/01102/FUL	Alterations to Newspaper House to enable the installation of new press machinery, including raising part of the roof and associated internal alterations. New electrical sub-station.	Approved 2004
145671	Portacabin to be used as temporary office accommodation.	Approved 1995
143931	Construction of extension to enclose new staircase and insertion of additional windows at first floor level.	Approved 1994
119283	Installation of ducted ventilation and air conditioning system for ground floor and first floor offices.	Approved 1983
115693	Erection of 6 light industrial units.	Approved 1981
115219	Extension of existing permitted building to provide 2 no. nursery factory units.	Approved 1981
114427	Erection of a new building to house the Newbury Weekly News.	Approved 1981

2. Procedural Matters

- 2.1 The proposed development and constraints of the site are such that screening is not required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 2.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of a site notice. The deadline for representations expired on 29 July 2019. The application was also publicised in the Newbury Weekly News on 20 June 2019.
- 2.3 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL.

3. Consultation

Statutory and non-statutory consultation

- 3.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Newbury Town Council:	No objection, comment on more information on air quality and noise pollution being required due to proximity to A339.
Newbury Society:	Comments on lack of design quality for a prominent site adjacent to a Conservation Area, the A339 road, and the Kennet and Avon canal, as well as a comment that the full level of affordable housing should be provided.
Environment Agency:	Initial objection to submitted flood risk assessment for not demonstrating the proposed voids would compensate for the lack of adequate flood plain storage. Comments on the flooding sequential test and safe access/egress requirements under the National Planning Policy Framework. Additional information on the flood risk assessment resulted in no objection subject to condition.
Thames Water:	No objection with regard to foul water drainage. Comments regarding proximity to public sewers, underground water assets, and water mains. Comment that the existing water network infrastructure is unable to accommodate the needs for the development proposed and a condition is required for upgrades to the infrastructure to be made.
Lead Local Flood Authority:	Comment on clarification required on groundwater flood risk mitigation. With regard to drainage strategy the discharge rate should be as close as possible to the 1:1 year Greenfield rate not 1:100. The membrane depth is questioned due to the risk of a high ground water level. Additional information submitted resulted in no objection subject to condition.
Canal and River Trust:	No objection to the design due to the distance from the navigation of the canal, but comment that the proposal does not impact positively on views from the canal or Conservation Area and comment the elevation facing the park and canal is of low quality design and not the quality of design expected of a prominent site. Comment that the frontage will be well used by pedestrians and cyclists to access the town centre and other facilities and should be improved via Community Infrastructure Levy or Section 106.
Planning Policy:	Where the site is in a protected employment area the proposed B1 office development proposed is acceptable, residential development in such areas is not although regard will need to be given to other policies and material considerations.
Transport Policy:	The site is sustainably located regarding accessibility for pedestrians, cyclists and public transport, although there is concern for pedestrian personal safety after dark due to limited lighting. Conditions required for travel plans and electric vehicle charging points.
Archaeology:	Submitted desk top survey indicates further archaeological work is required which can be secured by condition.

Conservation:	Comments on design regarding improvements on previous scheme. No objection on impact on the setting of the Conservation Area.
Local Highway Authority:	<p>Comments that the predicted increase in vehicle movements would be onto an already congested local road network and requires traffic modelling to be undertaken. Comment on the under provision of car parking spaces and that the plans appear to show inadequate sizing of car parking spaces. The cycle storage plans submitted are acceptable.</p> <p>Amended plans and additional information submitted resulted in no objection subject to conditions.</p>
Highways England:	No objection. Comment that the ownership, maintenance and responsibility for the operation of the A339 is now under the local highway authority.
Waste Management:	Condition required on details of refuse storage. Comment that the proposed waste collection arrangements for the flats relies on a management move to the collection point which would need to be by 7am on collection day. This is not considered ideal. The waste storage and collection point areas will both need to be of adequate size to accommodate the waste and recycling receptacles for all units. Comment that the Council does not collect commercial waste.
Housing Strategy:	Policy compliant affordable housing units required are 15 units for social rent and 6 shared ownership. The affordable units should be situated in part of a block with its own core and entrance. The units are required to comply with the Nationally Described Space Standards.
Sport England:	Comment that National Planning Policy Framework includes a section on healthy lifestyles and that an assessment needs to be made of whether existing sports facilities have capacity to absorb additional demand from residential development.
Emergency Planning:	<p>Further information requested on whether the blocks will be managed so that actions can be in place to move cars in the event of flooding as well as residents moved out in good time and confirmation from the fire service that the means of escape are acceptable.</p> <p>Concern raised that site may become an island during exceptional flooding and/or flood defences fail which may require residents to leave their properties and be in need of emergency accommodation, and/or residents may become trapped in their property. Flooding risks damage to vehicles and the environment if they are required to be moved. Concern how route along blocks to an exit point above flood levels could be safely achieved.</p>
Education:	Education provision expected to be met from Community Infrastructure Levy payments.
No Comments	Access Officer, Police, Tree Officer, Environmental Health, Fire Authority, Wildlife Trust, Economic Development Officer, Ministry

Received:	of Defence, Ecology, Clinical Care and Commissioning, Minerals and Waste.
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Public representations

3.2 No representations from the public have been received.

4. Planning Policy

4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies NPPF, ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies ECON.5, TRANS.1, OVS.5, OVS.6, OVS7 and OVS.8, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DfT Manual for Streets
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- Conservation of Habitats and Species Regulation 2017

5. Appraisal

Principle of development

5.1 The spatial strategy and settlement hierarchy for development in the District is set out in Core Strategy policy ADPP1. It directs development to within the settlements of the hierarchy and Newbury is listed as an urban area.

5.2 With regard to the proposal for residential development, policy ADPP2 in identifying a broad location for housing in Newbury states that there is significant development potential on previously developed land, particularly in the town centre and periphery.

5.3 Policy CS1 of the Core Strategy states that new homes will be developed on suitable previously developed or other land within settlement boundaries. Policy C1 of the Housing Site Allocations DPD has a presumption in favour of housing development within the boundaries of the listed settlements which includes Newbury.

5.4 The site is considered to be previously developed land; there are existing buildings on site most of which are occupied and the site is within an identified protected employment

area. In terms of whether the site is suitable for residential development this is generally precluded by being within a protected employment area. However, there are examples of housing granted within it. In the balance of considerations of those permissions was the fact there would be a significant increase in the amount of office and/or employment generating uses which were of particular benefit within the protected employment area and were not considered to conflict with the housing element proposed as part of those schemes.

- 5.5 In this instance the existing footprint on site of the employment uses is 3,460m² (measured from the site plan outline of existing buildings). As existing floor plans haven't been submitted it is not possible to know accurately the extent of any first floor space. The proposed office space, excluding the entrance lobbies and main stairwells, is 3,348m² (the total of each office floor area quoted on the floor plans).
- 5.6 This is not considered to represent a significant increase in B class use floor space in comparison to other permissions in the protected employment area. It is acknowledged that the proposed buildings would be of better quality and as such may increase the employment generation of the site. This may be sufficient to allow an element of housing as part of a mixed use scheme, where the site is on the edge of the protected employment area.
- 5.7 Notwithstanding the potential for an element of housing within a protected employment area, the main constraint of the site with regard to the principle of housing is that it is within flood zone 3; the highest flood risk zone. The national definition of this flood zone is having a high probability of river flooding of 1 in 100 or greater annual probability. So within 50 years there is a 50% or greater risk of river flooding over this site. (For comparison flood zone 1 is defined as low probability of less than 1 in 1,000 annual probability of river flooding, and flood zone 2 is defined as medium probability of between 1 in 100 and 1 in 1,000 annual probability of river flooding).
- 5.8 The national flood risk vulnerability classification defines offices as a less vulnerable type of development and buildings used for houses as a more vulnerable type of development. National guidance states that office development can be considered appropriate in flood zone 3, whereas housing development can only be appropriate in flood zone 3 if it passes both the sequential test and the exception test. A sequential test assessment and a supplementary one were submitted by the applicant.
- 5.9 The NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from them. The NPPF paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and development should not be permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding.
- 5.10 The planning practice guidance outlines at paragraph 019 that the aim of the sequential test for the location of development is to steer development to flood zone 1. Where there are no reasonably available sites in flood zone 1 to consider reasonably available sites in flood zone 2. Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of sites in flood zone 3 be considered.
- 5.11 Where the site is located in flood zone 3 the flooding exception test to the housing element of the proposed development also applies. The NPPF paragraph 160 states that for the exception test to be passed it should be demonstrated both that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible,

will reduce flood risk overall. The planning practice guidance in paragraph 035 states the exception test should only be applied following application of the sequential test.

- 5.12 Policy CS16 states that the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable alternative sites at a lower flood risk. Furthermore development will only be permitted if it can be demonstrated that through the sequential and exception test (where required) it is demonstrated the benefits of the development to the community outweigh the risk of flooding (as well as other matters).
- 5.13 With regard to the Core Strategy and Housing Site Allocations DPD a level 1 strategic flood risk assessment was undertaken for the whole of the district. The strategic flood risk assessment did not assess this site or the protected employment area it is a part of for housing development. This site has not been allocated for housing and no sequential test for housing has been undertaken for this site as part of the development plan. Nor has the level 1 strategic flood risk assessment undertaken as part of the evidence base for the next Local Plan.
- 5.14 A sequential test was submitted with the application. At 2.13 it states that whilst the site is in flood zone 3 as it benefits from flood defences the risk of flooding is reduced to the equivalent of flood zone 2. However, the planning practice guidance on flood zones is that they ignore the presence of flood defences (they may not be maintained over time). Therefore the starting point of the sequential test that the site is effectively in flood zone 2 is incorrect, it is in flood zone 3.
- 5.15 Guidance on the sequential test states that potential alternative sites are to be identified within a search area agreed with the Local Planning Authority as being suitable for the development sought. The search then reviews allocated sites within the adopted or draft local plan, permissions for the same or similar development on land that has not been allocated for that development, and windfall sites that could be available but aren't allocated and don't have planning permission. The information to be presented on the potential alternative sites in the submitted sequential test should include their addresses, whether they are allocated or not, issues that might prevent development and if they could be overcome, an estimate of their capacity using the local planning authority density policy, their status under the local plan and supporting documents such as the local plan background, evidence base documents, housing and economic land availability assessments.
- 5.16 In this case the search area was not agreed with the local planning authority in advance of submission of the sequential test. The applicant decided the area they would search would be the urban areas identified in the Core Strategy of Newbury, Thatcham, and Eastern Urban Area. It did not include rural service centres, service villages or sites outside of settlement boundaries. The applicant's justification of this was that it was due to the proposed development being high density residential development.
- 5.17 The applicant did not include sites which were less than 0.4 hectares with the justification being that this would be smaller than the application site. The applicant also excluded sites within or partly within the following: a Conservation Area or other heritage designation; the setting of a listed building or heritage asset; an Area of Outstanding Natural Beauty; an environmental designation such as a nature reserve; an area of low density housing; adjacent to an incompatible use such as a waste facility; sites within flood zone 2 or 3. Finally sites with full permission or both outline and reserved matters approved and sites where development has commenced were not included due to being unavailable.

- 5.18 With regard to the applicant's identified search area a number of parameters are considered unduly restrictive. Excluding sites in flood zone 2 goes against the sequential test in that such locations are preferable to flood zone 3. Excluding all rural service centres goes against the Council's own allocation processes where a similar amount of housing units have been allocated in Burghfield Common, Hungerford, Lambourn and Theale. Similarly excluding all areas in the Area of Outstanding Natural Beauty means that settlements such as Hungerford and Lambourn are excluded when the Council has allocated land for housing for a similar number of units in these locations.
- 5.19 The Environment Agency, in its comments on application 18/00797 gave Planning Inspectorate decision APP/R3650/W/15/3136799 as an example of how to assess whether sequentially preferable sites are available. The Inspector notes that the supply of housing can be a combination of sites capable of delivering a number of houses. It also states that there is no policy or rational basis for considering sites on a 'like for like' basis only, or for excluding sites that fall outside an arbitrary size.
- 5.20 It is for the Local Planning Authority to assess the sequential test. An acceptable site specific flood risk assessment is also not a reason to negate the need or pass a sequential test. This was recently confirmed locally by appeal decision APP/W0340/W/19/3223949.
- 5.21 The submitted sequential test assessment focuses on density of units and affordable housing. It does not consider other planning policies and how the site compares with others for policy compliance against other sustainability objectives of the Core Strategy.
- 5.22 In terms of density the development proposed is very high density at approximately 118 dwellings per hectare. The Council's housing mix policy CS4 outlines that for most locations development will be between 30 and 50 dwellings per hectare, and lower in certain circumstances including in urban areas. Over 50 dwellings per hectare is considered higher density under policy CS4 and may be acceptable in town centres. The strategic sites in the Core Strategy within the main urban area of Newbury were around 40 dwellings per hectare (Newbury Racecourse 1,500 units over 40 hectares, and Sandford Park 2,000 units over 52.26 hectares). Therefore the submitted sequential test applies a higher density requirement than policy CS4 and is not in accordance with it.
- 5.23 In terms of affordable housing any site over 0.5 hectares for housing or for 10 dwellings or more would be required under policy CS6 to provide affordable housing. Sites within designated rural areas for fewer than 10 dwellings would also be required to provide affordable housing. This proposal includes a policy compliant, but no more than required, level of affordable housing.
- 5.24 It is also noted that sites in the rest of the London Road Industrial Estate, Newbury Business Park and River Park have been excluded on the basis of being in a protected employment area and in flood zone 3. These are the same constraints as the application site.
- 5.25 It is therefore considered that eliminating sites for the following types of reason do not reflect local circumstances relating to the catchment area for housing development for a sequential test: sites in service centres and sites in service centres in the Area of Outstanding Natural Beauty; sites of 0.4 hectares or less; for reasons of density; for reasons of value judgement such as potentially impacting on a conservation area or being unacceptable in a protected employment area unless it can be demonstrated it would conflict with the development plan. If the above types of reason do not exclude sites the submitted sequential test shows that there would be a combination of sites available located in areas of lower flood risk that could provide at least the same number of housing units as this application.

- 5.26 The supplementary sequential test assessment which was submitted changed the search area without agreement with the local planning authority to only Newbury. According to paragraph 2.2 this is to limit the area to the housing market area. However, a housing market area isn't the same as a development plan policy area. The strategic housing market assessment identifies the housing market area as being across Council boundaries. The supplementary assessment again excludes sites in flood zone 2 which are sequentially preferable to sites in flood zone 3. It also added an exclusion of those applications with only outline permission whereas the original excluded those with outline and reserved matters.
- 5.27 The supplementary sequential test assessment identifies 3 sites which could be suitable alternatives totalling 32 units. Site NEW073 for 20 units was discounted for being in flood zone 2, and NEW046 for 75 units was discounted for having outline permission. This was granted in 2017 and no reserved matters has been submitted to date. The Council's Strategic Housing Land Availability Assessment states that the site is available, but the supplementary sequential test states that it isn't without any explanation. Lastly the allocated site of Sandleford which has neither outline nor full permission is not included in the assessment. It was excluded in the original sequential test assessment due to density, which as discussed above is not considered to accord with policy CS4.
- 5.28 On the basis of the above the proposal is considered to fail the sequential test as there are reasonably available sites appropriate for the housing development in areas of lower risk of flooding. As such the principle of housing in this location is not considered acceptable and this constitutes a reason for refusal.
- 5.29 As the sequential test is not passed the exception test assessment has not been undertaken.
- 5.30 With regard to the proposed office development as the site is within a protected employment area which has undergone strategic flood risk assessment as part of the Core Strategy a sequential test is not required for the proposed office development and as a less vulnerable land use the offices do not require a flooding exception test.
- 5.31 Policy ADPP2 identifies the Faraday Road area as suitable for office development and the site is close to the town centre commercial area where it is only separated from it by the A339. The consultation response from Planning Policy notes that the most recent Economic Development Needs Assessment concludes that there is a continuing demand for office and industrial floor space in West Berkshire.

Housing mix, density and affordable housing

- 5.32 Policy CS4 expects residential development to contribute to delivering a mix of dwelling types and sizes to meet the needs of the community having regard to the area, its accessibility and evidence of housing need. The market housing proposed is 12x 1 bedroom, 34x 2 bedroom and 4x 3 bedroom. The affordable housing proposed is 12x 1 bedroom and 9x 2 bedroom.
- 5.33 The Council's Housing Development Officer was consulted on the proposal but did not comment on the mix of the proposed market housing. Taking the Strategic Housing Market Assessment (SHMA) the recommended housing mix within the Western Berkshire Housing Market Area (of which Newbury is a part) is for 5-10% 1 bedroom, 25-30% 2 bedroom, 40-45% 3 bedroom and 20-25% 4 bedroom. The proposal, would meet the market need almost exclusively of smaller units.
- 5.34 Policy CS4 also requires development to make efficient use of land with greater intensity of development at places with good public transport nodes. Close to such nodes density

above 50 dwellings per hectare may be achievable. Otherwise density is to be predominantly between 30-50 dwellings per hectare of family size housing.

- 5.35 The density has been calculated for the site area of the building containing the flats, external bin and parking and amenity space area of roughly 0.6ha. For the 71 units proposed the density would be 118 dwellings per hectare (71 units divided by 0.6 hectares). Newbury as an urban area has public transport provision with buses and a railway station linking further afield to Reading and London. Given the public transport infrastructure in Newbury a higher than 50 dwellings per hectare density could be justifiable under policy CS4, although the proposal would be approximately more than double this.
- 5.36 In accordance with policy CS6 of the Core Strategy the Housing Development Officer advised that 21 units would be required on site for affordable housing and they state the required ratio would be 10x 1 bedroom, 7x 2 bedroom and 4x 3 bedroom. This differs from the proposed 12x 1 bedroom and 9x 2 bedroom stated on the application form. Assuming that the applicant is willing to accept the mix of affordable housing outlined by the Housing Development Officer to meet the identified need, the affordable housing would need to be secured by a planning obligation. Given the issues with the sequential test and that housing in this location is unacceptable in principle the Council has not instructed on a legal agreement.
- 5.37 There are some issues with the proposal in terms of the housing mix, density and affordable housing. As there is a lack of planning obligation to secure the affordable housing the proposal fails to comply with policy CS6. Albeit the Council has not instructed such an obligation this nevertheless constitutes a reason for refusal.

Design and impact on character and appearance of the conservation area

- 5.38 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.
- 5.39 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 5.40 Policy CS 19 relates to the historic environment including conservation areas, and seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 5.41 The Council's Archaeologist was consulted on the application. In their consultation response to the previous application the Council's Archaeologist noted that the site has high archaeological potential, particularly for the Upper Paleolithic and Mesolithic period. An excavation at the former Council offices at Faraday Road in 1997 found an important early Mesolithic hunting site and also lists finds within proximity of the site. Geotechnical work around 10 years ago demonstrated that peat was present on land of Newspaper House.
- 5.42 With this application the Council's Archaeologist advises that a 2018 archaeological desk-based assessment has been submitted. The assessment notes that due to the archaeological potential further investigation is necessary and the Council's Archaeologist recommends a condition to secure this. Building recording is also necessary due to the historic interest for the town of Newspaper House.

- 5.43 The Council's Conservation Officer was consulted on the application due to the proximity of the conservation area. On assessing the previous application they advised that whilst the proposal's impact on views from the A339 will be fairly significant, there was limited visibility between the site and the conservation area due to the dense tree cover to the south of the site, which screens views from the canal; and the tall mature trees lining either side of the A339, which screen views from Victoria Park. They noted that during the winter there would be filtered views of the proposal through the trees, however, given the fact the height of the proposed building is staggered (the height decreases towards the canal) they did not feel that that the proposed buildings would cause any substantial harm to the setting of the conservation area, when viewed from the canal. In terms of views from the park during the winter they felt that that the combination of the distance between the park and the proposal, the depth of the trees which run alongside the south of the park, and the intervening dual carriageway, are sufficient to reduce the impact of the proposal on the setting of Victoria Park. For these reasons they did not feel that the proposal would have a harmful impact on the setting of the conservation area.
- 5.44 However, notwithstanding these comments, from a design perspective they did feel that the previous application failed to respond to the character and scale of the surrounding industrial park, and would have a significant impact on views from the A339.
- 5.45 Their comments on the amended scheme included some ongoing design concerns relating to the height in terms of bulk and massing where they would prefer either a reduced height across the scheme, the upper floors given a more lightweight appearance, or the upper floors set back. Further amendments were submitted which the Conservation Officer confirmed addressed these points. The proposed rhythm of materials were considered to result in an overly fussy and stripey appearance, particularly from the A339 which can be addressed by a materials condition. There are no design concerns regarding the offices proposed.
- 5.46 The Canal and River Trust were consulted on the application and have concerns regarding the impact on the waterway and the conservation area it runs through. The façade towards the waterway they state would have a ground floor with limited openings and limited interaction with the area of open space between it and the waterway. They also have concerns regarding the proposed materials where they consider the previous application scheme to have a simpler more muted colour palette.
- 5.47 In terms of the impact on the character of the area the existing built form and pattern of development along the A339 is generally smaller in footprint and height. The larger development of Parkway beyond Victoria Park to the west relates more to the town centre. The proposed buildings would be larger than those within the protected employment area. There are extant permissions for larger buildings along the east side of the A339 which are comparable to that proposed. Whilst these are material considerations their completion cannot be assumed. The wider London Road industrial area is identified for redevelopment, but there are no detailed proposals to assess whether the proposal is in line with the aspirations of that regeneration.

Amenity

- 5.48 Planning Policies CS 14 and CS 19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design discusses light and private garden space. The saved OVS policies of the Local Plan on noise and pollution are also applicable.
- 5.49 Environmental Health were consulted on the application. They note that a land contamination desk study has been submitted, but that further site investigation is

required in order to confirm any mitigation required for future users of the site from previous historic uses and the adjoining former landfill site.

- 5.50 Environmental Health noted that a noise report was submitted with the application. They consider that the noise impacts can be mitigated subject to more details of the specific measures. Conditions are recommended for a noise protection measures condition for both traffic noise and possible air conditioning unit noise from the proposed offices, and a construction method statement.
- 5.51 Comments have been received on possible air quality impacts on future occupiers. Environmental Health were asked to comment on this and they stated it was not considered to be an issue and that the site is outside the Air Quality Management Area further south. No surveys or mitigation has been required by Environmental Health.
- 5.52 The quality design SPD sets out the private amenity space for new dwellings. For flats of 1 or 2 bedrooms this is 25m² per unit and for 3 bedrooms 40m² to generally be provided as a communal area. For this proposal that would be a total of 1,795m². The areas indicated on the plans to the centre of the primarily residential block, the area between it and the office block, and the area towards the canal would be a total of approximately 1,257m². The area between the residential block and the A339 is not considered to be suitable as useable amenity space due to being set below adjacent ground level and due to noise, nor the area between the canal and the parking spaces to the east of the residential block for similar reasons.
- 5.53 Overall there is an under provision of amenity space of approximately 500m², around 30% of the requirement under the supplementary guidance. It is noted that the site is accessible by the occupiers to Victoria Park via the public right of way under and across the A339. It is therefore considered that a reasonable on site provision has been made.
- 5.54 With regard to overlooking the Quality Design guidance notes that for facing windows a separation distance of at least 21m should be provided. In this instance there are a couple of areas of potential overlooking within the scheme. This is across the central amenity space of the residential block of flats where it is just under 17m, and between the residential flats and the office building which is approximately 13.75m.
- 5.55 Having considered the floor plans there would not be direct overlooking between residential units across the central amenity space of the block of flats. There are windows to habitable rooms on the north elevation of the flats facing towards windows in the office building 13.75m away. As they are in different use classes it would not be expected for there to be overlooking from the offices into the flats at weekends, early morning, or late evenings. However, in order to ensure this a condition would be required on the operating hours of the office.
- 5.56 Due to the separation distance between the office building and the flats there would be a somewhat restricted outlook and less daylight into those north facing flats. However, this is not considered to be harmful. A daylight assessment in the form of calculated daylight factor has been submitted. With the exception of 9 of the rooms for which a daylight factor has been given the remainder are between 2 and 4. The other 9 rooms would be more than 4. A daylight factor of less than 2 is considered inadequate and over 5 is considered well lit. Across the whole scheme very few of the units would achieve well lit, but almost all are adequate. As a result there are not considered to be any units which would be unduly impacted from overshadowing or loss of light.

Highways, access and parking

- 5.57 Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Policy P1 of the Housing Site Allocations DPD outlines the parking provision required for residential development.
- 5.58 Highways were consulted on the application. They reviewed the submitted Transport Assessment and noted some differences in the quoted floor areas for the existing and proposed uses which is an issue for calculating and comparing the traffic impact. With regard to parking for the flats Highways consider the site to fall under zone 2 in policy P1 which would be a total of 116 spaces. 105 spaces are proposed under and outside of the flats building, a shortfall of 11 spaces.
- 5.59 Appendix 5 of the Local Plan outlines parking standards for non-residential uses. For the proposed 3,720m² office buildings a total of 124 spaces. 96 are proposed, a shortfall of 28.
- 5.60 In total 240 spaces are required, with 201 proposed, a total shortfall of 39 spaces which are proposed to be shared between the offices and flats which has been accepted by highways.
- 5.61 Highways also commented on the layout of the parking spaces and required dimensions of the parking spaces be reviewed to ensure they were adequate, as well provision to be made/shown for disabled parking spaces, and electric vehicle charging points for between 5-10% of the residential spaces. The level of motorcycle and cycle storage shown on the submitted plans is acceptable.
- 5.62 With regard to traffic generation and impact additional information was requested. The Transport Assessment quotes the morning and evening peak traffic movements of the existing uses as 41 and 38 respectively, but not overall daily movements. The peak morning and evening movements projected by the submitted assessment for the residential use is 15 and 18, and for the offices 69 and 64. There would be a net increase of 43 and 44 peak morning and evening of vehicle movements.
- 5.63 Highways considered the trip rates for the commercial uses to be acceptable, but the residential trip rates somewhat low. They have considered TRICS data for town and edge of town centre locations. By their calculation the net increase would be 45 and 47 movements at morning and evening peaks.
- 5.64 In either scenario Highways consider the additional vehicle movements to have an unacceptable impact on the already congested local road network. Details of traffic distribution to the A4 and A339 was submitted and has been accepted by Highways as being dispersed from the site such that there would not be a severe residual cumulative impact.
- 5.65 Waste Management have also been consulted on the application. They required plans to demonstrate the bin storage areas and collection point are sufficient for the size and number of refuse and recycling bins required. They also note that the residents' bins will require a management company to move the bins from the stores to the collection point. This will need to be undertaken on the day of collection by 7am and returned to the stores. They raise concern that if this is not undertaken waste will not be collected until the next scheduled collection and that there could be issues with the long term nature of the need for management of residents bins. The swept path of the refuse vehicle to access the collection point is acceptable.
- 5.66 Transport Policy request conditions on residential and workplace travel plans as well as vehicle charging points to encourage more sustainable modes of transport. They also

request improvements to the pedestrian and cycle links from the site, particularly in the form of lighting at night for pedestrians. These may be provided through CIL receipts.

Flooding and sustainable drainage

- 5.67 Policy CS16 requires a flood risk assessment for sites in flood zones 2 and 3 and there is an adopted Supplementary Planning Document on Sustainable Drainage. Where the site is in flood zones 2 and 3 a flood risk assessment was submitted with the application on which the Environment Agency, Local Lead Flood Authority, and Emergency Planning have been consulted.
- 5.68 The Environment Agency initially objected to the proposal for failing to propose adequate floodplain storage compensation. This is due to the document not stating and the plans not showing the 1 metre wide voids as extending above the annual exceedance probability and climate change flood level allowance from ground level with a void opening every 5 metres the length of all sides of the building. The voids also need to be open in perpetuity for the lifetime of the development.
- 5.69 Additional information was submitted which the Environment Agency was consulted on and they have withdrawn their initial objection, subject to a condition on the flood risk assessment. They note that the voided areas are to be used as undercroft car parks and that the Council needs to be satisfied that these can be safely evacuated, as well as safe access and escape routes.
- 5.70 The flood authority commented that whilst the voids and finished floor levels are acceptable, further information on groundwater flood risk mitigation and discharge rates was required. In particular the potential typographical error regarding the membrane depth and that the calculations on the storage area within the permeable paving be reviewed. Also, the water discharge rate out of the site should be restricted closer to the 1:1 year greenfield rate. Following the submission of additional information the flood authority are satisfied with the design principles of the drainage strategy subject to condition.
- 5.71 The Council's Emergency Planning have concerns that the site could become an island in the event of exceptional flooding or the flood defences in the area fail. In which scenarios the residents could either be unable to stay in their properties resulting in a need for over 170 people requiring emergency temporary accommodation, and/or residents becoming trapped in their properties and requiring rescue. It is noted that due to the location of the flats on higher floors there would not be anticipated to be recovery work to the flats after such a flood event.
- 5.72 The management of vehicles parked in the undercroft where they may be damaged or require to be moved in the event of flooding, as well as more information on the details of the safe route along all blocks to an exit point above flood level, are issues raised by Emergency Planning.
- 5.73 No comments were received from the Fire Authority. In their comments to the previous application they commented on the possible need for a fire hydrant, access and layout for fire fighting and safety in line building regulations, but not access and egress in the event of flooding.

Biodiversity

- 5.74 An updated ecological report was submitted with the application. Measures on external lighting, bird nesting boxes, reptile precautions during development, protective fencing for retained habitat, and measures to prevent pollution into the Kennet and Avon are

recommended to mitigate potential impacts on protected species. In terms of enhancements additional bird and bat boxes, and native species planting in the landscaping are recommended. These measures can be secured by conditions and meet the requirement of policy CS17 to provide biodiversity enhancements.

Green infrastructure

- 5.75 Policy CS 18 of the Core Strategy requires green infrastructure such as tree protection orders and public rights of way to be conserved by development. There is National Cycle Route 4 and a public right of way between the site and the Kennet and Avon canal.
- 5.76 Both Transport Policy and the Canal and River Trust seek improvements to the pedestrian and cycle links from the increase in use from the development. These could be funded from CIL receipts.

6. Planning Balance and Conclusion

- 6.1 The principle of the proposed office development is acceptable where the site is located in an area identified for regeneration including offices. The principle of the proposed residential development is not considered acceptable. Taking this application on its own merits the residential development fails the flooding sequential test where it is located in higher risk flood zone 3 and there are other suitable alternative available sites for housing development at lower risk of flooding. This attracts substantial weight against the proposal.
- 6.2 Where the Fire Authority has not responded to consultation request on the access and egress of residents from the site, Emergency Planning have not been able to confirm that access and egress of residents in the event of a flood event can be assured.
- 6.3 The benefit of the scheme would be the provision of market and affordable housing which attracts significant weight. It has been noted that the market housing would be predominantly smaller units such that the mix of flats is not particularly in line with the Strategic Housing Market Assessment which notes that more 3 bedroom properties are required. The affordable housing would be policy compliant but not above the policy requirement so would not attract additional weight in its own right. The density of the development is more than double the 50 dwellings per hectare identified as high density by policy CS4.
- 6.4 Modest weight is given to the provision of office space in that it would be of better quality than the commercial space it replaces (although it would involve a loss of occupied commercial floor space and it would not provide a significant increase in B class use floor space compared to the existing on site).
- 6.5 The design and impact on the character of the area is considered acceptable. It has been noted that the development would be larger than the existing buildings in proximity to it and that as there are no detailed proposals for the industrial area of which it is a part to know if it is in line with the regeneration aspirations of the area. The design and character impact are therefore considered to be of neutral weight in the balance.
- 6.6 The parking and highways impacts are considered acceptable. It has been noted that there is a shortfall in parking provision which has been accepted to be managed by sharing spaces. Similarly the domestic refuse will need permanent management to ensure collection. As such the highways impacts are considered to be of neutral weight in the balance.

- 6.7 In terms of amenity there would be adequate light into the flats. Mitigation may be required for land contamination and will be required for noise for future residents of the proposed flats. A shortfall of on-site resident only amenity space has been accepted due to proximity to existing public open space, and a lesser separation distance between the flats and office building accepted due to the different use classes. As such the amenity impacts are considered to be of neutral weight in the balance.
- 6.8 Minor positive weight is given to the biodiversity enhancements of additional bird and bat boxes, and neutral weight to the biodiversity mitigation required.
- 6.9 Neutral weight is also given to the impact on green infrastructure. The scheme could utilise existing public rights of way and cycle routes but its use by residents would result in improvements and/or enhancements being needed.
- 6.10 Minor positive weight is given to floodplain storage compensation, groundwater flood risk mitigation and water discharge rate measures. Whilst in some respects they are mitigation measures to accommodate the development proposed it is acknowledged it would represent some improvement on the existing drainage measures on site.
- 6.11 Overall, the benefits do not outweigh the substantial harm and conflict with policy identified. Therefore, having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application fails to comply with the development plan and is recommended for refusal.
- 6.12 The tilted balance of paragraph 11d of the National Planning Policy Framework is not considered to be engaged where there are relevant and up-to-date policies to determine the application. Notwithstanding this even if the tilted balance were engaged the National Planning Policy Framework is clear that more vulnerable land uses such as housing should be located in areas of least risk of flooding. There is sufficient land available within areas of lower flood risk for housing development in the District over the development plan period.
- 6.13 The National Planning Policy Framework is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Conditions should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. A number of conditions have been identified. However, there are no conditions which can be applied to enable housing development on this site.

7. Full Recommendation

- 7.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Reasons

- 7.2 The proposed residential development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The search area and methodology of the submitted sequential test are not accepted. As such the proposed development fails the flooding sequential test with regard to residential development contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, and the Planning Practice Guidance.

- 7.3 The application fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the policy CS6 of the West Berkshire Core Strategy 2006-2026, The Planning Obligations Supplementary Planning Document and the National Planning Policy Framework 2019.

DC