

<b>Item No</b>	<b>Application No. and Parish</b>	<b>8/13 Week Date</b>	<b>Proposal, Location and Applicant</b>
<b>(5)</b>	05/01457/FULMAJ Newbury Town Council	26 <sup>th</sup> September 2005	Demolition of existing building and construction of 13 flats. One retail unit at ground floor. Land at Bankside House, Newbury. Thomas and Co.

**Recommendation Summary:**      **The Head of Planning and Transport Strategy be authorised to grant planning permission subject to the completion of a s106 planning obligation.**

**Ward Member(s):**                      Councillors Hunneman and Rodger

**Reason for Committee determination:**      Prominent building within a sensitive area. New design is contentious. Councillor Hunneman called in.

**Committee Site Visit:**                      N/A

<b>Contact Officer Details</b>	
<b>Name:</b>	Michael Butler
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:Mbutler@westberks.gov.uk">Mbutler@westberks.gov.uk</a>

## Site History

110965 Change of use from light industrial to offices. Approved July 1979.

113721 External alterations. Approved November 1980.

04/03091/FULMAJ. Identical application to that now being considered. Refused. 23<sup>rd</sup> March 2005.

04/03092/con. As above - demolition consent. Refused 23<sup>rd</sup> March 2005.

## Publicity of Application

Neighbour notification expired – 26<sup>th</sup> July 2005

Press Notice expired – 28<sup>th</sup> July 2005

Site notice expired – 1<sup>st</sup> August 2005.

## Consultations and Representations

<b>Town Council:</b>	Object – out of character. Sensitive part of the town. Concern at lack of parking. Also object to a repetitious application. However if the application proceeds then open space contribution should go towards Goldwell Park/Northcroft but also request £5000 towards improved facilities on Lock Island.
<b>Tree Officer</b>	No objection provided that the yew trees to the south of the site are protected during demolition and construction.
<b>Housing</b>	No affordable housing requested since below thresholds.
<b>Library Services</b>	A sum of £2210 to be requested in accord with SPG4/04.
<b>Healthcare</b>	Sum of £2145 to be requested in accord with SPG4/04
<b>Education</b>	Sum of £13,075 to be requested via a s106 contribution.
<b>Highways</b>	Sum of £13,600 to be requested [i.e. £800 per new bed-space] to be provided. Directed towards bus services, improvements to bus stops, pedestrian and cycle facilities and other improvements as noted in the Newbury Parking Study.  Level of parking acceptable in this sustainable location i.e. no car parking on site.
<b>Planning Policy</b>	No objections.
<b>Public Protection.</b>	Contribution of £10,000 requested for in town CCTV expansion and maintenance in order to reduce crime etc.
<b>Disabled access</b>	Request one lift within the building. Applicants however have noted that this is not a requirement under the building regulations legislation so will not be constructed. Stairs however will be designed to meet the needs of the ambulant disabled. The ground floor will be fully accessible to wheelchair users.
<b>Council ecologist</b>	Conditional permission. Bat survey now undertaken.

<b>Kennet and Avon Canal Trust</b>	Objects to the scheme. Overdevelopment of site, impact upon character of the canal and the Conservation Area, impact on setting of listed buildings such as St Nicolas Church, Newbury Bridge and Newbury Lock. If building were to be converted to residential use then unlikely to object.
<b>Environment Agency</b>	Conditional permission. The applicants have now submitted a flood risk assessment in accord with PPG25. Site is within flood Zone 3 – normally no new building allowed in such locations but this is redevelopment on existing base.
<b>Newbury Society</b>	Strong Objections to the scheme. Completely change the character of one of the town's Historic scenes. The existing group typifies the semi-industrial nature of the area. Contemporary approach not acceptable. Unsuitable for housing given the local levels of noise. Important visual gateway into the town.
<b>Archaeological officer</b>	Conditional permission. Bankside House is an area of high archaeological potential. Developer should require a programme of archaeological works to be undertaken following demolition of the building. Programme of building recording also needed, before demolition.
<b>English Nature</b>	Does not object but the site is adjacent to a SSSI. Condition must be attached to ensure no contamination of the watercourse during demolition and construction.
<b>Public open space</b>	A contribution of £19,169 is required for local public open space enhancements.
<b>Thames Water</b>	No objections.
<b>Rights of Way:</b>	Site is adjacent Newbury Footpath No. 28. No objections.
<b>Correspondence:</b>	Three letters of objection based upon lack of car parking on the site – will lead to parking congestion elsewhere in the vicinity. Also concerned with the poor design. Large and ugly building. Scale out of proportion. Detrimental impact on the setting of the Newbury Bridge and the listed Newbury lock adjacent.

### **Policy Considerations**

PPS1

PPG15

PPG25

Berkshire Structure Plan 2001 to 2016

Policies DP1, DP5, EN4, EN6, H3.

West Berkshire District Local Plan 1991 to 2006

Policies OVS1, OVS3, OVS11, ENV9, ENV10, ENV33, HSG1, TRANS2, SHOP1A, RL5.

## **Description of Development**

The application site comprises a non-listed building within the town's Conservation Area. It is presently occupied as offices. The site lies immediately adjacent the Kennet and Avon Canal to the north and West Mills to the south.

It is proposed to demolish the building in its entirety and erect a new 4 storey building of contemporary design in its place. This will incorporate 3 flats on the ground floor with one retail unit on the south frontage, plus a cycle store, 8 No. flats on the first and second floors and 2 flats on the 3<sup>rd</sup> floor. The total number is thus 13 flats, four of which are to be 2 bedroom and the remainder 1 bedroom.

The scheme is car parking free [i.e. no parking spaces are to be provided]. Furthermore, no on site amenity space is to be provided with the exception of balconies overlooking the canal on the northern elevation. The materials to be employed are a brick façade to the north [it was previously to be white render] with the steel balconies noted, timber panelling beneath the fenestration and a flat metal screen roof. There will be rendered masonry to the south elevation however, with timber panelling and cladding as above. If approved all the details of these materials would be approved via condition.

## **Consideration of the Proposal**

The application will be considered under the following 2 headings:

- 1 - Policy and principle of the scheme.
- 2 - Design issues.

### 1 - Policy and Principle.

Policy HSG1 in the local plan sets out a range of criteria which should be addressed before housing schemes within settlements become acceptable. In regard to Criterion1, in this instance it is considered that the scheme respects the surrounding character of adjacent buildings given the height [at 14m from slab level] still being lower than the adjacent Lloyds Bank Building to the east by some 7m. [Materials and design will be considered later]. In respect of the scale issue, the views of both the Town Council and the Newbury Society are especially recognised but it is considered that an integral component of the buildings striking design is its scale and mass, which will, by definition, create an attractive and imposing feature in the canal scene.

In regard to Criterion 2, there is no special building on site to be retained - it is correct to assert that the current building does lend some charm and character to the street and canal scene, and the Conservation Area, being of a relatively simple but attractive design. However, as noted above, it is not listed and enjoys no special status in terms of historic or other visual importance. [e.g. unusual building materials employed]. Once again the particular worries of the objectors are noted but the current building on site is not considered to be of any special merit.

Criterion 3 notes whether specific local amenity difficulties will arise if the scheme progresses. There will be no overlooking of any private amenity space from the balconies - these simply overlook the canal and other public spaces so it is considered little harm will arise if any to local amenity/privacy. The criterion also notes issues such as car parking. It is appreciated that no on-site parking is proposed in the scheme but the site is in a highly

sustainable location where it is the Council's policy to normally waive parking requirements altogether. Since the Highways Officer has no objections to the scheme on this basis, especially with the secure cycle storage provided internally, it is not considered the application should be rejected on this issue. The concerns of some objectors are acknowledged, especially in that the Council has recently commenced the residents parking permit scheme locally in order to manage the pressure on such on-street parking.

Criterion 4 notes the need to remove unsightly or derelict buildings. Clearly this point is irrelevant here. The building is in good repair and is in beneficial use as offices.

Criterion 5 records the need to consider any cumulative impacts which might arise from infill building which could materially harm a local area. This is considered relevant insofar as Members may be concerned with the "damaging" precedent which might be set if the scheme is approved. It is considered that the only other site which might come forward in the immediate vicinity are the unattractive units to the west which, if lost, would improve the local street scene in any event.

In terms of the overdevelopment issue which some objectors have raised, the site density is at over 468 units per ha. This is of course very high but the scheme should not be rejected unless specific and demonstrable harm can be indicated arising from the scheme. The very central location should also be borne in mind. Since it is considered that no specific harm does flow from the scheme and, since the scheme makes excellent re-use of a brown field site in accord with PPG3 and Council policy for much needed housing, the application should succeed on this basis.

## 2 - Design issues.

Planning Policy Statement No. 1 [Delivering Sustainable Development] has a section on Design. In it, it states [inter alia] that "good design is indivisible from good planning" and "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The document goes on to state that local authorities should not seek to stifle innovation originality or initiative via unsupported arguments [often subjective] in order to conform to certain development forms or styles. However it also states that it is proper to seek to promote local distinctiveness of style, especially where this is supported by clear plan policies. Para. 38 of PPG15 [Planning and the Historic Environment] also makes a number of comments about the need to protect and enhance local conservation areas via good design.

The Council's Conservation Officer has had a number of meetings with the applicant's architects in order to achieve what is an acceptable and indeed attractive design, which will positively contribute to the Conservation Area in the centre of the town. Bankside House at the moment is rather a neutral feature in the local townscape and its loss is thus not considered detrimental. However what replaces it should certainly be as good as if not better in terms of principal elevations in order to improve the visual rhythm of buildings and spaces along the canal frontage and West Mills. It is considered that the detailed articulation of the façade facing the canal is appropriate to its context adding a degree of verticality through its height, mass and form which is acceptable, and indeed attractive. The varied use of materials and balconies will serve to add to this visual interest which will be stimulating in the public sphere across the canal. The elevation fronting West Mills is more restrained, but the introduction of the shop unit at ground level should add more

interest at street level and indeed vitality to the town centre than is currently the case – it will also fully accord with Policy SHOP1A in the local plan 1991 to 2006.

The concerns of both the Town Council and indeed the Newbury Society and objectors are naturally fully appreciated, given the prominence and potential sensitivity of the site so close to the true historic core of the town. However, given the above views it is considered that, not only does the scheme fully comply with Local Plan Policy ENV33, the scheme will not detract from the setting of nearby listed buildings such as St Nicolas Church, the listed town bridge or indeed the listed lock nearby and so will enhance the Conservation Area in which it is situated. The scheme should thus not be rejected on the grounds of poor design, inappropriate to its context.

## **Conclusion**

The application before the Committee has much to recommend it. It makes very effective use of a brown field site, it will add interest at street level via the new shop unit, it will not harm local amenity and further will add a contemporary elevation to the locality which will be both stimulating and pleasing to the passer by. It is thus recommended for approval.

Members will of course recall that an identical application was refused at the Western Area Planning Committee on the 23<sup>rd</sup> of March this year. Whilst the planning history of a site is naturally a material planning consideration, it is not considered that over the intervening period any relevant development plan changes on the ground or circumstances have occurred such that the last officer recommendation should alter. In any event, should this planning application be refused, the proposal previously submitted will be considered and determined by a Planning Inspector at a public inquiry to be held in October this year.

## **Full Recommendation**

Subject to the applicant completing a s106 obligation, prior to the 26<sup>th</sup> of September 2005, the Heads of Terms of which are noted below, the Head of Planning and Transport Strategy be authorised to grant conditional permission.

- 1 - Contribution of £13,075 to education.
- 2 - Contribution of £19,169 to public open space.
- 3 - CCTV – Contribution of £10,000.
- 4 - Highways – Contribution of £13,600.
- 5 - Health Care – Contribution of £2145.
- 6 – Libraries - Contribution of £2210.

Should the agreement be not completed by the above date the application be refused for the following reason:-

Notwithstanding the resolution of the Western Area Planning Committee held on the 7<sup>th</sup> September 2005, the applicants have failed to enter into a s106 planning obligation to mitigate the impacts of the scheme upon local services, facilities and infrastructure. Accordingly the application is unacceptable being contrary to Policies OVS3, TRANS 2 and RL1 of the West Berkshire District Local Plan 1991 to 2006, Policy DP4 of the Berkshire Structure Plan 2001 to 2016 and the advice contained within Circular 5/2005.

1. The development shall be started within five years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2. Samples of the materials to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority before development starts. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials.

Reason: In the interests of visual amenity in accordance with Policy DP5 of the Berkshire Structure Plan 2001 – 2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006.

3. Details of floor levels in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority before development commences, and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policies DP5 of the Berkshire Structure Plan 2001 - 2016 and OVS2 of the West Berkshire District Local Plan 1991 - 2006.

4. Details of provision for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of amenity in accordance with Policies DP5 of the Berkshire Structure Plan 2001 - 2016 and OVS2 of the West Berkshire District Local Plan 1991 - 2006.

5. Prior to development commencing, details or an appropriate window display shall be submitted to and approved in writing by the Local Planning Authority. The display shall then be placed in position prior to the premises opening and thereafter in position to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity to maintain the attractiveness of the shopping centre in accord with Policy SHOP1A in the West Berkshire District Local Plan 1991 to 2006.

6. A scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority before building operations start. The scheme shall provide for the insulation of the proposed flats, to the satisfaction of the Local Planning Authority, and the works required to implement the scheme shall be incorporated in the building during construction, and completed before any of the flats are first occupied.

Reason: To ensure a satisfactory sound level within the dwellings in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policies OVS2, OVS3A and OVS6 of the West Berkshire District Local Plan 1991-2006.

7. The hours of work for all contractors (and sub-contractors) for the duration of the site development, shall unless otherwise agreed in writing by the Local Planning Authority be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with Policy DP5 of the Berkshire Structure Plan 2001 to 2016, and Policies OVS2 and ENV30 of the West Berkshire District Local Plan 1991 to 2006.

8 No development shall take place until a tree protection scheme has been put in place for the yew trees to the south of the site. The tree protection scheme shall then be secured for the duration of the demolition of the building and the re-building itself.

Reason: to protect the yew trees in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991 to 2006.

9. No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority

Reason: to ensure that any archaeological finds on site are adequately investigated and recorded in accordance with Policy ENV39 in the West Berkshire District Local Plan 1991 to 2006.

10. During demolition and construction of the buildings concerned, there shall be no storage of plant or fuel, lubricants, paints or treated timbers in proximity to the River Kennet.

Reason: to ensure there is no contamination of run-off into the River Kennet a SSSI in accordance with Policy DP5 of the Berkshire Structure Plan 2001 – 2016 and Policies ENV9 and OVS3 of the West Berkshire District Local Plan 1991 to 2006.

11 No development shall commence on site until the applicant has secured a programme of building recording in accord with a written scheme of investigation which has been submitted to and approved by the local planning authority.

Reason: to ensure the existing building is recorded for posterity in accordance with Policy ENV38 of the West Berkshire District Local Plan 1991 to 2006.

12 No spoil or materials shall be deposited or stored on the site.

Reason: to prevent the increased risk of flooding in accordance with Policy ENV10 of the West Berkshire District Local Plan 1991 to 2006.

13 There shall be no raising of existing ground levels on the site.

Reason: to prevent the increased risk of flooding on the site in accordance with Policy ENV10 of the West Berkshire District Local Plan 1991 to 2006.

14 Floor levels must be at least 600mm above the 1 in 100 year flood level of 75.93 metres Ordnance Datum.

Reason: to prevent the scheme from flooding in accordance with Policy OVS2 in the West Berkshire District Local Plan 1991 to 2006.

15 Surface water drainage works shall be carried out in accord with details to be submitted to and approved in writing by the Local Planning Authority prior to any building commencing on site.

Reason: to prevent the increased risk of flooding on the site in accordance with Policy ENV10 of the West Berkshire District Local Plan 1991 to 2006.

16 Prior to the commencement of works on site, two bat emergence surveys shall be undertaken between the months of May and July. A report will then be submitted to the Local Planning Authority for its written approval before works commence. If bats are found to be present then detailed mitigation works must be agreed.

Reason: to protect the species in accord with Policy ENV9A of the West Berkshire District Local Plan 1991 to 2006.

17 If demolition is not undertaken within 12 months of the bat survey being undertaken, the survey shall then be repeated immediately prior to the start of demolition with a further report being submitted to the Local Planning Authority for its written approval.

Reason: to protect this species in accord with Policy ENV9A of the West Berkshire District Local Plan 1991 to 2006.

18 The process of demolition shall commence at ridge level and then tiles removed sequentially. Row by row down to the eaves. If roosting bats are found demolition shall cease immediately and English Nature notified with a licensed bat worker called in to further advise.

Reason: to protect the species in accord with Policy ENV9A of the West Berkshire District Local Plan 1991 to 2006.

DC