

# Notice of Meeting

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## Western Area Planning Committee

**Wednesday, 11 December, 2013 at 6.30pm**

**in Council Chamber Council Offices  
Market Street Newbury**

### **Members Interests**

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 03 December 2013

### **FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: [jlegge@westberks.gov.uk](mailto:jlegge@westberks.gov.uk)



**Agenda - Western Area Planning Committee to be held on Wednesday, 11 December 2013 (continued)**

- To:** Councillors David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hower, Roger Hunneman, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)
- Substitutes:** Councillors Howard Bairstow, Billy Drummond, Adrian Edwards, Mike Johnston, Gwen Mason, Andrew Rowles and Tony Vickers
- 

# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 1 - 8  
To approve as a correct record the Minutes of the meeting of this Committee held on 13 November 2013.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*
- 
- (1) **Application No. and Parish: 13/02615/COMIND - The Limes Guest House and 370a and 370b London Road, Newbury** 9 - 22
- Proposal:** Section 73. Variation of Condition 3 [build in accord with approved plans] of planning permission reference 13/00252/comind.
- Location:** The Limes Guest House and 370a and 370b London Road, Newbury.
- Applicant:** Gracewell Healthcare 2 Ltd.
- Recommendation:** The Head of Planning and Countryside be authorised to **GRANT** planning permission.

**Agenda - Western Area Planning Committee to be held on Wednesday, 11 December 2013 (continued)**

- (2) **Application No. & Parish: 13/02622/COMIND - The Limes Guest House and 370a and 370b London Road, Newbury.** 23 - 34
- Proposal:** Section 73. Variation of Condition 17 on planning permission 13/00252/comind.
- Location:** The Limes Guest House and 370a and 370b London Road, Newbury.
- Applicant:** Gracewell Healthcare 2 Ltd.
- Recommendation:** The Head of Planning and Countryside be authorised to **GRANT** planning permission.
- 
- (3) **Application No. & Parish: 13/02408/FULD 3 - 7 Sandleford Farm, Sandleford, Newtown, Newbury** 35 - 50
- Proposal:** Demolition of existing buildings [Gilson Engineering] and erection of 9 dwellings, two 2 bed, four 3 bed and three 4 bed.  
New access and sound barrier. Parking and landscaping.
- Location:** 3 - 7 Sandleford Farm, Sandleford, Newtown, Newbury.
- Applicant:** Gilson Engineering.
- Recommendation:** The Head of Planning and Countryside be authorised to **GRANT** planning permission, subject to the completion of a s106 planning obligation.

**Agenda - Western Area Planning Committee to be held on Wednesday, 11 December 2013 (continued)**

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| (4) | <p><b>Application No &amp; Parish: 13/01848/FULD - Wellington Arms, 4 Andover Road, Newbury</b></p> <p><b>Proposal:</b> Change of Use and conversion of the main Grade II Listed pub building and two outbuildings into 4 new residential units. Demolition of rear extension to main building, garage/store and toilet blocks, extension linking main building to function suite and boundary wall adjacent to Derby Road. Hard and soft landscaping and provision of 3 car park spaces.</p> <p><b>Location:</b> Wellington Arms, 4 Andover Road, Newbury, Berkshire, RG14 6LR.</p> <p><b>Applicant:</b> Vokins Construction.</p> <p><b>Recommendation:</b> To <b>DELEGATE</b> to the Head of Planning and Countryside to <b>GRANT</b> Planning Permission subject to the schedule of conditions (section 8.2) and the completion of a Section 106 legal agreement within two months of the date of Committee.</p> <p align="center">OR</p> <p>If the s106 Legal Agreement is not completed within two months of the date of this Committee, <b>DELEGATE</b> to the Head of Planning and Countryside to <b>REFUSE PERMISSION</b>, given the failure of the application to mitigate the impact of the development on the local Infrastructure as set out in section 8.4, where expedient.</p> | 51 - 70 |
|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |         |
| (5) | <p><b>Application No. &amp; Parish: 13/01849/LBC - Wellington Arms, 4 Andover Road, Newbury</b></p> <p><b>Proposal:</b> Change of Use and conversion of the main Grade II Listed pub building and two outbuildings into 4 new residential units. Demolition of rear extension to main building, garage/store and toilet blocks, extension linking main building to function suite and boundary wall adjacent to Derby Road. Hard and soft landscaping and provision of 3 car park spaces.</p> <p><b>Location:</b> Wellington Arms, 4 Andover Road, Newbury, Berkshire, RG14 6LR.</p> <p><b>Applicant:</b> Vokins Construction.</p> <p><b>Recommendation:</b> To <b>DELEGATE</b> to the Head of Planning and Countryside to <b>GRANT</b> Planning Permission subject to the schedule of conditions (section 8.2).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 71 - 84 |

**Agenda - Western Area Planning Committee to be held on Wednesday, 11 December 2013 (continued)**

**Items for Information**

5. **Appeal Decisions relating to Western Area Planning Committee** 85 - 92  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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**WESTERN AREA PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON  
WEDNESDAY, 13 NOVEMBER 2013**

**Councillors Present:** David Allen, Howard Bairstow (Substitute) (In place of George Chandler), Jeff Beck, Paul Bryant (Chairman), Hilary Cole, Billy Drummond (Substitute) (In place of Julian Swift-Hook), Paul Hower, Roger Hunneman, Andrew Rowles (Substitute) (In place of Virginia von Celsing) and Garth Simpson

**Also Present:** Emmanuel Alozie (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)) and Derek Carnegie (Team Leader – Development Control)

**Apologies for inability to attend the meeting:** Councillor George Chandler, Councillor Anthony Stansfeld, Councillor Julian Swift-Hook, Councillor Ieuan Tuck and Councillor Virginia von Celsing

**PART I**

**29. Minutes**

The Minutes of the meeting held on 21 August 2013 and 2 October 2013 were approved as a true and correct record and signed by the Chairman.

**30. Declarations of Interest**

Councillors David Allen, Paul Bryant and Jeff Beck declared an interest in Agenda Item 4 (1), but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

**31. Schedule of Planning Applications**

**31(1) Application No. and Parish:13/01795/FULD - Western End, Newbury**

*(Councillors Jeff Beck and David Allen declared an interest in Agenda Item 4(1), by virtue of the fact that they were members of Newbury Town Council and had been present at the Planning and Highways meeting where the item had been discussed however they would consider the application afresh. Councillor Jeff Beck also declared that he had been lobbied on the item. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Paul Bryant declared an interest in Agenda Item 4(1), by virtue of the fact that he was a Member of the Newbury Society however, had not taken part in the meeting when the item had been discussed. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/01795/FULD in respect of a proposal for the sub-division of 21 Western End, Newbury from a three bedroom house to two one bedroom apartments.

## **WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES**

In accordance with the Council's Constitution, Kim Hodges, Parish Council representative, Anthony Pick, objector, Martin Kavanagh, supporter, Andy Butler and Chris Strang, applicant/agent and Councillor Tony Vickers as Ward Member addressed the Committee on this application.

Derek Carnegie introduced the Planning Officer's report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal would have an unacceptable impact and recommended refusal of the application.

Derek Carnegie stated that Ward Member Councillor Tony Vickers was in support of the application, since improvements had been made as part of the appeal scheme. The previous application received by the Council in May 2012 was refused in July 2012 and an appeal was dismissed by an Inspector in May 2013.

Derek Carnegie confirmed that neither Highways or Waste services had raised concerns about the application however, as highlighted in the report Planning Officers felt that the application would result in overdevelopment of the site. The development would be out of scale and character with the existing residential development in the locality and was contrary to the Newbury Design Statement. The closest point of the development would be just one metre from the highway, which was out of keeping with the area. There were similar one bedroom flats in the area however, they were complimented by open landscaping. Other properties close by which were close to the highway were less intrusive as they had formed part of the original layout plan.

Minor improvements had been made to the proposal since it had been refused in 2012 however, the over-riding factor for Planning Officers was that the development would cause cramped living.

Officers conceded that the development would provide sustainable living arrangements being so close to the town and would also have no adverse impact on neighbours. There would be no loss of light caused and the alley way would remain in place however, these issues were not felt by Officers to outweigh the negative impacts outlined in the report.

Derek Carnegie referred to the update report which featured a letter of support. It also detailed an affordable living aspect of the development, which had not been mentioned previously by the applicant. Housing Officers had not had an opportunity to consider the offer of an affordable flat within the development but it was likely that they would prefer a financial contribution in lieu rather than an affordable flat on the site.

An appeal decision to dismiss the application in May 2013, in essence had outlined that the two storey development would be prominent, obtrusive and inappropriate.

Kim Hodges in addressing the Committee raised the following points:

- He was a Newbury Town Council Ward Member for Northcroft.
- Overall the Town Council felt that the proposal would cause overdevelopment of the site and was out of keeping with the rest of the area.
- Properties along Western End were designed for families and therefore benefitted from gardens and off road parking. There was a general feeling of space in the area.
- The development being proposed would alter the character of the area and the distance of one metre from the footpath was deemed unacceptable.
- No.1 Western End had already been extended, using all the space available. Properties left were small and lacked privacy.
- The application did not adhere to the Code for Sustainable Homes.

## **WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES**

- Newbury Town Council reached these conclusions before having sight of the report. It felt the proposal was an example of overdevelopment, causing loss of character.

Anthony Pick in addressing the Committee raised the following points:

- The Newbury Society supported the views of West Berkshire Council's Planning Officers. They had reached the same conclusion about the previous application in 2012 and reasons were clearly detailed in the Inspectors report.
- The Development would be intrusive and provide poor amenity space.
- He understood that new homes were needed however, those already living in a development had to be considered.
- The proposed development site was currently fenced off and filled with debris. He felt that the site should never have been sold to the applicant and should have remained as amenity space for the current dwellings.
- There would be insufficient amenity space for six dwellings and it was felt that the debris and fence should be removed and the land re-assigned for improving the quality of life of those who already lived there.

Martin Kavanagh in addressing the Committee raised the following points:

- He had originally been involved in the application from a letting angle however, had become more involved at the appeal stage when the social housing element of the application had been included.
- The development would be a step towards bridging the gap between the public sector and private landlords.
- An agreement had been reached for one of the properties to be designated as affordable housing. This has been discussed with Housing Officers at West Berkshire Council and received favourably.
- Whilst this development had been introduced late into the process, it was a positive opportunity to work together.
- Tenant demand for rented accommodation in Newbury consistently outstripped supply in the entry sector by a factor of three to one, and Martin Kavanagh often had to turn people away. A lot of his time was spent letting people know they had not been successful for similar types of property.
- The developments would create four more jobs in the town and add more people to the local economy. Currently people had to commute from places like Swindon.
- In essence he felt that the proposal would be a good use of the plot of land and it provided an opportunity for social housing.

Martin Kavanagh confirmed that amenity space was often not amongst the criteria for one bedroom flats, due to the type of people who usually rented them being transient professional people.

Councillor David Allen questioned the rental value of one bedroomed flats in Newbury and Martin Kavanagh confirmed that the typical rental value for a studio flat in Newbury was £550 to £625 with an additional £60 for parking.

Councillor Garth Simpson questioned the three to one demand and that three people were often turned away for each property which became available. Councillor Simpson highlighted on a three to one basis that two people would be turned away. Martin Kavanagh reported that nine requests had been received for a one bedroom studio flat

## **WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES**

that day. They would stop showing people around when they had three suitable applicants and the landlord would then choose from those three.

Councillor Simpson asked what the typical demographic profile was of those who lived in one bedroomed flats and Martin Kavanagh confirmed that it was often individuals who wanted to begin their career path in Newbury.

Chris Strang in addressing the Committee raised the following points:

- He acknowledged the concerns of the Officers around the character of the area and amenity space however, there were many positive aspects to the development. These included the social housing aspect; the similarity in design to properties close by; the ridge height, in that it would match 21A and 21B; there would be no loss of light or overlooking; there would be no adverse affect on Highways or Waste services and the development would be in a sustainable location.
- The suggested amenity space of 25m<sup>2</sup> was guidance only. The proposed 75m<sup>2</sup> was deemed sufficient.
- The proposal would provide necessary social housing and the applicant would be happy to adhere to a Section 106 Agreement.

Councillor Hilary Cole referred to page 28 of the Officers report which detailed information on the Code for Sustainable Homes. If planning permission was granted, Councillor Cole queried whether conditions would be included, which ensured the requirements of the Code were met. Councillor Cole also felt that if approved the fence along the boundary should be removed to prevent vermin and debris from gathering. Chris Strang confirmed that the applicant would be willing to listen to Members' concerns.

It was confirmed by Derek Carnegie that the Code for Sustainable Homes would apply to the new buildings and not those already present.

Councillor Jeff Beck referred to comments made about affordable housing and that the Council had stated it would prefer financial contribution to assist the provision of affordable housing elsewhere. Chris Strang confirmed that he had not been made aware of this during conversations with Housing Officers and he had felt that they had been in favour of the affordable housing element of the proposal. It was confirmed that if the application was granted it would be subject to a legal and S106 Agreement. If there was a disagreement then the application could come back to the Committee.

Councillor Tony Vickers in addressing the Committee raised the following points:

- Residents supported the application as it would tidy up the area and improve safety as there would be new residents to help keep an oversight of things.
- Amenity space was one of the issues raised by Planning Officers and it was confirmed that originally the site had been allocated for parking purposes however, it had not been used as there was already enough parking spaces to support the area.
- Shared amenity space would be provided as part of the development.
- Amenity space for 21A and 21B would increase if the application was approved.
- A development close to the town centre had recently been approved and no amenity space was provided. Councillor Vickers also gave an example of 26 units, where the allocated amenity space was un-used.

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- Supplementary Planning Guidance gave guidance on private amenity space. Councillor Vickers felt that the amenity space proposed was suitable and that quality of the space was more important than the quantity.
- He disagreed that application was out of character with the area and stated that Western End was not mentioned in the Newbury Design Statement. Councillor Vickers felt that development would improve the visual aspect of the area.
- Councillor Vickers felt that it would be a shame to deny the town of required housing stock.

Councillor Paul Bryant queried the amenity space permitted when dwellings 21A and 21B were permitted in 2005. Derek Carnegie could not recall detail dating back to 2005 and could not confirm that the area outside the red line was dedicated amenity space however, recalled that at that time the Government were building on amenity spaces. However, the Government had since changed direction and were guiding authorities to maintain garden and amenity space. This was recognised by Newbury Town Council and the Newbury Society who wanted to maintain Western End as a pleasant area to live.

Derek Carnegie reiterated that there was a clear steer from the Planning Inspector to refuse the application. Andy Butler would be free to amend his scheme and the changes could be viewed by the Inspector.

Councillor Beck explained that he greatly valued Martin Kavanagh's appeal however, he was persuaded by the site visit, the Inspectors report and the Planning Officers report. Councillor Beck did not feel that it would be in the interest of Newbury to grant the application and therefore proposed the application be refused in line with Officers' recommendation.

This proposal was seconded by Councillor Cole who stated that she agreed with Councillor Beck. Councillor Cole felt that from visiting the site Members could easily be minded to approve the application just in order to improve the sites poor condition however, this was not a planning consideration. Councillor Cole was surprised none of the neighbours had objected to the application as the development would form a large bulk at the bottom of their gardens.

Councillor Paul Hewer stated that he was divided on the application. He worked in Social Housing and therefore understood the need for this type of accommodation. He felt that the more amenity space provided the more space there was for debris and rubbish to collect.

Councillor Roger Hunneman referred to cramped areas of housing within his own ward however, was also aware of neglected amenity spaces. Councillor Hunneman felt that the type of people living in the flats would not be in favour of large amounts of amenity space to take care of.

Councillor Allen reported that he had lived in the town centre for 20 years and had frequently seen houses sold and rented out. Councillor Allen concurred with Councillor Hunneman that these people often did not want large areas of amenity space. Councillor Allen had no objections in relation to the elevation of the proposal as it was similar to properties in close vicinity and acknowledged the great demand for one bedroom flats in the area. Councillor Allen however, did object to how close the development would be to the footpath.

Councillor Bryant explained that many of the estates had been built post war and had been built on a plenty of space basis. Over the years demand had caused such estates to become more built up. Councillor Bryant also acknowledged the demand for such properties, although felt that this particular development was extremely close to the pathway. Councillor Bryant felt that it would cause the area to become cramped, causing

## WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES

a negative visual impact and would place pressure on the amenity space of those who already lived there.

Derek Carnegie highlighted that the Inspector's report clearly stated under paragraph 12 that the development would under provide with regards to amenity space and therefore would be contrary Policy CS14. Derek Carnegie suggested that if Members were minded to approve the application it should be referred to District Planning Committee for consideration as it was contrary to policy.

Councillor Cole was generally concerned about creating modern day slums. Councillor Hunneman recalled that the Core Strategy mentioned that a mix of housing should be provided. Derek Carnegie stated that it was about building such housing in the right place and at the right time and this application in particular breached Council Planning Policies.

**RESOLVED that** the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

1. The proposed works would result in an overdevelopment of the site and cramped form of development which would be out of character and scale with existing residential development in the locality. The location of the site, on a corner plot, with development within 1 metre of the existing pavement would give rise to a visually dominant form of development which would demonstrably harm the character of the area and its environmental cohesiveness. As such the proposal conflicts with guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.
2. The proposed development would by virtue of form, siting, scale and associated parking requirements result in an increased intensity of use which does not reflect nor enhance the established environmental and residential character of the area. Furthermore, the proposed shared amenity space is not considered acceptable within this out of town centre location. This intensity of development would detract from existing and future residential amenity which should be reasonably enjoyed. As such the proposal is contrary to guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 2006-2026 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.
3. The application fails to secure an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Council's adopted Supplementary Planning Document: Delivering Investment from Sustainable Development.

### **Informatives**

1. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

**32. Appeal Decisions relating to Western Area Planning Committee**

Members noted the outcome of appeal decisions relating to the Western Area.

*(The meeting commenced at 6.30 pm and closed at 7.45 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.(1)

| Item No. | Application No. and Parish              | Proposal, Location and Applicant                                                                                                                                                                                             |
|----------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)      | 13/02615/COMIND<br>Newbury Town Council | Section 73. Variation of Condition 3 [build in accord with approved plans] of planning permission reference 13/00252/comind.<br>The Limes Guest House and 370a and 370b London Road, Newbury.<br>Gracewell Healthcare 2 Ltd. |

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02615/COMIND>

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

**Ward Member(s):**                      Councillors Beck and Goff.

**Reason for Committee Determination:**      Called in by Councillor Beck given the contentious planning history of the site. Concerns from local residents at Town Council meeting in addition.

**Committee Site Visit:**                      9<sup>th</sup> December 2013.

| Contact Officer Details |                            |
|-------------------------|----------------------------|
| <b>Name:</b>            | Michael Butler             |
| <b>Job Title:</b>       | Principal Planning Officer |
| <b>Tel No:</b>          | (01635) 519111             |
| <b>E-mail Address:</b>  | mbutler@westberks.gov.uk   |

## 1. Site History

13/00252/ comind. Approved June 2013. Erection of 64 bed high dependency care unit with associated works.

## 2. Publicity of Application

Press Notice Expired: 14/11/13

Neighbour Notification expired: 15/11/13

Site Notice Expired: 18/11/13.

## 3. Consultations and Representations

|                              |                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Newbury Town Council:</b> | Objection / comment. Insufficient parking, future air conditioning impact, additional balconies/sun room will overlook neighbours, relocation of refuse store, scheme may now not be viable, and application should be re-submitted in its entirety.                                                                                                                 |
| <b>Greenham Parish</b>       | No objections.                                                                                                                                                                                                                                                                                                                                                       |
| <b>Thatcham Town</b>         | No objections.                                                                                                                                                                                                                                                                                                                                                       |
| <b>Cold Ash Parish</b>       | No comments to make.                                                                                                                                                                                                                                                                                                                                                 |
| <b>Highways:</b>             | No objections made.                                                                                                                                                                                                                                                                                                                                                  |
| <b>Ecologist.</b>            | Additional conditions recommended regarding the protection of bats in the dwellings to be demolished, and the trees to be felled.                                                                                                                                                                                                                                    |
| <b>Tree Officer</b>          | No objections - conditional planning permission is recommended.                                                                                                                                                                                                                                                                                                      |
| <b>The Newbury Society.</b>  | Substantial changes to the original application. Whole new scheme should be considered afresh. Worried about potential parking problems around the site in the future. Failure of original applicant to consult neighbours but current applicant has done so, but some queries still remain re smells, overlooking, air conditioning, and no plans for solar panels. |
| <b>Thames Water</b>          | No comments to make.                                                                                                                                                                                                                                                                                                                                                 |
| <b>Public Protection.</b>    | No comments to make.                                                                                                                                                                                                                                                                                                                                                 |
| <b>Correspondence</b>        | Six letters of objection received from local residents. Concerns based upon increased smells from the relocated kitchen, possible nuisance from the relocated refuse store, not enough car parking, increased overlooking from additional terrace and sun room, noise from air conditioning units, change in operator to a luxury home. Fresh application required.  |

## 4. Policy Considerations

National Planning Policy Framework 2012.

West Berkshire Core Strategy 2006 to 2026. Policies CS14, CS17, CS18.

## **5. Description of Development**

5.1 Section 73 of the Town and Country Planning Act 1990 [as amended] allows for planning applications to be submitted in relation to existing planning permissions, where not implemented, in order to either seek deletion or variation of the condition[s] in question. Members will know that there is an extant planning permission on the site, 13/00252/comind for a 64 bed high-dependency care home. Condition 3 on that permission notes that the application must be built in strict accord with the approved plans, as attached to the permission. This applicant is now seeking to vary those plans, in order to meet the new requirements of the new owner of the site, Gracewell Healthcare, who intend to build out the permission.

5.2 The variations sought are as follows:-

- 1 - The addition of one further car parking space.
- 2 - Internal re-arrangements to accommodate 2 further bedrooms in total i.e. 66 as opposed to the permitted 64
- 3 - Internal re-arrangements to include non habitable floorspace in the second floor of the northern wing.
- 4 - Provision of two balconies at 1<sup>st</sup> floor level, including 1.8m high obscure glazing screens.
- 5 - Sun room relocated on second floor terrace.
- 6 - Some minor window locations revised.
- 7 - Provision of patio doors at ground level.
- 8 - A reduction in the buildings overall footprint on the western perimeter.

5.3 The internal re-arrangements have resulted in the kitchens and bin store being relocated from the eastern section of the south wing to the eastern section of the north wing. The other internal changes are simply refinements to suit the new operator [the original scheme was speculative], apart from the introduction of the non habitable accommodation in the north wing at the second floor, which will house staff facilities, plant room, laundry and storage, plus physiotherapy. The additional car parking space is to the east of the south wing.

5.4 Under the Town and Country Planning [Environmental Assessment Regulations] of 2011, Local Planning Authorities are required to assess whether Schedule 2 applications [inter alia] need an Environmental Statement to be submitted as part of the planning application submission. On receipt of application 13/00252/comind, the Council determined by letter on 13<sup>th</sup> March 2013, that NO environmental statement [ES] was required to be submitted. Given that a s73 application, if approved, is an entirely new planning permission, officers have again considered whether, in amending the proposed approved plans as described, this would so materially affect the nature of the development in question, that this would entail an ES being required. Having due regard to the considerations in Schedule 3 of the 2011 Regulations, it is not considered that an ES is needed, and so this comprises a negative screening opinion from the Council.

## **6. Consideration of the Proposal**

6.1 The application falls to be considered under the principal grounds of policy CS14 in the Core Strategy, which considers Design Principles in new development. For clarity, it is not the purpose of this Report to re-examine the original planning issues, which led the Council to grant planning permission for the scheme, since this has already been determined under 13/00252/comind. The report need only examine any relevant planning issues arising from the proposed material, but minor, amendments made to the original permission.

### **6.2 Physical changes.**

a - As regards the additional car parking space, this has been inserted to reflect the additional two rooms proposed. The Highways Officer has not objected to the revision, and indeed encourages the additional space.

b - The addition of two further bedrooms is not considered to present any difficulties in relation to the scheme, indeed it represents a more efficient use of internal space, and so a brown field site, as espoused within the Core Strategy and the advice in the NPPF.

c - The applicant's architect has carefully designed the new scheme in order that there will be no additional overlooking to the north from the additional internal space in the north wing, and there is no increase in the approved ridge height here. There will be some further velux windows, but no overlooking will occur from these.

d - The insertion of the two new balconies, on the west elevation, will have 1.8m high obscure glazed screens on the west perimeter, some 14m distant from the adjacent boundary to No. 364 London Road, and will serve 2 day rooms. It is considered that there will be no harmful overlooking caused by these, and indeed, the two balconies will serve as very pleasant adjuncts to the accommodation for the Nursing Home, which is to be encouraged, in the officers' opinion.

e - The new sun room leading out from a new day room in the south wing onto the approved roof terrace at second floor level will have no harmful impact on adjoining amenity, given the 1.8m high obscure glazed screen on the eastern section. The distance to the adjoining dwelling's boundary [No. 372] will still be 19m.

f - The window relocations are minimal. The officer has checked that all potential overlooking situations are controlled by obscure glazing.

g - The proposed patio doors at ground level will have no impact on neighbouring amenity, but will enhance internal occupier amenity, facing the internal courtyard to the west.

h - The reduction in footprint on the western elevation on the south wing will actually be an improvement, given that the approved scheme distance to No. 364 London Road is 4m and the proposed will be 6m. For information the current distance between built form is just 2m. This improvement in the visual gap to 6m between buildings will also improve the local street scene from the south in the London Road, so relieving the overall mass of the scheme in visual terms.

In summary, the application is considered to wholly comply with policy CS14 in the Core Strategy, as noted.

### 6.3 Objector's concerns.

6.3.1 The application has been called to Committee given the legitimate concerns of local residents over the changes to the approved scheme. Firstly, the Planning Authority cannot control the exact "type" of resident in the scheme. The planning permission is Class C2 and no further restrictions within that Use Class is possible. The intentions of the new owner / operator are thus wholly legitimate in this regard. Secondly, the Council's Public Protection Officers have not objected to the application, so any concerns over odour / smells and noise are not considered significant enough to merit rejection of the application, in the professional officers' opinion. This corresponds in particular to the relocation of the bin store and kitchens. The concerns about car parking and overlooking have been addressed above. Next, it is not considered to be appropriate to criticise the current owner in relation to the original applicant's lack of pre-application consultation with neighbours, over which they had no control. The present applicant has held a public consultation evening in October to which local residents were invited. Finally the Council cannot require the applicant to submit a "completely fresh planning application", since planning legislation does not allow for this. In any event under s73, any applications approved are in fact a freestanding new planning consent.

## 7. **Conclusion**

7.1 Every planning application should be determined in accordance with the three dimensions in the NPPF of economy, society, and environment. In economic terms, the construction of the major site will have substantial benefits to the local economy over the short term during the build out. Over the longer term benefits will arise with further local jobs/ demands for local services etc. In social terms there are substantial benefits for the scheme to accommodate elderly residents in need of care in a pleasant environment. Finally, in environmental terms, the scheme will still be of high quality when completed, and the proposed revisions will have minimal if any bearing on local surrounding residential amenity.

7.2 Having regard to the strong reasons to approve the application, officers are recommending conditional approval for the foregoing reasons. For information, no further s106 planning obligation is required, as the original agreement as attached to the original planning permission 13/00252/comind, allows for the approval of subsequent s73 applications.

## 8. **Full Recommendation**

The Head of Planning and Countryside be authorised to **GRANT** planning permission, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three 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 to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).should it not be started within a reasonable time.

2. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority 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 policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

3. The development hereby permitted shall be carried out in accordance with the submitted plans as amended by the plans received on 24th October 2013.

Reason: To ensure that this permission relates to the revised plans only.

4. All the window(s) at indicated as being obscure glazed on the submitted amended plans shall be so glazed before occupation and the obscure glazing shall thereafter be retained in position to the satisfaction of the Local Planning Authority. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in any of the first and second floor elevations without the permission in writing of the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

5. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. No development shall commence until samples of the external facing materials to be used in the proposed development have been submitted on the application site only, and approved in writing by the Local Planning Authority. 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. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

7. No development shall commence until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. The Nursing Home shall not be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

8. The hours of work for all contractors for the duration of the site development [including all demolition works] shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays 7.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

9. The premises shall be used for a Nursing Home and for no other purposes including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2005 (as amended) or any subsequent amendment to this Order.

Reason: Any other use may not be acceptable on the site in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

10. No development shall commence until an Air Quality Assessment has been submitted to demonstrate any likely changes in air quality exposure to air pollutants as a result of the proposed development and the exposure of receptors to the existing air pollution. The assessment is to compare the air quality following completion of the development with that expected at the time without the development. The assessment will need to include:

- 1) assess the existing air quality in the study area (existing baseline)
- 2) predict the future air quality without the development in place (future baseline)
- 3) predict the future air quality with the development in place (with development)
- 4) details of mitigation

Reason: to accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

11. Prior to works starting on site construction and location details of a new hibernaculum to be built in the north east corner of the site will be submitted to the local planning authority for approval. Such approved details will be implemented in full and the hibernaculum maintained thereafter.

Reason: To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026.

12. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

13. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of BS5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

14. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

15. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. In addition, no development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

16. No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Show where any spoil to remain on the site will be deposited,
- b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels),
- c) Include measures to remove the spoil from the site.
- d) Include a timescale for the spoil removal and associated works.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any change of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

17. The new nursing home shall achieve 'Excellent' under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of 'Excellent' has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. No development shall take place until details of the access into and out of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the accesses have been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

21. The applicant / owner / operator shall submit to the Council a Travel Plan for employees before the development is commenced. The travel plan shall be approved by the Council and implemented within 3 months of the occupation of the new building hereby permitted. The plan shall then be operated in perpetuity on the site/ building.

Reason: To minimise travel to and from the site by private vehicle by employees in accord with the advice in the NPPF 2012.

22. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:-

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007),

23. The removal of the roof tiles, soffits, lead flashing and hanging tiles on Nos. 366 & 368 shall be undertaken by hand under the supervision of a licensed ecologist. In addition, no development shall take place until a drawing showing the location of four built in bat boxes (Ibstock Type B or similar) to be incorporated in the walls of the new building has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved drawing and the bat roosts created hereafter retained. In addition, a copy of the Natural England EPS License required will be provided to the local planning authority prior to works commencing on site. No external lighting will illuminate the bat roost access points provided as part of the mitigation scheme. Removal of any tree with bat roost features will only commence after an experienced arborist or bat worker has confirmed that there are no roosting bats present. If roosting bats or evidence of their presence is found then advice from Natural England or a licensed bat worker must be sought before felling takes place. Tree, shrub and hedge removal will take place outside the bird breeding season (March - August) or immediately following confirmation by an ecologist that birds are not nesting or have dependant young.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026 and the advice in the NPPF.

**INFORMATIVE:**

- 1 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
- 2 This permission should be read in conjunction with a legal agreement dated the 28th June 2013. You are advised to make yourself aware of the contents.

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The Limes Guest House and 370A and 370B London Road

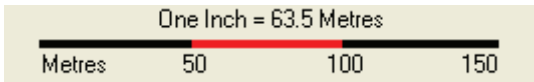


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|              |                        |
|--------------|------------------------|
| Organisation | West Berkshire Council |
| Department   | Environment            |
| Comments     |                        |
| Date         | 02 December 2013       |
| SLA Number   | 100015913              |

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# Agenda Item 4.(2)

| Item No. | Application No. and Parish               | Proposal, Location and Applicant                                                                                                                                                  |
|----------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (2)      | 13/02622/COMIND<br>Newbury Town Council. | Section 73. Variation of Condition 17 on planning permission 13/00252/comind.<br>The Limes Guest House and 370a and 370b London Road, Newbury.<br>Gracewell Healthcare 2 Limited. |

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02622/COMIND>

|                                            |                                                                                         |
|--------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>Recommendation Summary:</b>             | <b>The Head of Planning and Countryside be authorised to GRANT planning permission.</b> |
| <b>Ward Member(s):</b>                     | Jeff Beck and David Goff.                                                               |
| <b>Reason for Committee Determination:</b> | Called in by Councillor Beck, given past planning history of the site.                  |
| <b>Committee Site Visit:</b>               | 9 <sup>th</sup> December 2013.                                                          |

|                                |                             |
|--------------------------------|-----------------------------|
| <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>         | mbutler@westberks.gov.uk    |

## **1. Site History**

13/00252/comind - Demolition of all buildings on site and erection of 64 bed nursing home with associated facilities. Approved June 2013.

## **2. Publicity of Application**

Press Notice Expired: 14/11/13

Site Notice Expired: 18/11/13

## **3. Consultations and Representations**

|                                |                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Newbury Town Council.</b>   | Objection/comment. The Breeam 'Excellent' condition should not be relaxed.                                                                                                                                                                                                                                                                                                                                |
| <b>Thatcham Town</b>           | No objections.                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Greenham Parish Council</b> | Deplores the way in which permissions are granted and then subsequent relaxations are sought on conditions. Objects to the application.                                                                                                                                                                                                                                                                   |
| <b>Cold Ash Parish</b>         | No comments to make.                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Highways</b>                | No objections.                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Public Protection.</b>      | No objections are raised. The reduction in standard to "very good" is acceptable.                                                                                                                                                                                                                                                                                                                         |
| <b>Tree Officer</b>            | No objections.                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Newbury Society</b>         | Not convinced of the need to reduce the Breeam standard.                                                                                                                                                                                                                                                                                                                                                  |
| <b>Ecologist</b>               | Wishes to add in further conditions regarding bat protection in the dwellings to be demolished, and the trees to be felled.                                                                                                                                                                                                                                                                               |
| <b>Thames Water</b>            | No comments to make.                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Building Control</b>        | Consider that the reduced standard is acceptable in the circumstances, since many of the achievable points relate to procedure as opposed to the building fabric per se.                                                                                                                                                                                                                                  |
| <b>Correspondence</b>          | Three letters of objection from local residents. The applicant should not be permitted to reduce the standard as they purchased the site in full knowledge of the 'Excellent' standard required. The additional points can be achieved albeit at additional cost. Similarly the applicants knew the physical site constraints which determine the achievability of the standard such as public transport. |

## **4. Policy Considerations**

National Planning Policy Framework 2012. Paragraphs 21 and 206.  
West Berkshire Core Strategy 2006 to 2026. Policy CS15

## **5. Description of Development**

- 5.1 Section 73 of the Town and Country Planning Act 1990 [as amended] allows for planning applications to be submitted in regard to existing planning permissions, where not implemented, in order to seek to either vary or delete a specific condition[s]. In this instance, Members will recall that this planning application 13/00252/comind, was granted at planning committee earlier this year, for a high dependency nursing care home with 64 beds. Condition 17 on that planning permission sought to ensure that the development, once built, would achieve Breeam 'Excellent', as required by policy CS15 in the Core Strategy as adopted in 2012. The applicants are now seeking to reduce this standard down to "very good".
- 5.2 Under the Town and Country Planning [Environmental Assessment Regulations] of 2011, Local Planning Authorities are required to assess whether Schedule 2 applications [inter alia] need an Environmental Statement to be submitted as part of the planning application submission. On receipt of application number 13/00252/comind, the Council determined by letter on the 13<sup>th</sup> March 2013, that NO environmental statement [ES] was required to be submitted. Given that a s73 application, if approved, is an entirely new planning permission, officers have again considered whether, in reducing the Breeam excellent standard to very good, this would so materially affect the nature of the development in question, that this would entail an ES being required. Having due regard to the considerations in Schedule 3 of the 2011 Regulations, it is not considered that an ES is needed, and so this comprises a negative screening opinion from the Council.

## **6. Consideration of the Proposal**

- 6.1 Policy CS15 in the Core Strategy requires that all new non residential development in the District from 1<sup>st</sup> January 2013, achieve Breeam 'Excellent'. Accordingly, Condition 17 was applied on permission 13/00252/comind. The principal aim of the policy is to reduce carbon emissions across the District, as required by policy in the NPPF of 2012. It is understood that the original applicant Mrs Norford Jones, set out a speculative development. On the grant of planning permission, Gracewell Healthcare purchased the site. They are now the current applicants. Having considered the detailed design of the scheme as permitted, they are of the view that Breeam 'Excellent' is now unobtainable with the present design and layout, that is, a fresh application would have to be designed, submitted and granted, prior to implementation at considerable additional cost and time delay in delivering the project.
- 6.2 On the one hand, officers might have recommended rejection of the proposal on the grounds that, technically speaking, taking a strict view, the scheme does not comply with policy CS15 in the Core Strategy, and if permitted, might set a damaging precedent, so undermining the recently adopted policy. This would have meant that overall carbon emissions from the site would have been lower than that if "very good" is achieved.
- 6.3 On the other hand, in reaching a recommendation, officers have had regard to the following factors:-
- a) Policy CS15 does allow for flexibility, where the need for this is satisfactorily demonstrated by the applicants. This is supported by the advice in paragraph 21 of

the NPPF which notes, inter alia, that “investment in business should not be overburdened by the combined requirements of planning policy expectations.” Secondly paragraph 206 of the same document, notes that planning conditions should only be imposed if they are necessary, relevant to planning, enforceable, precise and reasonable in all other respects. Given this fairly specific advice in the NPPF, officers consider that, should the application be approved, it will not comprise a departure from the extant policy CS15 nor will it set any harmful precedent. That is, the application need not be taken to District Planning Committee should it be approved. Similarly, the application has not been advertised as a formal departure.

b) The ability to achieve Breeam ‘Excellent’ is in part focussed on the planning process, for example, what pre application local stakeholder consultation took place. It is acknowledged that this was not done on the original application, but the present applicant would not have been in a position to alter this. It is noted that they have since held a public meeting to address local concerns and set out their thinking behind the submission of this and an additional application [see elsewhere on this agenda]. Whilst this cannot rectify the earlier “omissions” it indicates that the present applicants are willing to engage with the local residents at least.

c) Additional cost and time burdens on the deliverability of planning projects such as this are now valid material considerations in the determination of planning applications, taking guidance from the NPPF. It is a well known fact that there is a significant local and national demand for facilities for the Nation’s ageing population and this scheme will be a helpful adjunct to the District’s supply. To place such a scheme at potential risk financially, and secondly, to delay the implementation of the project, is considered not to be in the best interests of sustainable planning as espoused in the NPPF.

d) All the officer’s technical consultees, including both building control and public protection colleagues have no objections to the reduction in standard. Indeed it is acknowledged that across the Country there are very few Nursing Homes which have achieved the Breeam ‘Excellent’ standard.

e) Finally, given the non specific criteria applied in Breeam ‘Excellent’ as applied to residential nursing homes, some of the points assessment actually works against resident safety, such as acoustic performance internally, and type of refrigerants used - some are potentially more explosive than others. In particular [for example] the applicants note that if internal acoustic specification of walls were constructed to excellent standard, then the safety of residents could be put at risk, if crying for help. In addition by providing additional cycle spaces this would serve little purpose as residents will not be able to use them, only staff. It is accepted that photovoltaics could be used, but this would be at the expense of the roof terracing, which is considered to be a very pleasant method of increasing external amenity space for the occupiers of the Home. Additional points could be achieved if local public transport was better, but the applicants can do little about this, albeit the location is considered to be excellent in relation to local facilities across the town of Newbury and beyond, for obvious reasons.

## **7. Conclusion**

- 7.1 Given all of the above factors, whilst it is partly regrettable that Breeam 'Excellent' will not be achieved, the reduction to 'very good' will still mean a very high quality development being permitted on this sustainable brown field site, without undue delay, or undue additional cost burdens on the applicants. These benefits, in officers' opinion, outweigh the policy implications and carbon emission reduction objectives of the Local Planning Authority, and so the application is considered to be satisfactory.
- 7.2 Finally, every planning application should be determined in accordance with the three dimensions in the NPPF of economy, society, and environment. In economic terms, the construction of the major site will have substantial benefits to the local economy over the short term during the build out. Over the longer term benefits will arise with further local jobs/ demands for local services etc. In social terms there are substantial benefits for the scheme to accommodate elderly residents in need of care in a pleasant environment. Finally, in environmental terms, the scheme will still be of high quality when completed, and the reduction in standard will have minimal if any bearing on local surrounding residential amenity.
- 7.3 Accordingly, having regard to the clear reasons to support the proposal, a conditional approval is justifiable given the above reasons. For clarity, no additional s106 planning obligation is required since the original obligation attached to 13/00252/comind allows for subsequent s73 permissions to be granted.

## **Full Recommendation**

**The Head of Planning and Countryside be authorised to GRANT conditional planning permission subject to the following conditions:-**

### **CONDITIONS.**

1. The development hereby permitted shall be begun before the expiration of three 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 to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). should it not be started within a reasonable time.

2. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority 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 policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

3. The development hereby permitted shall be carried out in accordance with the submitted plans as amended by the plans received on the 8<sup>th</sup> April 2013.

Reason: To ensure that this permission relates to the revised plans only.

4. All the window(s) at indicated as being obscure glazed on the submitted amended plans shall be so glazed before occupation and the obscure glazing shall thereafter be retained in

position to the satisfaction of the Local Planning Authority. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in any of the first and second floor elevations without the permission in writing of the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

5. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. No development shall commence until samples of the materials to be used in the proposed development have been submitted on the application site only and approved in writing by the Local Planning Authority. 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. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

7. No development shall commence until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. The Nursing Home shall not be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

8. The hours of work for all contractors for the duration of the site development [including all demolition works] shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays 7.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

9. The premises shall be used for a Nursing Home and for no other purposes including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2005 (as amended) or any subsequent amendment to this Order.

Reason: Any other use may not be acceptable on the site in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

10. No development shall commence until an Air Quality Assessment has been submitted to demonstrate any likely changes in air quality exposure to air pollutants as a result of the proposed development and the exposure of receptors to the existing air pollution. The assessment is to compare the air quality following completion of the development with that expected at the time without the development. The assessment will need to include:-

- 1) assess the existing air quality in the study area (existing baseline)
- 2) predict the future air quality without the development in place (future baseline)
- 3) predict the future air quality with the development in place (with development)
- 4) details of mitigation

Reason: to accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

11. Prior to works starting on site construction and location details of a new hibernaculum to be built in the north east corner of the site will be submitted to the local planning authority for approval. Such approved details will be implemented in full and the hibernaculum maintained thereafter.

Reason: To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026.

12. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:-

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

13. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of BS5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

14. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

15. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. In addition, no development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

16. No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:-

- a) Show where any spoil to remain on the site will be deposited,
- b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels),
- c) Include measures to remove the spoil from the site.
- d) Include a timescale for the spoil removal and associated works.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any change of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

17. The new nursing home shall achieve Very Good under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Very Good has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006)

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. No development shall take place until details of the access into and out of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the accesses have been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

21. The applicant / owner / operator shall submit to the Council a Travel Plan for employees before the development is commenced. The travel plan shall be approved by the Council and implemented within 3 months of the occupation of the new building hereby permitted. The plan shall then be operated in perpetuity on the site/ building.

Reason: To minimise travel to and from the site by private vehicle by employees in accord with the advice in the NPPF 2012.

22. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

23. The removal of the roof tiles, soffits, lead flashing and hanging tiles on Nos. 366 & 368 shall be undertaken by hand under the supervision of a licensed ecologist. In addition, no development shall take place until a drawing showing the location of four built in bat boxes (Ibstock Type B or similar) to be incorporated in the walls of the new building has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved drawing and the bat roosts created hereafter retained. In addition, a copy of the Natural England EPS License required will be provided to the local planning authority prior to works commencing on site. No external lighting will illuminate the bat roost access points provided as part of the mitigation scheme. Removal of any tree with bat roost features will only commence after an experienced arboriculturist or bat worker has confirmed that there are no roosting bats present. If roosting bats or evidence of their presence is found then advice from Natural England or a licensed bat worker must be sought before felling takes place. Tree, shrub and hedge removal will take place outside the bird breeding season (March - August) or immediately following confirmation by an ecologist that birds are not nesting or have dependant young.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026 and the advice in the NPPF.

DC

The Limes Guest House and 370A and 370B London Road

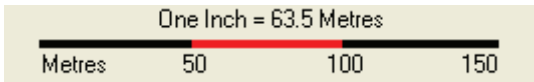


Map Centre Coordinates : 448978.90 , 167545.96

Scale : 1:2500

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|              |                        |
|--------------|------------------------|
| Organisation | West Berkshire Council |
| Department   | Environment            |
| Comments     |                        |
| Date         | 02 December 2013       |
| SLA Number   | 100015913              |

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# Agenda Item 4.(3)

| Item No. | Application No. and Parish       | 8/13 Week Date                 | Proposal, Location and Applicant                                                                                                                                                                                                                                           |
|----------|----------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (3)      | 13/02408/FULD<br>Greenham Parish | 6 <sup>th</sup> December 2013. | Demolition of existing buildings [Gilson Engineering] and erection of 9 dwellings, two 2 bed, four 3 bed and three 4 bed. New access and sound barrier. Parking and landscaping.<br>3 - 7 Sandleford Farm, Sandleford, Newtown, Newbury, Berkshire.<br>Gilson Engineering. |

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02408/FULD>

**Recommendation Summary:**      **The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the completion of a s106 planning obligation.**

**Ward Member(s):**      Councillors Swift Hook and Drummond.

**Reason for Committee determination:**      Called in by Cllr. Julian Swift Hook. In addition, the planning history on this site has been long and complex.

**Committee Site Visit:**      9<sup>th</sup> December 2013.

## Contact Officer Details

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**Job Title:**      Principal Planning Officer  
**Tel No:**      (01635) 519111  
**E-mail Address:**      [mbutler@westberks.gov.uk](mailto:mbutler@westberks.gov.uk)

## 1. Site History

Very long history post 2000. The most recent and relevant:-

11/01548/FULD. Redevelopment of the site to provide 8 dwellings with new access, sound barrier etc. Approved in August 2012. Not implemented.

13/01759/FULD and 13/01760/LBC. Redevelopment of site and erection of 9 dwellings with associated works. Invalidated in September 2013.

13/02409/LBC. Current application considered in conjunction with this proposal. Not yet determined. To be approved if application 13/02408/FULD is granted permission.

## 2. Publicity of Application

Site notice displayed 21<sup>st</sup> October 2013. Expiry on 11<sup>th</sup> November 2013.

Neighbours consulted. Expiry on 8<sup>th</sup> November 2013.

## 3. Consultations and Representations

**Parish Council:** Currently strongly objects to the application. Noise issues, damage to trees including the cedar and sycamores on frontage, need to respect the subterranean structure on site and the listed dairy, impact on setting of the listed farmhouse - levels etc, still potential highway problems, footpath too narrow, concerns over sewerage and drainage, details of building finishes, need more levels details and AOD information / sections.

Amended plans since received. GPC still maintain their original objections to the application. In summary the perceptual introduction of a tithe barn into the equation is considered spurious, still consider there will be an impact upon the farmhouse, all original concerns pertain, the use of conditions is effectively granting delegated authority to officers to approve the application, notwithstanding the Committee determination, which is undemocratic. Still concerned about acoustic mapping, and soil contamination issues. Impact on the Historic Park as well. Suggest views on the validity or otherwise of the suggested conditions as attached to 11/01548 - the original permission, which should correspond to any new consent - if granted. The Parish is disappointed that Conservation and Public Protection officers are now content with the scheme, subject to conditions. Finally, ongoing concerns regarding drainage and archaeological issues, which have not been satisfactorily resolved by the applicants.

**Highways:** Following a number of submitted amended plans, the access and turning areas, car parking, cycle parking and waste collection areas all now acceptable. No s106 contributions but s278 works for access in the A339 highway. This includes a 'no right turning' barrier into the site, plus footway works.

**Environment Agency** No objection to the application, but many conditions applied, on land contamination/ remediation/ drainage/ surface water run off.

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Ecologist.</b>            | Conditional permission. Bat emergence surveys, reptile survey, mitigation measures.                                                                                                                                                                                                                                                                                                                                             |
| <b>Natural England.</b>      | Do not object on grounds of impact on local SSSI. May be an impact on bats - further advice needed from the Ecologist. Standing advice referred to.                                                                                                                                                                                                                                                                             |
| <b>Conservation Officer.</b> | Considers that the application scheme is preferable to the previously permitted project, given its more rustic appearance and better elevational treatment. Considers that the physical relationship of plot 7 to the farmhouse is now acceptable and not harmful. Regrets the loss of the horse chestnut tree and the partial loss of the outbuildings to house plots 8 and 9 but this is not a reason to reject the proposal. |
| <b>English Heritage.</b>     | Consider that the application may be determined in accord with local specialist conservation advice.                                                                                                                                                                                                                                                                                                                            |
| <b>S106 Contributions.</b>   | Education - £41,116, Public Open Space - £3,727, Adult Social Care - £6,447, Libraries - £1860, Waste - £506, Highways - s278 works.                                                                                                                                                                                                                                                                                            |
| <b>Housing</b>               | Request two affordable units in accord with policy CS6 in the Core Strategy. However, understand this will be subject to the viability study submitted - see later in officer report.                                                                                                                                                                                                                                           |
| <b>Archaeologist</b>         | Comments awaited.                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Tree Officer</b>          | Conditional permission is recommended. Some concerns about accuracy of details submitted, but this can be adequately mitigated by conditions.                                                                                                                                                                                                                                                                                   |
| <b>The Newbury Society</b>   | At present sufficiently accurate plans have not been submitted to adequately analyse the physical relationship between the proposal and the listed farmhouse. [However amended plans/ sections have been submitted, which consider these issues in more detail]. Comments very similar to objections of GPC.                                                                                                                    |
| <b>Thames Water</b>          | Conditional permission recommended.                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Public Protection</b>     | Conditional permission recommended. Noise, working hours, contaminated land. The acoustic barriers are now acceptable.                                                                                                                                                                                                                                                                                                          |
| <b>Correspondence:</b>       | One letter of objection from local resident. Concerns similar to those of GPC – include impact on the listed farmhouse, drainage, noise issues, impact on cedar hedge, possible ice house on site, impact of plot 7 which is now closer to the farmhouse, tarmac on the adopted road – block paving would be preferable. No dig 3.5m zone still required on site to protect vegetation screening.                               |

#### **4. Policy Considerations**

The National Planning Policy Framework 2012.

West Berkshire Core Strategy 2006 to 2012 - Policies ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS14, CS16, CS17, CS19.

West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007. Policies ENV19 and 20, OVS6.

## **5. Description of Development**

- 5.1 The application site is occupied by Gilson Engineering, a well established local company who are the applicants. The site is 0.38ha in extent and lies immediately to the east of the A339 to the north of the listed Sandleford Farmhouse, now in separate ownership. As such the site is a brown field site, but lies outwith the defined settlement boundary of Newbury as identified under saved policy HSG1. It also lies within and adjacent to the Registered Sandleford Historic Park. It is now proposed to demolish nearly all the buildings on the site [with the partial exception of the curtilage listed unit on the south west corner of the site], and erect 9 new dwellings in a courtyard layout.
- 5.2 Two of the units will be 2 bed [plots 8 and 9] which will be the conversion noted above, three will be 4 bed and four will be 3 bed. Seven of the units will be a complete new build. All the dwellings will be constructed to 1.5 storey level with pitched dormer windows, with plain clay tile roofs and weather boarding to be stained in an appropriate colour. Facing bricks will form the remainder of the external finishes at ground floor level, although on the principal west elevation the timber boarding is to be complete apart from a brick plinth. No ridge will be greater than 7m high.
- 5.3 Each of the seven new build dwellings will have an individual curtilage as noted on the layout plans, with plots 8 and 9 having a small amenity area adjacent. With the exception of plots 8 and 9, each dwelling will have a minimum of 2 car parking spaces available, some having three e.g. plot 7. The total on site will be 17 spaces, so providing an average ratio of 1.9 per dwelling. These will be in the form of integral garages, car ports and allocated parking bays. On site appropriate cycle storage and bin stores will be set out.
- 5.4 The access is to be amended in order that there is a defined left turn in and left turn out onto the A339, to ensure no right turn into the site from the south. The internal road is required to be adopted, in order that bin collection vehicles can safely access the site and turn, for obvious safety reasons. Finally, the whole site is to have acoustic barriers constructed around it on the north and west elevation [in part] and the south elevation, to be 2 metres in height. It is specifically noted that the 2m high acoustic barrier on the south elevation adjacent the farmhouse will be 1.5m distant from the cedar hedge which is on the perimeter boundary. The nearest new build will be 7m to the southern boundary and 15m to the north elevation of the farmhouse. Unfortunately, the Horse Chestnut tree to the south, will be felled as it has become diseased and over time will become potentially unsafe, if left.

## **6. Consideration of the Proposal.**

- 6.1 It is a well established fact in planning law and practice that the planning history of a site is a material consideration which should be taken account when determining proposals. In this particular site, the planning history is both long and complex, but it is apposite that an extant planning permission is in place for the redevelopment of this site to 8 dwellings, as permitted under 11/01548/FULD. That permission is extant until August 2015. However, for various reasons, the applicants have elected to resubmit similar [but not identical] proposals on the site, which, in the view of the

Planning Officers, is a “better” scheme than before. Certainly, in terms of massing / scale / elevational treatment and layout, including ridge heights, the scheme is considered to be more attractive and coherent than that permitted before. Indeed this issue has been accepted by the Council’s conservation officer in her response.

- 6.2 Rather than go through the “normal” format of reports, it is considered appropriate in this case to simply revisit all the local issues and concerns of Council Officers, the Parish Council and objectors, and describe how these have been satisfactorily resolved, in the officer’s view, or mitigated by condition, as appropriate.

6.3 Planning Policy.

- 6.3.1 Policy ENV20 in the saved District Local Plan allows for the redevelopment of rural buildings in the countryside to alternative uses, including housing, providing that it lies in a sustainable location. It is considered in this instance that the proximity of the site to the settlement of Newbury [and indeed in the future to the wider Sandleford Park strategic housing allocation] means that many local facilities are / will be, easily accessible. The test of sustainability is accordingly met. There are then 8 criteria contained in the policy, which need to be met if applications are to be approved. These will be discussed below.

- 6.3.2 In terms of Core Strategy policy ADPP2, this notes, inter alia, that the required housing for the District should be focussed where possible on brown field sites, which is the case for this application site. Policy CS4 considers housing type and mix. This proposal ensures a good mix of housing being 2, 3 and 4 bedroomed, but the overall site density is low at 24 units per ha. This is in recognition of the site constraints such as the Historic Park and the listed building to the south. Policy CS5 corresponds to the provision of suitable infrastructure etc. In this instance, if the application is approved, it will be the subject of a s106 obligation which will mean an overall contribution of over £60,000 towards local facilities and services to mitigate the impact the new occupants of the housing will have upon the District. Policy CS6 corresponds to affordable housing. There is a 20% threshold for sites of between 5 - 9 dwellings and this equates to 2 affordable units on site which has been requested by the Council’s Housing Officer. However the same policy makes it clear that this is subject to viability testing, in accord with the advice in the NPPF of 2012.

- 6.3.3 The applicants have duly submitted a viability assessment which concluded that, due to the relatively depressed housing prices achievable on the site [due largely to the proximity of the A339] and the high infrastructure costs [e.g. demolition, land remediation and acoustic barriers], that if 2 affordable units were provided, the development of the site would not be viable. The viability report has been independently assessed by the Council’s Consultants, who have arrived at a similar conclusion. Officers see no reason to dispute these findings and so, on this basis, the s106 agreement will not include any affordable units.

- 6.3.4 Some concerns have been raised about the loss of a local business on the site. It is noted that the site is not a protected employment area as identified under CS9 in the Core Strategy. Accordingly the Council cannot insist that an alternative employment use be designated on site. The applicants have every intention of relocating elsewhere in the District in any event.

6.3.5 Finally, policy CS14 notes the requirement for new development to demonstrate high quality design which respects its surroundings and local context. This issue will be considered next.

#### 6.4 Design and scale

6.4.1 The application scheme has been described already in this report, and the plans are available to the Planning Committee and public to peruse. The applicant in fact held pre application discussions with the case officer and the Council's Conservation Officer to achieve a scheme which is considered to be a distinct improvement over and above the more "suburban appearance" of the past approved scheme under 11/01548/FULD. The elevations prepared for this scheme create a true 1.5 storey scheme without the faux flat topped roof designed in the approved dwellings, and have a generally more rustic/ agricultural appearance reminiscent of a farm yard/ courtyard which of course the application site originally was. In this regard, the scheme respects not only the historical context and character of the site and its surroundings, including the Historic Park, but also, in the officers' view, the visual and physical setting of the Grade 2 listed farmhouse, which is important. It is accepted that plot 7 is now closer to the farmhouse than before [it is now a distance of 15m from the car port], but the more significant distance is that to the 7m high ridge, which is a length of 23m to the boundary / north elevation of the farmhouse.

6.4.2 The submitted amended sections indicate that the proposed ridge height of plot 7 and its associated dwellings at 121.90m aod is still lower than the ridge height of the farmhouse which is surveyed as being 121.77m aod i.e. some 0.87m higher. In this regard the new build will remain visually subordinate to the principal farmhouse, albeit this now lies in a distinctly separate domestic curtilage. In addition, in order to achieve this lower ridge level, the dwellings will be cut into the sloping site [from south to north] as plan number cs/ge.1/10a shows. The sections indicate that to the south of this excavated area, the existing ground levels will remain undisturbed, which is important to protect adjacent hedging/ vegetation.

6.4.3 One further objection has corresponded to the need to tarmac the adopted road surface. This is again regrettable in terms of the visual appearance promoted, but it is an absolute necessity to adopt the highway for ongoing road safety reasons – refuse trucks for example cannot stop on the A339. A condition could be applied to colour the tarmac in some way. In any event behind the service margin block paving can be applied. Next, again, whilst it might be regrettable to demolish the northern section of the curtilage listed barns on the site frontage, this is considered essential in order to access the site safely with the necessary forward sight lines. Traffic speeds are high and so are volumes on this section of the A339 as Members will appreciate. The section to be demolished is considered to be of little merit and is certainly not of "listable" quality in its own right per se.

#### 6.5 Trees and vegetation.

6.5.1 Next, it will still be possible to achieve the former 3.5m "no dig" zone between the new development and the adjacent boundary as the amended layout plan number CS/GE.1/06h shows, between plot 7 and the boundary. The plan also shows the 1.5 m distance of the 2m high acoustic barrier to the cedar hedge, whose roots it is important to retain. In relation to trees on site, the applicants have now submitted

an updated tree report in September 2013, prepared by Certhia Consulting. The lack of a suitably updated report was a difficulty with the last application, [11/01548/FULD] but this has now been rectified.

- 6.5.2 As noted earlier, the Horse Chestnut will have to be removed, which is regrettable but the Tree Officer has already confirmed it is not worthy of a TPO, but the yew tree on the south eastern boundary can be suitably protected and retained. In regard to the Horse Chestnut, it has severe Honey Fungus and has no long term future, so would need to be felled for safety reasons in the future irrespective of the planning application. Similarly the Tree Officer has confirmed that, notwithstanding the relative proximity of the acoustic barriers to the cedar of Lebanon to the north of the site, [at a distance of nearly 11m to the trunk], it will not be damaged at root level.
- 6.5.3 It is however accepted that there may be some damage to the smaller sycamore trees on the site frontage due to the street works involving the widening of the existing footway to 2m, but this is not so significant as to merit rejection of the application on any basis. As with the past approved application the defined domestic curtilages of the dwellings is noted as stopping well short of the application site boundary in order that an appropriate landscaped buffer can be planted up around the site, so respecting the wider setting of the Historic Park to the east, albeit this has been substantially degraded over the past 10 years. This additional landscaping can be conditioned.

## 6.6. Acoustics

- 6.6.1 Members will appreciate from the Committee site visit and local knowledge that the site is particularly noisy due to local traffic. This is one of the potentially constraining factors in approving housing in close proximity, unless mitigating barriers can be located on site. In this case, after discussions with the Council's Environmental Health Officers, three acoustic barriers are to be erected on site. The first, on an east/west axis, is at the north along the rear of plots 1 - 3 for a distance of 42m. The second, again on an east/west axis, is adjacent the farmhouse for a distance of 30m. The third, running on a north/south axis, is to the south of the main access for a distance of 11m adjacent plot 9.
- 6.6.2 These measures will further protect the farmhouse in particular but also other dwellings on the site. Without going into detail, the Public Protection Officers have accepted these physical measures, which will ameliorate the noise impact upon local occupants, so making living conditions acceptable in relation to WHO standards. Accordingly the application is considered to accord with the advice in the NPPF which has superseded that in PPG24, and satisfies saved policy OVS6 in the District Local Plan.

## 6.7. Ecological and archaeological issues

- 6.7.1 Natural England have responded to the application, and have raised no specific objections. Firstly, they note that the scheme will have no detrimental impact upon the adjacent Greenham and Crookham Common SSSI. However, in relation to bats, the original Ecology Report of 2009 has been updated by a more recent report, in 2013, which notes there may be a transitional roost within building B2, which is to be part demolished.

- 6.7.2 Accordingly, it is recommended that before any development commences, a survey should be undertaken in order to consider bat emergence. If bats are located specific conditions will need to be applied [and an EPS Licence] before the partial demolition starts. The Council's Ecologist has recommended such conditions, and in addition a reptile survey is required to be undertaken. Finally, Natural England recommend landscape enhancements, which will be achieved via the scheme to be conditioned. It is thus officers' view that the application is now acceptable in ecological terms, so satisfying the policy advice on such issues in the NPPF of 2012.
- 6.7.3 In terms of archaeology, this application is not accompanied by any specific new heritage reports which considers the continuing potential of an ice house on the southern boundary of the application site. This is because a number of reports were prepared for the last application which has seen little change in built form proposed compared to this scheme. The Council's Archaeologist determined that whilst the subterranean structure found might be an ice house, this was not confirmed. However, in order to protect the situation, in accord with the Heritage advice in the NPPF [which essentially replicates that in PPS5 which was current when 11/01548/FULD was determined], a building recording condition was recommended. At the time of writing this report, the Council's Archaeologist has not responded - any note will be on the update sheet. The application, if approved, will include such a building recording condition.

## **7. Conclusion**

7.1 The application site has had a long and complex planning history. What is important for the Committee, is to now consider the following issues:-

Issues in favour of the proposal.

1. There is a "fall back" position of an extant planning permission for 8 dwellings, which is considered to be a less attractive scheme than the current proposal.
2. The proposal involves the redevelopment of a brown field site in a relatively sustainable location, with good access.
3. It will provide a good mix of new housing, albeit none affordable.
4. All the ecological / archaeological arboricultural issues have [in the officers' view] been satisfactorily addressed.
5. The acoustic issues regarding noise from the A339 have been successfully mitigated by the proposed noise barriers.
6. It will involve the loss of a rather unattractive and dilapidated site which whilst serving a valuable employment function, is in need of investment, and repair.
7. The application scheme fully complies with saved and current planning policy, and the s106 issues have been resolved to the satisfaction of officers.

8. The scheme is well designed and is considered to fully respect the setting of both the listed farmhouse to the south and the wider setting of the adjacent Historic Park.

9. Officers consider that assuming the application is approved, notwithstanding the parish council's worries, the suggested comprehensive range of planning conditions to be applied will adequately safeguard adjoining amenity and highway safety etc, to the satisfaction of existing [adjacent] and future occupiers of the site in full accord with extant Development Plan Policy.

All applications determined by the Council are required to be examined against the three dimensions in the NPPF of 2012. The first is economic. The application, if approved, will mean the loss of a local business on this site, which will have a negative impact. However, it is anticipated, although this cannot be conditioned, that Gilson's Engineering will relocate elsewhere in the District, or nearby. Secondly, in social terms there is considered to be a neutral impact. Finally, in environmental terms, these issues have been examined above and found to be positive.

Given all of the above, having regard to the strong reasons to support the application, the development considered is acceptable and an approval, with appropriate conditions, is fully justifiable.

## **8. Full Recommendation**

**The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to the first completion of the required s 106 planning obligation.**

If for any reason the s106 obligation is not completed by 28<sup>th</sup> February 2014, the application, if expedient, be refused for the following reason:-

"Notwithstanding the applicant's willingness to do so, the required s106 obligation to mitigate the impact the new occupiers of the housing will have upon the District's facilities, services and infrastructure, has not been completed. Accordingly, since the application is contrary to the advice in the NPPF of 2012, para 122 of the 2010 CIL Regulations [as amended], policy CS5 of the West Berkshire Core Strategy 2006 to 2026, and the SPD adopted June 2013 - Delivering Investment From Sustainable Development, it is unacceptable."

## **CONDITIONS**

1. The development shall be started within three 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 the advice in the DMPO of 2010 should it not be started within a reasonable time.

2. No development shall commence until samples of the materials to be used in the proposed development are submitted on the application site and approved in writing by the Local Planning Authority. The materials must be submitted on site only, for approval. 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. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Adopted Core Strategy 2006 to 2026.

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels. This shall include all relevant aod levels on the site and in relation to the farmhouse located to the south.

Reason: To ensure a satisfactory relationship between the proposed dwellings and the adjacent land in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

4. The development must be built out in strict accord with the site plan number CS/ GE.1/ 06h received on 14th November 2013, and the additional section plans number CS/GE.1/10a received on the same date.

Reason: To clarify the planning permission in accord with the advice in the DMPO of 2010.

5. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

6. No development or other operations shall commence until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

7. No development shall commence (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall

take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figure 2 of B.S.5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy ENV20 of West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

8. No development or other operations on site shall commence until an arboricultural method statement is submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

9. Prior to the commencement of building and other operations on site the vehicular, pedestrian/ cycle access(es) and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: In the interest of highway safety and to accord with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007 in the interest of highway safety.

10. The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The footway/cycleway(s) and/or verge(s) shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interest of road safety and highway maintenance and in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

11. No development of the site shall be brought into use until visibility splays of 2.4m by 215 metres have been provided at the vehicle access point. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interest of road safety in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

12. Prior to the development being brought into use the cycle parking shall be provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

13. No development shall commence until details to show a temporary parking area and turning space to be provided and maintained concurrently with the development of the site are submitted to and approved in writing by the Local Planning Authority. Such approved parking area and turning space shall at the commencement of development be provided and thereafter retained in accordance with the approved details until the development has been completed and shall during that time be used for parking by all employees, contractors and operatives or other visitors during all periods that they are working at or visiting the site.

Reason: In accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007 to ensure the development is provided with adequate parking facilities during the construction period, in order to minimise the incidence of off site parking in the locality which could cause danger to other road users or long term inconvenience to local residents.

14. No development approved by this planning permission shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the local aquifer in the area in accord with the advice in the NPPF of 2012.

15. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason To ensure that contamination at the site is remediated such that the site does not pose a threat to controlled waters. In accord with the advice in the NPPF of 2012.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To avoid potential hotspots on the site being discovered and not remediated in accord with the advice in the NPPF of 2012.

17. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning

authority. The scheme shall be implemented as approved. The well of the dairy and farmhouse plus the existing drainage on the Sandleford Farmhouse site must not be altered .

Reason: Areas of contamination may also be present at this site. Infiltration drainage must not be located in contaminated areas. In accord with the advice in the NPPF of 2012.

18. No development shall take place within the application area 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 Planning Authority.

Reason: To ensure that any archaeological features or finds identified are adequately investigated and recorded. In accord with policy CS19 in the West Berkshire Core Strategy 2006 to 2026.

19. Prior to works commencing on site, the location of the mitigation measures outlined in para. 3.2 of the Gilson's Engineering, Sandleford Farm, Newbury, Bat Survey by Aluco Ecology Ltd and dated July 2009, and the recommendations in the arbtech report of 11th September 2013, will be supplied to the Local Planning Authority for approval. Such approved plan will be implemented in full and the measures undertaken shall be maintained thereafter. In addition, prior to works commencing on site, a reptile mitigation plan shall be submitted to the local planning authority for approval. Such approved plan to implemented in full and the measures undertaken shall be maintained thereafter

Reason: to protect species on site in accord with the advice in the NPPF of 2012.

20. No development shall commence until details of a scheme of works to protect the occupiers from externally generated noise is shall be submitted to and approved in writing by the LPA. All works forming part of the scheme shall be completed before any dwelling is occupied.

Reason: to protect the amenities of the new occupants, in accord with policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

21. 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 ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

22. The dwellings shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). No dwelling shall be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006).

23. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

24 No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy July 2006 to 2026.

**INFORMATIVE:**

- 1 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

DC

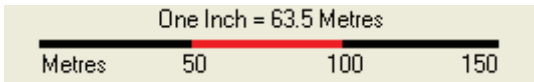


Map Centre Coordinates : 447542.61 , 164616.78

Scale : 1:2500

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|              |                        |
|--------------|------------------------|
| Organisation | West Berkshire Council |
| Department   | Environment            |
| Comments     |                        |
| Date         | 02 December 2013       |
| SLA Number   | 100015913              |

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# Agenda Item 4.(4)

| Item No. | Application No. and Parish | 8/13 Week Date                | Proposal, Location and Applicant                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|----------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (4)      | 13/01848/FULD Newbury.     | 14 <sup>th</sup> October 2013 | Change of Use and conversion of the main Grade II Listed pub building and two outbuildings into 4 new residential units. Demolition of rear extension to main building, garage/store and toilet blocks, extension linking main building to function suite and boundary wall adjacent to Derby Road. Hard and soft landscaping and provision of 3 car park spaces.<br>Wellington Arms, 4 Andover Road, Newbury, Berkshire, RG14 6LR.<br>Vokins Construction. |

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01848/FULD>

## Recommendation Summary:

To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8.2) and the completion of a Section 106 legal agreement within two months of the date of Committee.

OR

If the s106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure as set out in section 8.4, where expedient.

## Ward Member(s):

Cllr M Johnston and Cllr I Tuck.

## Reason for Committee determination:

Called to Committee by adjoining Ward Member Cllr A Edwards as building is one of the oldest historical pubs in Newbury and as a Grade II listed building it should be retained as a pub and not converted into residential use.

## Committee Site Visit:

9<sup>th</sup> December 2013.

## Contact Officer Details

**Name:** Jake Brown  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519 111  
**E-mail Address:** [JPBrown@westberks.gov.uk](mailto:JPBrown@westberks.gov.uk)

## 1. Relevant Site History

Application Reference: 142551 – Demolition and rebuilding of chimneystack. Application approved 4<sup>th</sup> May 1993.

Application Reference: 126921 - Improvements including new toilet facilities. Application approved 2<sup>nd</sup> October 1986.

Application Reference: 126920 (LBC) - Internal bar alterations and extension to improve toilet facilities. Application approved 2<sup>nd</sup> October 1986.

## 2. Publicity of Application

Site notice expired 1<sup>st</sup> October 2013.

Neighbour Notification expired 18<sup>th</sup> September 2013.

## 3. Consultations and Representations

|                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Town Council</b><br><b>(1<sup>st</sup> Response):</b>     | No objection: Comment: Members requested that the external design is retained, the internal staircase is somehow retained, pictures be retained or donated to West Berkshire Museum.<br>A £2,735 s106 contribution is requested towards improvements to the nearby St John's Memorial Gardens.                                                                                                                                                                 |
| <b>Highways Officer</b><br><b>(1<sup>st</sup> Response):</b> | Object: One of the car parking spaces is shown reversing from/to an access from Andover Road which is an 'A' classed road and so this is not an acceptable arrangement. In addition a vehicle would need to cross a wide footway; the northern most parking space appears to be accessed from the end of the on-street car parking and there is potential difficulty accessing this space with a vehicle parked at the end of this bay. Request amended plans. |
| <b>(amended plans):</b>                                      | Object: insufficient room to manoeuvre; insufficient access for pushchairs, wheelchairs and bin movements; prefer one cycle stand per flat; security of cycle store.                                                                                                                                                                                                                                                                                           |
| <b>(further amended plans):</b>                              | No objections subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                           |

**Conservation  
Officer  
(1<sup>st</sup> response):**

The applications are accompanied by a detailed Design & Access and a detailed Heritage (Impact) Statement. The only concern in respect of the latter is that it stops short of assessing the architectural and/or historic significance of the existing staircase and a case for its removal. It is understood that further information is to be requested in this respect. Apart from that however, the proposed works to the listed building are adequately detailed and justified, involve limited intervention into historic structures, and/or re-use of existing openings, thereby considerably improving the external appearance of the building, particularly at the rear. The proposals will also secure the future use of the building. On balance therefore the proposals are likely to be considered acceptable from a building conservation point of view (notwithstanding that there may be other planning issues to take into account such as the justification of the loss of the public house).

**Conservation  
Officer  
(amended plans):**

Object: The essential difference between the originally submitted proposals and those now submitted is the loss of one parking space and the relocation of the bin/cycle store from within the site to a position in front of the Derby Road front elevation of the main building. Although the lower/western part of this elevation is currently screened behind a high brick wall, the original proposals would have opened this up to view, and as such were preferable to the current proposal to erect a bin/cycle store in front of it, since the retention and enhancement of the street scene view of this important corner building should be a primary aim in terms of the character and appearance of both the listed building and that of the conservation area in which it lies. The introduction of a new and fairly utilitarian structure in this location is therefore considered detrimental to the character and appearance of the listed building/conservation area.

The details of the internal conversion have not changed, but the Heritage Statement goes a little further in justifying the loss of the existing staircase between the ground and first floor of the core building. Paragraph 5.1.4 describes changes in the vicinity of the staircase and 8.1.6 acknowledges that its removal will involve a loss of historic fabric, evidential and aesthetic values, having a minor negative effect on the heritage significance of the property, although mitigated by the retention of the external form and character of the building and the enhancement of its condition and contribution to the conservation area. On balance, I would tend to go along with this conclusion, on the basis that otherwise the interior of the building has previously been much altered to accommodate its existing/former use, although minimum change is now proposed to its overall compartmentalisation.

**Conservation  
Officer  
(further amended  
plans):**

The reversion of the bin/cycle store to its originally proposed position is preferred from a building conservation point of view in terms of protecting /enhancing the character and setting of the proposed development on the site and particularly the listed building and the conservation area in which it is situated. It is noted that the bin/cycle store will be in "bricks to match", which is clearly welcomed. It is further noted that submission of samples of external materials will be required as a condition of any consent. Whilst it is noted that no further attention has been given to retaining the wall on the northwest boundary to a greater height than proposed, to provide better privacy, etc. for the occupiers of the site and neighbouring properties (and more visible evidence of former buildings on the site) - this is not, by itself, considered detrimental to the prima facie building conservation aspects of the overall proposals of retaining an important listed building in (appropriate) use.

One small point, is that the ground floor plan drawing (3805.PL06E) appears to show "landscaping", including in front of the Derby Road frontage of the main building, whereas the block plan (3805.PL13C) does not. It would be appropriate to clarify what is actually proposed here, in order to assess any potential impact on "setting", since a generally open aspect would be preferred in this location.

**Commercial Valuers  
(Davis Coffey  
Lyons):  
Newbury Society:**

Consultants were asked to review the evidence presented by the applicants and report on the likely viability of the premises as a public house. The public house is not considered to be a viable business.

Although The Society is disappointed at this loss of an historic pub, we welcome this proposal to retain this heritage building at one of the gateways to Newbury. We welcome the retention of the historic fireplace. We would like inclusion of plans to ensure that the historic pictures and artefacts are safely retained.

**Drainage Officer:**

No response received.

**Thames Water:**

No objections, suggest informative.

**Public Protection:**

No objections.

**Ministry of Defence:**

No response received.

**Ecologist:**

No objections subject to conditions.

**Waste Officer:**

No objections.

**Representations:**

No letters of representation received.

#### **4. Policy and Legislation Considerations**

4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- NPPF Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 5: Infrastructure Requirements and Delivery
- CS 13: Transport

- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

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

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development
- OVS5: Environmental Nuisance and Pollution Control

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010.
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Guidance SPG 19 Public Houses.
- Supplementary Planning Document "Quality Design" (adopted June 2006).
- National Planning Practice Guidance (Draft).
- Newbury Town Design Statement.

## **5. Description of Development**

5.1 This application seeks permission for the change of use and conversion of a public house known as The Wellington Arms to 4 residential units comprising 1 no. one bed unit and 3 no. two bed units. To accommodate the conversion the existing single storey toilet block to the rear of the public house is to be demolished. The toilet block was given approval in 1986 (ref: 126921).

5.2 The application site is located within the settlement boundary of Newbury and within the designated Conservation Area.

5.3 The site is a Grade II listed, early 19<sup>th</sup> century public house. The list entry describes the site as a pair of semi-detached houses that were later modified into a single property, however no historical or archaeological evidence has been found to support this. The site abuts No. 6 Andover Road to the south-west which does have evidence that it was previously two houses.

5.4 The street front elevation of the public house faces south-east and the east corner forms a curved bow. The property has been extended with a single storey to the north-west and another to the west which links the public house to adjacent rectangular and irregular plan buildings. A small yard to the rear of the public house provides access to these adjacent buildings and two additional buildings contained within the site.

## **6. Consideration of the Proposal**

The main issues to consider are:-

6.1 The principle of the development

6.2 The impact on the character and appearance of the Conservation area

- 6.3 The impact on the Listed Building
- 6.4 The impact on neighbouring amenity in terms of:-
  - sunlight
  - daylight
  - overlooking / privacy
  - noise and disturbance
  - overbearing
- 6.5 Highway Matters
- 6.6 Other Matters

## **6.1 Principle of Development**

- 6.1.1 Supplementary Planning Guidance: Public Houses SPG 19 (adopted 25 September 2000) sets out the guidance against which to assess an application that seeks the loss of a public house. The guidance recognises that 'public houses serve important social, community and economic functions in maintaining the viability of rural villages'. The aim of the guidance is to 'safeguard the public house as a focus of community life' and as such the loss of a public house must be fully justified. The guidance sets out in paragraph 6.1 the criteria against which to assess such an application as a means to determine if the loss of such a use is justified. The criteria established within SPG19 are as follows:
  - (i) whether the proposal would have an adverse effect on the local character, diversity and amenity of the area;
  - (ii) whether it can be demonstrated that alternative acceptable public house exists (defined in terms of location, size, range of facilities and quality of provision) or can be made available in the local area/community;
  - (iii) whether evidence exists that the loss of the public house would comprise an unacceptable decline in the standard of community services for locals and visitors;
  - (iv) whether it can be demonstrated that the public house is no longer economically viable and that all reasonable attempts have been made to sell or let the building as a public house at a realistic price for no less than 6 months.
- 6.1.2 The SPG goes on to state that 'a commercial viability study should accompany any application for redevelopment or change of use.'
- 6.1.3 As part of the application submission a viability report produced by Dunster and Morton was provided. The report assesses the viability of The Wellington Arms in its current use and comments on the suitability for its current purpose having regard to its location, the arrangements of the accommodation provided, its trading potential and also the competition in the general vicinity.
- 6.1.4 The assessment identifies 18 public houses within 1 mile of the application site and assesses the suitability of the building for continued use as a public house as well as the competition in the area and an assessment of fair maintainable trade and profit for the trading potential as a public house. The report also includes an assessment of the marketing of the public house in all relevant trade publications and concludes that the public house no longer constitutes a viable business for any potential operator. The report notes that the building requires comprehensive repair and refurbishment and the cost of purchase coupled with the expenditure on repair and refurbishment means that it does not provide a viable proposition.
- 6.1.5 The viability of the public house together with the report from Dunster and Morton was assessed by an independent commercial valuer, Davis Coffey Lyons. The valuer concurred with the conclusions drawn by Dunster and Morton and considers that The Wellington Arms is not a viable business.

- 6.1.6 In respect of criterion (i) of the SPG the proposal is not considered to have an adverse effect on the local character, diversity and amenity of the area. This is discussed in detail in the next section.
- 6.1.7 In respect of criterion (ii) the evidence submitted demonstrates that alternative acceptable public houses exist in the local area.
- 6.1.8 With regard to criterion (iii) it is not considered that the loss of this particular public house would comprise an unacceptable decline in the standard of community services for locals and visitors as a number of other community services exist in the local area.
- 6.1.9 In respect of criterion (iv) it is considered that sufficient assessment of the public house has been undertaken to demonstrate that the business is no longer economically viable and that the public house has been appropriately marketed for more than 6 months.
- 6.1.10 It is recognised that the loss of the pub is not desirable and would result in the loss of a local facility. However SPG19 states (paragraph 6.3) that it must be accepted that planning authorities cannot control the closure of businesses which are not economically viable.
- 6.1.11 As such, it is considered that the application has sufficiently demonstrated that the business is no longer economically viable and therefore the principle of the development is considered acceptable in accordance with Supplementary Planning Guidance: Public Houses and the NPPF.

## **6.2 The impact on the character and appearance of the Conservation Area**

- 6.2.1 The application proposes to remove the existing wall facing onto Derby Road as well as an existing single storey outbuilding and single storey extension to the main building to open up the courtyard area to the rear of the property. In addition the proposal would reduce the existing boundary wall between the application site and the neighbouring property to the north-west Nos. 1 - 15 Derby Road. Within the courtyard area the existing external staircase is to be removed and the opening turned into a juliette balcony serving unit 3. In addition a small glass porch canopy is to be installed to the rear of the main building.
- 6.2.2 A detached existing single storey building abutting the north-west boundary would be replaced with a bin and cycle store.
- 6.2.3 The application seeks to retain the appearance of the building from Andover Road.
- 6.2.4 It is proposed that three off road parking spaces would be accommodated within the site with access from Derby Road.
- 6.2.5 During the application process amended plans were received relocating the proposed bin store and cycle store. However due to concerns in respect of the impact on the listed building further amended plans were received, reverting the bin and cycle store to that originally proposed and the reduction of on site parking from four spaces to three spaces.
- 6.2.6 The proposal will open up the rear courtyard area to views from Derby Road which will impact on the character and appearance of the Conservation area. The West Berkshire Core Strategy Policy CS19 states that regard will be given to the conservation and, where appropriate, the enhancement of heritage assets and their setting in response to the distinctive character areas and key characteristics identified in Historic Environment Character Zone and Historic Character studies.

- 6.2.7 The proposed conversion to residential use will not detract from the distinctive character of the 'St Bartholomew and the City' area as a garden suburb with low intensity development. The proposal involves conversion rather than new development that might conflict with existing structures in terms of scale, design and location. Therefore the variety of 18th and 19th century structures along Newbury's streets will not be affected. Subsidiary yard buildings will either be converted to residential units or removed to accommodate off road parking. The 20th century single-storey extension to the rear of the public house will be removed and this area and part of the yard will be infilled with a decked terrace and planting area. The link structure between the public house and the south-west yard building will be removed which will involve opening previously blocked window openings and converting existing door openings into windows. Similarly the closed down door opening in the former stable will be reopened and both it and the hayloft door above will be converted to windows. This re-instatement of former openings will better reveal the form and character of the original buildings. This creation of private spaces and planting areas is in keeping with the surrounding terraces and villa properties that have their own garden spaces. This is considered to weigh in favour of the proposal.
- 6.2.8 Whilst the opening up of the courtyard area may be at odds with other parts of the Conservation Area, where the built form generally abuts the highway, it is considered, on balance, that the proposal would reflect the open nature of the property to the north-west and other plots within the immediate area. The proposal would also improve the appearance of the courtyard area to the rear of the site enhancing the heritage asset and its setting.
- 6.2.9 As the main frontage of the building is to be retained and for the reasons detailed above it is considered, on balance, that the proposal would not result in a detrimental impact on the character and appearance of the Conservation area in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, the NPPF, Supplementary Planning Guidance: Public Houses and the Newbury Town Design Statement.

### **6.3 The impact on the Listed Building**

- 6.3.1 In respect of the impact on the listed building the proposal would remove some modern single storey elements within the courtyard. To the rear of the property, the linking structure and external metal staircase will be removed to create a private open space. The south-west building will have original windows reopened on the ground floor and floor length windows inserted within existing door openings on the first floor. Internally, new partitions will create a bathroom, bedroom and kitchen/dining room on the ground floor and an ensuite bathroom, storeroom, bedroom and living room on the first floor. The existing roof light will be retained whereas a new staircase will be fitted to replace the current spiral stair.
- 6.3.2 Pub fixtures and fittings will be removed from the public house building. On the south-east elevation the southern door will be fixed shut rather than removed to maintain the appearance of the Andover Road façade. The existing staircase between the public house ground and first floor will be removed and a new stairwell located further north-west on the site of the current toilets. This will alter access and circulation through the building. Currently the corridor forms the long central spine of the first floor from which all first floor rooms are accessed. Proposed access to the first floor corridor will be in the middle rather than the end of the corridor which will effectively divide the first floor into a northern and southern half.

- 6.3.3 Partitions will be added in the current bar area to form a bedroom and contiguous living/dining/kitchen space. On the first floor, the east side of the corridor will be removed to create a larger living/dining and kitchen area. The internal curved wall will be retained within the living/dining room circulation space whereas the existing stairwell will be converted to an ensuite bathroom to the south-west room (bedroom) and a seating alcove within the living/dining room. The north rooms are currently similar in size each with a blocked corner hearth. New partitions within the west room will create more storage space and decrease the size of the bathroom, disrupting the plan-form symmetry of this end of the building. Proposals indicate the blocked corner hearths will exist entirely within the east room bedroom and storage space rather than in separate rooms.
- 6.3.4 The former stable's south-east elevation will have the blocked opening to the north of the existing door reopened and converted to an almost floor length window. Similarly the hayloft dormer will be converted from door to window to light the upper floor. The northwest and north-east elevations will remain blind. Internally, a staircase will be added to the north-west corner and new partitions will create a bathroom in the ground floor southwest corner. The east half of the ground floor will become a living/dining and kitchen space. The upper storey will have its floor truncated on the east side to form a void overlooking the ground floor. This means the first floor bedroom will gain additional natural light via the ground floor windows.
- 6.3.5 The north-east boundary wall and former coach house will be removed to create parking spaces and the pavement modified to create a dropped kerb onto Derby Road. The toilet block will be replaced with a bin and cycle store, existing planters adjacent to the former stable will be removed but new planters added elsewhere. The yard will form a constricted space between the decking and cycle store but opens out to private gardens to the south and parking to the north.
- 6.3.6 The Wellington Arms is located south of three nearby listed buildings and features prominently in views looking south-west from the Church and more obliquely or partially when viewed from the others. The setting of these listed buildings will be impacted by the planned development as they will face towards the public house structure's street front elevations with parking spaces and cycle store in the foreground and planted areas behind as opposed to the current view of street front elevations and plain boundary wall.
- 6.3.7 The National Planning Policy Framework emphasizes the desirability of sustaining and enhancing the significance of heritage assets and the necessity of maintaining listed buildings in viable use for the purposes of conservation, rather than leave them neglected to fall into ruin. The conversion to residential use will keep the building occupied, the better for its conservation and maintenance which is considered to weigh in favour of the proposal.
- 6.3.8 The NPPF highlights the contribution of heritage assets to the economic vitality of an area and to sustainable communities. Since the mid-20th century, the site area has evolved from a prosperous commercial and social junction to a residential locus, as indicated by the demolition of two of the three public houses based here. The site's communal value and economic viability as a public house has decreased over time. The addition of new residential units to the suburb will help sustain the community rather than retain a public house that may struggle to survive financially. This is considered to weigh in favour of the proposal.
- 6.3.9 Internally, the layout will be altered to subdivide the single property into four residences. This will involve the relocation of the stairwell between ground and first floors and the removal and creation of a number of internal partition walls within the public house. Although the bar area currently comprises a single L-shaped space, the presence of two

original doors and the location of chimney stacks above indicate the room was originally subdivided in two. Although the internal sub-division at ground floor will not reinstate the original form, the scale of spaces created will not be inappropriate. On the other hand, the interior will lose the remaining fixtures and fittings relating to its original commercial function.

- 6.3.10 The relocation of the stairwell changes the circulation through the building particularly at first floor level where removal and instatement of dividing walls increases the proportions of the eastern rooms and obscures the original layout. The removal of the existing staircase will result in a loss of historic fabric, evidential and aesthetic values. This change weighs against the proposal as it will have a negative impact on the heritage significance of the property; however it is considered that the staircase is typical for the age and scale of the property and similar examples are commonplace. Therefore, its loss is partially mitigated and of less consequence when considered in relation to the retention of the external form and character of the building, and the enhancement of its condition and contribution to the Conservation area.
- 6.3.11 In the yard, the earliest parts of the property comprising the northern boundary wall and the majority of the former coach house will be removed; the coach house walls which currently form the eastern extent of the property will be retained. These features are probably the surviving remnants of the Bull and Dog public house which previously occupied the Andover – Derby Road junction. Overall, the proposals will decrease the site's evidential value as regards its commercial use and chronological development. This weighs against the proposal as it will have a negative impact on the heritage significance of the property.
- 6.3.12 Overall the site's historical value will be moderately affected by the proposed development which is considered to result in a neutral impact. The demolition of parts of the site increases the importance of historical sources to inform heritage research. The site is well documented through directory and cartographic sources but lacks photographic evidence and is poorly represented in local history studies.
- 6.3.13 The site's aesthetic value will be enhanced by increasing the yard area which is currently a narrow enclosed concrete space, converting it to landscaped shared and private gardens. These gardens will be partially visible from the street which is an improvement over the plain wall that currently forms the north-east site boundary. The public house building exterior will retain its architectural style and fenestration and therefore continue to compliment the adjacent property 6 Andover Road as contemporary structures. This is considered to weigh in favour of the proposal.
- 6.3.14 The architectural style and scale of the existing buildings will be maintained; the majority of alteration is internal or to the rear of the property, therefore the street front setting will only be moderately impacted. The road traffic of the junction will always be a detraction to the setting of the listed buildings surrounding it. Therefore the three off-road parking spaces proposed is considered to be a relatively neutral addition to the setting of the all the nearby listed buildings. On balance it is considered that the proposal will have a positive impact on the site, its setting and that of nearby heritage assets.
- 6.3.15 Overall, the site will lose some of its evidential value due to the loss of historic fabric, particularly that relating to the late 18th century Bull and Dog property. However, this will be counterbalanced by the enhancement of its aesthetic and communal value and the continued occupation of the property to better ensure its protection and conservation. The original layout of the interior of the public house structure will be partially lost at ground floor and more extensively at first floor but the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of later single storey elements. Similarly, the exterior of the former stable and south-west yard building

will be enhanced by reopening blocked features. This will better reveal the character of the retained properties, and their physical and functional relationship within the site and its setting.

- 6.3.16 As such it is considered, on balance, that the impact on the listed building, its setting and the setting of the Conservation Area and nearby listed buildings would be acceptable.

#### **6.4 The impact on neighbouring amenity**

- 6.4.1 In respect of the neighbouring properties to the south-west no new opening are proposed and there will be no change in the appearance of this elevation. As such it is not considered that the proposal will result in any significant impact on the amenities of these properties.
- 6.4.2 With regard to the property at No. 6 Andover Road the proposed works to convert the public house and its outbuildings are not considered to introduce any significant impact on the amenity of this neighbouring property. The use of the public house and outbuildings for residential purposes is not considered to introduce any significant impacts on the amenity of No.6 Andover Road upon its current authorised use.
- 6.4.3 No new openings are proposed upon those that already exist that would enable overlooking for the neighbouring properties to the north-west, Nos. 1 - 15 Derby Road. Again the use of the public house and outbuildings for residential purposes is not considered to introduce any significant impacts on the amenity of this neighbouring property upon its current authorised use.
- 6.4.4 The application is therefore not considered to result in any significant detrimental impact on the amenities of neighbouring properties in accordance with the National Planning Policy Framework as well as Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document – Quality Design.

#### **6.5 Highways Matters**

- 6.5.1. The amended plans reduced the on-site parking provision to three parking spaces only. For a site close to the town centre with good access to services and public transport this is considered to be acceptable.
- 6.5.2 The parking layout would enable each space to be adequately accessed whilst maintaining a clear access to the dwellings particularly for those with pushchairs, wheelchairs or for example when taking bicycles or waste in and out of the site.
- 6.5.3 An existing BT cabinet and highways sign will need to be relocated to accommodate the new access into the site. This can be controlled by condition.
- 6.5.4 The proposed access arrangements are considered to be acceptable and not introduce any significant concerns in respect of highway safety in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 as well as Policy TRANS1 of the WBDLP of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

#### **6.6 Other Matters**

##### **Developer Contributions**

- 6.6.1 The following developer contributions are sought to mitigate the impact of the development on local infrastructure and services:

|                     |           |
|---------------------|-----------|
| ♦ Education         | £4,612.40 |
| ♦ Open Space        | £1,970    |
| ♦ Libraries         | £635      |
| ♦ Adult Social Care | £1797     |
| ♦ Waste Services    | £224.80   |

## **National Planning Policy Framework**

6.6.2 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location and would not adversely impact upon the environmental and social sustainability for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have been found acceptable the development is considered to constitute sustainable development in accordance with the NPPF.

## **Ecology Matters**

6.6.3 A biodiversity survey assessment has been submitted with the application which identified the roosting of swifts in the local area. As such four swift boxes are proposed to be attached to the north-east elevation of the building and the implementation of these can be controlled by condition.

## **7. Conclusion**

7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, although the considerations are finely balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.

7.2 It has been demonstrated that the public house has been appropriately marketed for sale and that the business is not considered to be economically viable. The proposal is not considered to have an adverse affect on the character and appearance of the Conservation area and street scene, the amenities of neighbours or on highway safety. Whilst the site will lose some of its evidential value due to the loss of historic fabric, this is weighed against the enhancement of its aesthetic and communal value and the continued occupation of the property to better ensure its protection and conservation. The original layout of the interior of the public house structure will be partially lost at ground floor and more extensively at first floor but the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of later single storey elements. Similarly, the exterior of the former stable and south-west yard building will be enhanced by reopening blocked features. This will better reveal the character of the retained properties, and their physical and functional relationship within the site and its setting.

7.3 As such the application is considered to accord with National and Local Planning Policies as well as Supplementary Planning Guidance SPG 19 "Public Houses", Supplementary Planning Document "Quality Design" and the Newbury Town Design Statement.

## **8. Full Recommendation**

- 8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions and informatives and the completion of a Section 106 legal agreement within two months of the date of Committee:

### **8.2 Schedule of conditions**

#### **Time limit**

1. The development shall be started within three 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 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

#### **Approved plans**

2. The development hereby approved shall be carried out in accordance with drawing title numbers 3805 PL06 E, 3805 PL07 C, 3805 PL08 D, 3805 PL10 D, 3805 PL11 D and 3805 PL13 C received on 22<sup>nd</sup> November 2013 and drawing title number PL01 received on 19<sup>th</sup> August 2013.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

#### **Samples of materials**

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. 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. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### **Fencing and enclosures**

4. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Hard surfaces**

5. No development shall commence on site until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Landscaping**

6. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

The landscaping shall be carried out in accordance with the approved scheme.

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

### **Temporary Parking Area**

7. No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives, visitors, and other persons working on the site during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **Parking in accord with plans**

8. No dwelling hereby permitted shall be occupied until the vehicle parking spaces have been surfaced and properly provided in accordance with the approved plans. The parking

spaces shall thereafter be kept available for parking (of private motor vehicles and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy 2006 - 2026.

### **Cycle parking and bin storage**

9. No dwelling hereby permitted shall be occupied until the cycle parking and bin storage has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles and storage of bins at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles as well as suitable provision of bin storage in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **Hours of work**

10. The hours of work for all contractors for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays 8.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **Ecological mitigation**

11. The mitigation measures detailed in the Biodiversity Survey Assessment Report produced by Louise Lowans, dated 7 August 2013 and received on 19<sup>th</sup> August 2013 shall be implemented in full. The four Swift boxes erected shall be made of woodcrete.

Reason: To ensure the protection of species protected by law in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **Ecological Review**

12. No dwelling shall be occupied until a report from a qualified ecologist which confirms that the approved mitigation measures have been implemented in full has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of species protected by law in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

## **Relocation of BT Cabinet, Street Name Plate and 'No Loading' sign**

13. No development within the application site shall commence until the BT cabinet and 'no loading' sign has been relocated at the expense of the owner of the site in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: The relocation of the BT cabinet and highway sign is necessary to enable access into the site for construction purposes and for future occupants of the development hereby permitted. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy 2006 - 2026.

### **8.3 Informatives**

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority.
6. Any temporary signing required as part of this development is to be agreed in writing with the Highway Authority, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD.
7. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
8. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
9. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with

the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

**OR**

- 8.4 If the legal agreement is not completed within two months of the date of Committee to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reason:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to the National Planning Policy Framework and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.

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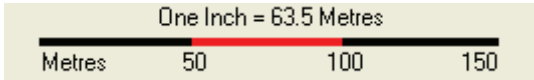


Map Centre Coordinates : 446940.15 , 166433.32

Scale : 1:2500

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|              |                        |
|--------------|------------------------|
| Organisation | West Berkshire Council |
| Department   | Environment            |
| Comments     |                        |
| Date         | 02 December 2013       |
| SLA Number   | 100015913              |

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# Agenda Item 4.(5)

| Item No. | Application and Parish | No. 8/13 Week Date            | Proposal, Location and Applicant                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (5)      | 13/01849/LBC Newbury.  | 14 <sup>th</sup> October 2013 | Change of Use and conversion of the main Grade II Listed pub building and two outbuildings into 4 new residential units. Demolition of rear extension to main building, garage/store and toilet blocks, extension linking main building to function suite and boundary wall adjacent to Derby Road. Hard and soft landscaping and provision of 3 car park spaces.<br>Wellington Arms, 4 Andover Road, Newbury, Berkshire, RG14 6LR.<br>Vokins Construction. |

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01849/LBC>

**Recommendation Summary:**

To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8.2).

**Ward Member(s):**

Cllr M Johnston and Cllr I Tuck.

**Reason for Committee determination:**

Called to Committee by adjoining Ward Member Cllr A Edwards as building is one of the oldest historical pubs in Newbury and as a Grade II listed building it should be retained as a pub and not converted into residential use.

**Committee Site Visit:**

9<sup>th</sup> December 2013.

**Contact Officer Details**

**Name:** Jake Brown  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519 111  
**E-mail Address:** [JPBrown@westberks.gov.uk](mailto:JPBrown@westberks.gov.uk)

### 1. Relevant Site History

Application Reference: 142551 – Demolition and rebuilding of chimneystack. Application approved 4<sup>th</sup> May 1993.

Application Reference: 126921 - Improvements including new toilet facilities. Application approved 2<sup>nd</sup> October 1986.

Application Reference: 126920 (LBC) - Internal bar alterations and extension to improve toilet facilities. Application approved 2<sup>nd</sup> October 1986.

### 2. Publicity of Application

Site notice expired: 1<sup>st</sup> October 2013.

Neighbour Notification expired 18<sup>th</sup> September 2013.

### 3. Consultations and Representations

**Parish Council:** No objection: Comment: Members requested that the external design is retained, the internal staircase is somehow retained, pictures be retained or donated to West Berkshire Museum.

**Newbury Society:** Although The Society is disappointed at this loss of an historic pub, we welcome this proposal to retain this heritage building at one of the gateways to Newbury. We welcome the retention of the historic fireplace. We would like inclusion of plans to ensure that the historic pictures and artefacts are safely retained.

**Ancient Monuments Society:** Would prefer existing staircase retained. It is an attractive feature and would be wasteful to demolish it. It also contributes to the significance of the listed building, and therefore its removal needs to be justified.

**20th Century Society:** No response received.

**Society For The Protection Of Ancient Buildings:** No response received.

**Victorian Society:** No response received.

**The Council for British Archaeology:** No response received.

**Georgian Group:** No response received.

**Conservation  
Officer  
(1<sup>st</sup> response):**

The applications are accompanied by a detailed Design & Access and a detailed Heritage (Impact) Statement. The only concern in respect of the latter is that it stops short of assessing the architectural and/or historic significance of the existing staircase and a case for its removal. It is understood that further information is to be requested in this respect. Apart from that however, the proposed works to the listed building are adequately detailed and justified, involve limited intervention into historic structures, and/or re-use of existing openings, thereby considerably improving the external appearance of the building, particularly at the rear. The proposals will also secure the future use of the building. On balance therefore the proposals are likely to be considered acceptable from a building conservation point of view (notwithstanding that there may be other planning issues to take into account such as the justification of the the loss of the public house).

**Conservation  
Officer  
(amended plans):**

Object: The essential difference between the originally submitted proposals and those now submitted is the loss of one parking space and the relocation of the bin/cycle store from within the site to a position in front of the Derby Road front elevation of the main building. Although the lower/western part of this elevation is currently screened behind a high brick wall, the original proposals would have opened this up to view, and as such were preferable to the current proposal to erect a bin/cycle store in front of it, since the retention and enhancement of the street scene view of this important corner building should be a primary aim in terms of the character and appearance of both the listed building and that of the conservation area in which it lies. The introduction of a new and fairly utilitarian structure in this location is therefore considered detrimental to the character and appearance of the listed building/conservation area.

The details of the internal conversion have not changed, but the Heritage Statement goes a little further in justifying the loss of the existing staircase between the ground and first floor of the core building. Paragraph 5.1.4 describes changes in the vicinity of the staircase and 8.1.6 acknowledges that its removal will involve a loss of historic fabric, evidential and aesthetic values, having a minor negative effect on the heritage significance of the property, although mitigated by the retention of the external form and character of the building and the enhancement of its condition and contribution to the conservation area. On balance, I would tend to go along with this conclusion, on the basis that otherwise the interior of the building has previously been much altered to accommodate its existing/former use, although minimum change is now proposed to its overall compartmentalisation.

**Conservation  
Officer  
(further amended  
plans):**

The reversion of the bin/cycle store to its originally proposed position is preferred from a building conservation point of view in terms of protecting /enhancing the character and setting of the proposed development on the site and particularly the listed building and the conservation area in which it is situated. It is noted that the bin/cycle store will be in "bricks to match", which is clearly welcomed. It is further noted that submission of samples of external materials will be required as a condition of any consent. Whilst it is noted that no further attention has been given to retaining the wall on the northwest boundary to a greater height than proposed - to provide better privacy, etc for the occupiers of the site and neighbouring properties (and more visible evidence of former buildings on the site) - this is not, by itself, considered detrimental to the prima facie building conservation aspects of the overall proposals of retaining an important listed building in (appropriate) use.

One small point, is that the ground floor plan drawing (3805.PL06E) appears to show "landscaping", including in front of the Derby Road frontage of the main building, whereas the block plan (3805.PL13C) does not. It would be appropriate to clarify what is actually proposed here, in order to assess any potential impact on "setting", since a generally open aspect would be preferred in this location.

**Representations:** No letters of representation received.

#### **4. Policy and Legislation Considerations**

4.1 The West Berkshire Core Strategy has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- NPPF Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 14: Design Principles
- CS 19: Historic Environment and Landscape Character

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

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development
- OVS5: Environmental Nuisance and Pollution Control

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010.
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Guidance SPG 19 Public Houses.

- Supplementary Planning Document “Quality Design” (adopted June 2006).
- National Planning Practice Guidance (Draft).
- Newbury Town Design Statement.

## **5. Description of Development**

- 5.1 This application seeks permission for the change of use and conversion of a public house known as The Wellington Arms to 4 residential units comprising 1 no. one bed unit and 3 no. two bed units. To accommodate the conversion the existing single storey toilet block to the rear of the public house is to be demolished. The toilet block was given approval in 1986 (ref: 126921).
- 5.2 The application site is located within the settlement boundary of Newbury and within the designated Conservation Area.
- 5.3 The site is a Grade II listed, early 19<sup>th</sup> century public house. The list entry describes the site as a pair of semi-detached houses that were later modified into a single property, however no historical or archaeological evidence has been found to support this. The site abuts No. 6 Andover Road to the south-west which does have evidence that it was previously two houses.
- 5.4 The street front elevation of the public house faces south-east and the east corner forms a curved bow. The property has been extended with a single storey to the north-west and another to the west which links the public house to adjacent rectangular and irregular plan buildings. A small yard to the rear of the public house provides access to these adjacent buildings and two additional buildings contained within the site.

## **6. Consideration of the Proposal**

The main issue to consider is:-

- 6.1 The impact on the Listed Building and its setting
- 6.2 Other Matters

### **6.1 The impact on the Listed Building and its setting**

- 6.1.1 In respect of the impact on the listed building the proposal would remove some modern single storey elements within the courtyard. To the rear of the property, the linking structure and external metal staircase will be removed to create a private open space. The south-west building will have original windows reopened on the ground floor and floor length windows inserted within existing door openings on the first floor. Internally, new partitions will create a bathroom, bedroom and kitchen/dining room on the ground floor and an ensuite bathroom, storeroom, bedroom and living room on the first floor. The existing roof light will be retained whereas a new staircase will be fitted to replace the current spiral stair.
- 6.1.2 Pub fixtures and fittings will be removed from the public house building. On the south-east elevation the southern door will be fixed shut rather than removed to maintain the appearance of the Andover Road façade. The existing staircase between the public house ground and first floor will be removed and a new stairwell located further north-west on the site of the current toilets. This will alter access and circulation through the building. Currently the corridor forms the long central spine of the first floor from which all first floor rooms are accessed. Proposed access to the first floor corridor will be in the middle rather than the end of the corridor which will effectively divide the first floor into a northern and southern half.

- 6.1.3 Partitions will be added in the current bar area to form a bedroom and contiguous living/dining/kitchen space. On the first floor, the east side of the corridor will be removed to create a larger living/dining and kitchen area. The internal curved wall will be retained within the living/dining room circulation space whereas the existing stairwell will be converted to an ensuite bathroom to the south-west room (bedroom) and a seating alcove within the living/dining room. The north rooms are currently similar in size each with a blocked corner hearth. New partitions within the west room will create more storage space and decrease the size of the bathroom, disrupting the plan-form symmetry of this end of the building. Proposals indicate the blocked corner hearths will exist entirely within the east room bedroom and storage space rather than in separate rooms.
- 6.1.4 The former stable's south-east elevation will have the blocked opening to the north of the existing door reopened and converted to an almost floor length window. Similarly the hayloft dormer will be converted from door to window to light the upper floor. The northwest and north-east elevations will remain blind. Internally, a staircase will be added to the north-west corner and new partitions will create a bathroom in the ground floor southwest corner. The east half of the ground floor will become a living/dining and kitchen space. The upper storey will have its floor truncated on the east side to form a void overlooking the ground floor. This means the first floor bedroom will gain additional natural light via the ground floor windows.
- 6.1.5 The north-east boundary wall and former coach house will be removed to create parking spaces and the pavement modified to create a dropped kerb onto Derby Road. The toilet block will be replaced with a bin and cycle store, existing planters adjacent to the former stable will be removed but new planters added elsewhere. The yard will form a constricted space between the decking and cycle store but opens out to private gardens to the south and parking to the north.
- 6.1.6 The Wellington Arms is located south of three nearby listed buildings and features prominently in views looking south-west from the Church and more obliquely or partially when viewed from the others. The setting of these listed buildings will be impacted by the planned development as they will face towards the public house structure's street front elevations with parking spaces and cycle store in the foreground and planted areas behind as opposed to the current view of street front elevations and plain boundary wall.
- 6.1.7 The National Planning Policy Framework emphasizes the desirability of sustaining and enhancing the significance of heritage assets and the necessity of maintaining listed buildings in viable use for the purposes of conservation, rather than leave them neglected to fall into ruin. The conversion to residential use will keep the building occupied, the better for its conservation and maintenance which is considered to weigh in favour of the proposal.
- 6.1.8 The NPPF highlights the contribution of heritage assets to the economic vitality of an area and to sustainable communities. Since the mid-20th century, the site area has evolved from a prosperous commercial and social junction to a residential locus, as indicated by the demolition of two of the three public houses based here. The site's communal value and economic viability as a public house has decreased over time. The addition of new residential units to the suburb will help sustain the community rather than retain a public house that may struggle to survive financially. This is considered to weigh in favour of the proposal.
- 6.1.9 Internally, the layout will be altered to subdivide the single property into four residences. This will involve the relocation of the stairwell between ground and first floors and the removal and creation of a number of internal partition walls within the public house.

Although the bar area currently comprises a single L-shaped space, the presence of two original doors and the location of chimney stacks above indicate the room was originally subdivided in two. Although the internal sub-division at ground floor will not reinstate the original form, the scale of spaces created will not be inappropriate. On the other hand, the interior will lose the remaining fixtures and fittings relating to its original commercial function.

- 6.1.10 The relocation of the stairwell changes the circulation through the building particularly at first floor level where removal and instatement of dividing walls increases the proportions of the eastern rooms and obscures the original layout. The removal of the existing staircase will result in a loss of historic fabric, evidential and aesthetic values. This change weighs against the proposal as it will have a negative impact on the heritage significance of the property; however it is considered that the staircase is typical for the age and scale of the property and similar examples are commonplace. Therefore, its loss is partially mitigated and of less consequence when considered in relation to the retention of the external form and character of the building, and the enhancement of its condition and contribution to the Conservation area.
- 6.1.11 In the yard, the earliest parts of the property comprising the northern boundary wall and the majority of the former coach house will be removed; the coach house walls which currently form the eastern extent of the property will be retained. These features are probably the surviving remnants of the Bull and Dog public house which previously occupied the Andover – Derby Road junction. Overall, the proposals will decrease the site's evidential value as regards its commercial use and chronological development. This weighs against the proposal as it will have a negative impact on the heritage significance of the property.
- 6.1.12 Overall the site's historical value will be moderately affected by the proposed development which is considered to result in a neutral impact. The demolition of parts of the site increases the importance of historical sources to inform heritage research. The site is well documented through directory and cartographic sources but lacks photographic evidence and is poorly represented in local history studies.
- 6.1.13 The site's aesthetic value will be enhanced by increasing the yard area which is currently a narrow enclosed concrete space, converting it to landscaped shared and private gardens. These gardens will be partially visible from the street which is an improvement over the plain wall that currently forms the north-east site boundary. The public house building exterior will retain its architectural style and fenestration and therefore continue to compliment the adjacent property 6 Andover Road as contemporary structures. This is considered to weigh in favour of the proposal.
- 6.1.14 The architectural style and scale of the existing buildings will be maintained; the majority of alteration is internal or to the rear of the property, therefore the street front setting will only be moderately impacted. The road traffic of the junction will always be a detraction to the setting of the listed buildings surrounding it. Therefore the three off-road parking spaces proposed is considered to be a relatively neutral addition to the setting of the all the nearby listed buildings. On balance it is considered that the proposal will have a positive impact on the site, its setting and that of nearby heritage assets.
- 6.1.15 Overall, the site will lose some of its evidential value due to the loss of historic fabric, particularly that relating to the late-18th century Bull and Dog property. However, this will be counterbalanced by the enhancement of its aesthetic and communal value and the continued occupation of the property to better ensure its protection and conservation. The original layout of the interior of the public house structure will be partially lost at ground floor and more extensively at first floor but the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of later single

storey elements. Similarly, the exterior of the former stable and south-west yard building will be enhanced by reopening blocked features. This will better reveal the character of the retained properties, and their physical and functional relationship within the site and its setting.

- 6.1.16 As such it is considered, on balance, that the impact on the listed building, its setting and the setting of the Conservation Area and nearby listed buildings would be acceptable.

## **6.2 Other Matters**

### **National Planning Policy Framework**

- 6.2.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location and would not adversely impact upon the environmental and social sustainability for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have been found acceptable the development is considered to constitute sustainable development in accordance with the NPPF.

### **Landscaping**

- 6.2.2 It is noted that the latest set of amended plans indicate some landscaping in front of the north-west elevation of the public house. The Conservation Officer has raised concern that landscaping here has potential to impact on the setting of this listed building. The landscaping would be strictly controlled by a condition attached to the planning permission. As such any potential impact on the setting of the listed building can be carefully controlled to ensure that no harm would occur as a result of landscaping.

## **7. Conclusion**

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, although the considerations are finely balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.
- 7.2 The proposed use of the building is not considered to adversely impact upon the Listed Building or its setting. Whilst the site will lose some of its evidential value due to the loss of historic fabric, this is weighed against the enhancement of its aesthetic and communal value and the continued occupation of the property to better ensure its protection and conservation. The original layout of the interior of the public house structure will be partially lost at ground floor and more extensively at first floor but the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of later single storey elements. Similarly, the exterior of the former stable and south-west yard building will be enhanced by reopening blocked features. This will better reveal the character of the retained properties, and their physical and functional relationship within the site and its setting.
- 7.3 As such the application is considered to accord with National and Local Planning Policies as well as Supplementary Planning Guidance SPG 19 "Public Houses", Supplementary Planning Document "Quality Design" and the Newbury Town Design Statement.

## **8. Full Recommendation**

- 8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions and informatives:

### **8.2 Schedule of conditions**

#### **Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Approved plans**

2. This listed building consent relates only to work described on the drawings and the documents identified below:

Drawing title numbers 3805 PL06 E, 3805 PL07 C, 3805 PL08 D, 3805 PL10 D, 3805 PL11 D and 3805 PL13 C received on 22<sup>nd</sup> November 2013 and drawing title number PL01 received on 19<sup>th</sup> August 2013;

Design and Access Statement received on 22<sup>nd</sup> November 2013.

No work shall be carried out other than in accordance with the above drawings and documents.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

#### **Samples of materials**

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. 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. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### **Workmanlike Manner**

4. The development hereby permitted shall be carried out in a proper workmanlike manner appropriate to the age and character of the building and using traditional materials and techniques except where the use of modern materials and techniques has specifically been approved by the Local Planning Authority.

Reason: To protect the special historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **Finish to match original**

5. All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match original work with regard to the methods used and to materials, colours, textures and profiles.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **New brickwork to match existing**

6. All new facing brickwork, including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **No alteration of architectural features**

7. Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no existing features of architectural or historic interest such as doors, linings, shutters, panelling, cornicing, decorative plasterwork, floorboards, skirting, fireplaces, lath and plaster ceilings, wattle and daub panels shall be altered, replaced or removed until a written description of the steps to be taken has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **Adequate protection and support**

8. Adequate protection and support to the building and adjacent structures shall be provided at all times during the work. Sufficient care shall be taken in the design and execution of all work, including any demolition and the preparation and the erection of any scaffolding, to ensure that no damage is incurred to the historic fabric of the building and adjacent structures.

Reason: To protect the special architectural or historic interest of the building and adjacent structures. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **Details of external windows and doors**

9. No development shall take place until details of all new external windows and external doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows and doors shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### **Details of drainage, rainwater goods, flues etc.**

10. No development shall commence, and notwithstanding what is shown on the approved drawings or other approved documents, until details of the type and location of any new drainage pipework and accessories, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting etc. visible external to the building, including soil vent pipe terminations, have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the development has been carried out in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### **Details of specific features**

11. Prior to the commencement of related work, details of the proposed staircase to include details of handrails and balusters and all new internal doors shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the development has been carried out in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### **8.3 Informatives**

1. This Listed Building Consent should be read in conjunction with associated planning permission 13/01848/FULD.
2. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & [The Conservation of Habitats and Species Regulations 2010](#). Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
3. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

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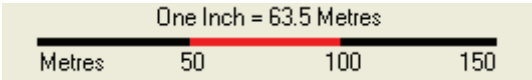


Map Centre Coordinates : 446940.15 , 166433.32

Scale : 1:2500

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|              |                        |
|--------------|------------------------|
| Organisation | West Berkshire Council |
| Department   | Environment            |
| Comments     |                        |
| Date         | 02 December 2013       |
| SLA Number   | 100015913              |

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# Agenda Item 5.

|                                 |                                                                                                    |                                                                                                                                                                                                          |                  |                         |
|---------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|
| 12/02655<br>Pins Ref<br>2195141 | Unit 3, Red Shute Hill<br>Industrial Estate,<br>Red Shute Hill,<br>Hermitage,<br>Thatcham RG18 9QL | Change of use to include skip waste<br>recycling and transfer facility to<br>import, store and process up to<br>18,000 tpa of general skip waste<br>(including wood, metal, plastic,<br>paper and card). | Ctte.<br>Refusal | Dismissed<br>13.11.2013 |
|---------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|

## Background

The small industrial estate, which was once a timber yard and which still includes a timber yard, lies on the north east side of Red Shute Hill, in attractive open countryside near the village of Hermitage. The appeal site within the estate includes a disused modern industrial building and attached office. The appeal site has had, since 1987, full permission for a building of 450 sq m of light industrial or warehousing space. The proposal is to use the building for recycling, with the side extension (90 sq m) serving as an ancillary office.

At the site inspection, when checking the other uses on the estate, the Inspector found that the appellant was already occupying the adjacent Unit 5 to the south west of the appeal site. He was advised that a Lawful Development Certificate (LDC) had recently been issued for the use of that site.

After his site visit and at his request, the appeal Case Officer obtained a copy of the LDC and supporting papers. These confirm that Unit 5 had a lawful B2 (general industrial) and that the Council was satisfied that the sorting of waste also fell within the same B2 Use Class. On the balance of probabilities, the Council concluded that the use of Unit B5 for B2 purposes was lawful. The LDC is dated 11 June 2013, Ref 13/00915/CERTP.

The Environment Agency has no objections to the appeal proposal but it points out that an environmental permit would be needed for the development.

Policy CS9 of the adopted (July 2012) West Berkshire Core Strategy (WBCS) has a presumption in favour of industrial uses being located on defined Protected Employment Areas (PEAs) such as this industrial estate. Employment generating uses other than B class uses within the PEAs will be favourably considered where they would be complementary to the existing business uses in that location. Saved policy OVS.5 of the adopted (2002) West Berkshire District Local Plan (WBDLP) seeks to control pollution of the environment and OVS.6 deals with the adverse impacts of noise. The adopted (1998) Waste Local Plan for Berkshire (WLPB) identifies 27 preferred areas of search for waste management purposes together with policies saved in 2007 to control such uses outside the preferred areas, including in particular WLP16, WLP27 and WLP30. Of these, WLP27 weighs benefits against environmental harm and states that permission for waste management development will only be granted where there is a need for the development.

The National Planning Policy Framework (the Framework) provides a presumption in favour of sustainable development. The WBCS postdates the Framework but it is predated by the saved policies in the WBDLP and the WLPB. The above saved policies are consistent with the Framework and full weight in accordance with their statutory status will therefore be attached to them.

The Framework replaces many national policy documents but not Planning for Sustainable Waste Management (PPS10 of 30/3/2011) which emphasises the principles of the waste

hierarchy, the need to consider a broad range of locations including industrial sites and, in Annex E, it sets out the key issues for dealing with waste planning applications, including noise, vibration, dust, visual intrusion, odours and potential land use conflict. PPS10 postdates the saved policies and is to be accorded precedence in the event of any conflict.

### **Main Issues**

The main issues are highway safety and amenity impacts arising from the size of the premises, the nature of the waste and from noise, dust and litter.

### **Reasons**

#### **Highway safety**

From the B4009 Long Lane, to the north-west, Red Shute Hill passes across a bridge over a former railway line, with a sharp bend in the road at each side of the bridge. It then slopes down past the estate entrance and then past another estate entrance before climbing more steeply on the way to Cold Ash.

There is significant public opposition from local residents on highway safety grounds, including that: the road is used as a rat run; the bridge abutments have been damaged by passing vehicles; one vehicle ended in the garden of the dwelling opposite the estate entrance, as shown on a submitted photograph; the garden and the property opposite the estate road are at a significantly lower level than the carriageway of Red Shute Hill; there is constant water seepage over this road to the south east of the estate road entrance, which is particularly dangerous when it is icy; there would be added dangers from the HGV traffic that would be generated.

A Traffic Regulation Order restricts traffic through Cold Ash to 7.5 tonnes maximum gross weight. However, an exception for loading allows vehicles going to or from the industrial estate to approach or leave in either direction.

The majority of the skip lorries would be likely to take payloads of 3 - 4 tonnes plus some with a payload of 5 - 6 tonnes. The expected number is 13 loads or 26 HGV movements per day. Material exported from the site would be in large vehicles with 20 tonne payloads, at 3 loads or 6 movements per day.

The Inspector recognised the highway safety concerns about the appeal proposal. However, the existing permitted use of the appeal site for light industrial, storage and distribution has potential for similar numbers of HGV movements to those currently proposed and these could include many more large vehicles than would visit the site for the proposed recycling use. With this in mind, he had no objection to the proposal on highway safety grounds.

### **Amenity impacts**

The large roller shutter door at the north eastern end of the building would provide access for the skip lorries to the waste reception area and the waste quarantine/oversize area. The proposed internal layout is shown on the Plan 'Unit 3 Red Shute to Scale', sent to the Council on 4 January 2013 and amended from the layout on earlier plans. The layout shows an 18t skip loader, waste quarantine/oversize area, an in-feed hopper and finger screen/trommel small, a mech grab waste handler and a tipping pad in front of 'steel n sleeper push walls' before the storage bunkers and picking station. The south west/output end of the building would have a baler, clean hardcore store, and areas of baled recyclables, with a bobcat and fork lift to move materials/bales.

In the earlier submitted information, all activities other than the moving of skips to their storage area at the side of the building, were to have taken place within the building and he noted that that was the basis for the noise assessment. In the revised scheme, which he outlined above and which was sent to the Council on 4 January 2013, a flat-bed trailer would be loaded via the large roller shutter door at the south west end of the building, once a week. This activity would take place outside the building using a forklift with silent flashing alarms. The flat-bed trailer would transport recyclables away from the premises.

The space within the building at its input end would be very restricted for the scale and type of activities proposed and for the amount of material to be sorted and to be moved. Depending on the rate of arrival of skips, this would require the roller shutter door to be kept open for longer periods than have been anticipated, thereby allowing dust, noise, litter and possibly odour to escape.

Moreover, skips can hold a wide variety of materials, some of which can be unforeseen and unpredictable when other material is on top of them. There is very limited space within the input end of the building for storage of unwanted materials and at the output end for materials that would need to be stored if they were not suitable for baling before being taken away.

The proposed throughput is 18,000 tpa but the Inspector was not satisfied that this would be practicable within the existing building because of its limited size. It is likely, even with the amended operational details, that activities would spill over to the external yard areas, which would detract unacceptably from the character and appearance of this small industrial estate and cause a combination of similar harmful amenity impacts to those outlined in paragraph 18 above.

Although there are general industrial uses on the estate, the appeal proposal would be likely to be seriously detrimental to the amenity of occupiers and users of nearby units. In this context, he noted that the adjacent unit No 4 to the north west of the site supplies valves to the oil and gas industry but it is principally an office, with a predominantly clean computer-based environment, which has windows near to the appeal premises.

### **Conclusion**

The appellant provides general information on the need for waste recycling facilities, on the materials coming from local sources, on the reduction in waste going to landfill – which helps to drive waste up the waste hierarchy – and on helping to meet recycling targets. However, there is no specific or detailed evidence on waste arisings locally or on the subject of need against which, in making his decision, the Inspector could weigh the environmental harm that would be generated.

The site is not within a preferred area of search for waste management purposes but it is within an industrial estate that includes a number of general industrial uses. Nevertheless, the harm that would be caused to the estate and to nearby uses would, for the reasons outlined above, be in conflict with saved policies OVS.5, OVS.6, WLP16 and WLP30. He was satisfied that this proposal would be in conflict with the development plan and considered all other matters raised but they are not as convincing as the factors that led him to the conclusion that the appeal should be dismissed.

DC

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## APPEAL DECISIONS WESTERN AREA-COMMITTEE

| Parish and Application No<br>Inspectorate's Ref | Location and Appellant                                                                          | Proposal                                                                                                                                            | Officer Recommendation | Decision              |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------|
| COLD ASH<br>12/02655<br><br>Pin Ref 2195141     | Unit 3 Red Shute Industrial Estate,<br>Red Shute Hill,<br>Hermitage<br>Harwood<br>Recycling Ltd | Change of use to include a skip waste recycling and transfer facility to import, store and process up to 18,000tpa of general skip waste (including | Approval               | Dismissed<br>27.11.13 |

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|                                                       |                                                                  |                                                                                                                                         |                   |                    |
|-------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------|
| GREAT SHEFFORD<br>13/00161<br><br>Pins Ref<br>2197063 | No. 1 Northfield Farm Cottages, Great Shefford<br>Mrs L Ahlquist | Change of use of first floor existing storage area above garage to ancillary residential use attached to No. 1 Northfield Farm Cottages | Delegated Refusal | Allowed<br>6.11.13 |
|-------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------|

### **Preliminary Matters**

For conciseness the Inspector slightly amended the description of development. Following the site visit, the appellant submitted a copy of Drawing No 286-PSS-2B which the Council confirmed it received on 6 March 2013. The plan is also referred to in the Planning Officer's report. The Inspector therefore took it into account in her determination of the appeal.

### **Main Issue**

The main issue is the effect of the proposal on highway safety.

### **Reasons**

The appeal site includes No. 1 Northfield Farm Cottages and a garage/store building and adjacent area of hard-standing located at the rear of a terrace of three cottages which fronts onto the A338 Wantage Road (Nos. 1 - 3 Northfield Farm Cottages). The dwellings form part of a larger complex of buildings in this rural area within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

The garage/store and hard-standing are accessed via a private drive from the A338 to the north of the cottages. The hard-standing has room to park a number of vehicles and there is also a large amount of space for off-road parking in front of Nos. 1 and 2 Northfield Farm Cottages.

The Council's parking standards require an average of 1.5 spaces per dwelling. Drawing No 286-PSS-2B shows six spaces on the hard-standing without reliance on parking in the garage/store building, and this would more than satisfy the Council's standards for the three cottages. However, the Council is concerned that the red-lined site location plan does not include Nos. 2 and 3 and the plans do not specify the parking spaces allocated for their use. For this reason it considers that the proposal would prevent the occupiers of Nos. 2 and 3 from being able to park in this area.

If this were the case, then the Inspector would accept that additional parking could occur on the lay-by at the front of the properties adjacent to the A338 or on the carriageway itself where there are no restrictions, with implications for highway safety. However, she saw no reason why the proposal would prevent the occupiers of Nos. 2 and 3 from parking at the back of their properties as they do now, notwithstanding the red-lined plan.

The Inspector therefore concluded that the proposal would not materially harm highway safety, and as such would not be contrary to Policy CS13 of the adopted West Berkshire District Core Strategy.

### **Other Matters**

Whilst not referred to in the reason for refusal, the Planning Officer's report states that the proposal would be harmful to the AONB with reference to a previous appeal decision on the site, but does not explain how. On the basis of the submitted drawings, the Inspector did not consider that the addition of a Juliet balcony on the west elevation of the building and provision of an internal staircase would harm the landscape qualities of the AONB.

### **Conditions**

Conditions requiring the development to be carried out in accordance with the approved plans, including provision of parking, are required for the avoidance of doubt and in the interests of proper planning and highway safety. A condition restricting the use of the first floor area above the garage as ancillary to No. 1 Northfield Farm Cottages is necessary to prevent the formation of an

independent unit of accommodation in the countryside. The Inspector did not impose a condition specific to the provision and allocation of parking spaces as she considered that this is adequately covered by compliance with the approved plans. Where necessary she amended the wording of the conditions in order to accord with advice in Circular 11/95.

### *Conclusion*

For the reasons set out above and having regard to all other matters raised, the Inspector concluded that the appeal should be allowed.

### **Decision**

The appeal is allowed and planning permission is granted for the change of use of first floor of existing storage area above garage to ancillary residential use at No. 1 Northfield Farm Cottages, Great Shefford, Hungerford RG17 7BY in accordance with the terms of the application, Ref 13/00161/HOUSE, dated 23 January 2013, subject to the following conditions:-

- 1) The development hereby permitted shall be carried out in accordance with the approved plans: 286-PSS-2B and 286-PSS-04A.
- 2) The development shall not be occupied until the surface parking area has been provided in accordance with Drawing No 286-PSS-2B and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No. 1 Northfield Farm Cottages and shall not be used as a separate dwelling unless otherwise agreed in writing by the local planning authority.

DC