

Notice of Meeting

Western Area Planning Committee

Wednesday, 5 February, 2014 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, 28 January 2014

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

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Elaine Walker on (01635) 519441 Email: ewalker@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 5 February 2014
(continued)

- To:** Councillors David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hewer, 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
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Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 1 - 10
To approve as a correct record the Minutes of the meeting of this Committee held on 15 January 2014.
 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:13/02707/FULD, Greenham Parish Council.** 11 - 22
- Proposal:** Demolition of existing dwelling, and erection of 4 number dwellings with associated parking.
- Location:** Land at 1 Dalby Crescent, Newbury.
- Applicant:** Priory Land Limited.
- Recommendation:** The Head of Planning and Countryside be authorised to **GRANT** planning permission, subject to the first completion of the required s106 obligation.

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(continued)

- (2) **Application No and Parish: 13/02569/FULEXT, Newbury Town Council** 23 - 40

Proposal: Change of Use from offices (Class B1) to provide 17 dwellings (Class C3)
Location: 3 and 9 London Road, Newbury, Berkshire, RG14 1JL
Applicant: J Curtis and Sons
Recommendation: To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to the completion of a Section 106 agreement and within two months of the date of the committee.
Or within two months of the date of the 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 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 and Policies CS5 and CS6 of the West Berkshire Core Strategy (2006-2026) as well as West Berkshire District Council's adopted Supplementary Planning Document – Delivering Investment from Sustainable Development.

- (3) **Application No and Parish: 13/01937/FULMAJ, Newbury Town Council** 41 - 56

Proposal: Proposed Change of Use of offices (Class B1) to provide 10 Dwellings (Class C3)
Location: Phoenix House, 50 And 52 Bartholomew Street, Newbury
Applicant: J Curtis And Sons
Recommendation: 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, where expedient.



Agenda - Western Area Planning Committee to be held on Wednesday, 5 February 2014
(continued)

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 57 - 62
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.

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 15 JANUARY 2014

Councillors Present: David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Paul Hower, Roger Hunneman, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)

Also Present: Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler, Derek Carnegie, Paul Goddard, Rosemary Green (Senior Environmental Health Officer) and Anna Smy (Team Manager - Environmental Quality)

Apologies for inability to attend the meeting: Councillor Hilary Cole

PART I

37. Minutes

The Minutes of the meeting held on 11 December 2014 were approved as a true and correct record and signed by the Chairman.

38. Declarations of Interest

Councillors Julian Swift-Hook and Paul Bryant 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.

39. Schedule of Planning Applications

39(1) Application No. and Parish: 13/01978/COMIND - Building 302, New Greenham Park, Greenham

Councillor Swift-Hook declared a personal interest in Agenda item 4(1) by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council, however would consider the item in his capacity as a Member of West Berkshire Council and based on its merits. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information to the application. As his interest was personal and not a disclosable pecuniary interest he determined to take part in the debate and vote on the matter.

(Councillor Paul Bryant declared an interest in Agenda Item(s) 4(1), by virtue of the fact that he was a Trustee of Greenham Common Community Trust but reported that, 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 13/01978/COMIND in respect of Building 302, New Greenham Park, Greenham.

In accordance with the Council's Constitution, Tony Forward, Parish Council representative, Jeremy Bartlett and Shirley Huxtable, objectors, and Steven Smallman, Stuart Tagg and Richard Sharland, applicant, addressed the Committee on this application.

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Michael Butler introduced the report to Members, which took into consideration over ten letters of objection, which focused mainly on the impact on local residential amenity, largely noise. If approved it was likely that QTR, an organisation currently based in Reading, would occupy the site.

An application from Sainbury's in 2002 had since lapsed and was followed by an application from Pro Logis, which had been allowed at appeal. The application if approved would mean building on part of the Pro Logis site.

The Parish Council objected to the application and continued to do so despite a number of additional provisions following an acoustics report. Michael Butler confirmed that no response had been received from Hampshire County Council, who would receive a proportion of the highways S106 money if the application was approved.

The application was considered acceptable by Officers in terms of the traffic it would generate. Michael Butler reported that verbal confirmation had been received from the applicant that an additional section of four metre high acoustic fence would be added to the site where concern had been raised.

Michael Butler concluded that the Officer recommendation was for approval of the application, subject to the completion of the s106 obligation.

Tony Forward in addressing the Committee raised the following points:

- QTR were not necessarily going to be the tenants of the site;
- The business park supported the wider community however, it was clearly stated in planning law that this should not be at any cost;
- The fact that residents lived next to the industrial park should not mean that they had to put up with any noise. Both West Berkshire Council and the National Planning Policy Framework (NPPF) set rules on this and World Health Organisation (WHO) guidelines and British Standards specified what had to be achieved in quiet rural areas in terms of noise levels. It was vital that residents were protected from a new source of noise.
- The Pro Logis application had been very robust in terms of mitigation measures. The application would cause traffic movements within the park outside of the application area much closer to the residential properties, yet the applicant had proposed less mitigation measures than Pro Logis. Pro Logis would have required a bund the whole length of the site meaning no traffic could leave other than at the western end of the site, which was away from nearby dwellings.
- For security reasons the industrial park closed the western entrance, at weekends. This meant at weekends when impact on amenity was most noticed, all traffic from the park left from the eastern entrance, consequently bringing it closer to residential properties.
- Noise from Wincanton was described as significant in the applicant's noise report however, the Environmental Quality team had found it to be insignificant.
- A large number of objections had come from Thatcham residents. Pro Logis had considered these residents and those at Heads Hill however, the current application had failed to.
- Greenham Parish Council were disappointed that residents had needed to spend their own money to prove reports submitted were flawed – in their view.
- Greenham Parish Council were also concerned about the traffic generation. The Pro Logis site had been for 44,115 sqm and equated to a total of 2051 movements and of this 595 would be HGVs. The current proposal was for just over a tenth of

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the Pro Logis site however, would generate a total of 372 movements with HGV movements at 227. This was considered very high and if repeated across the Pro Logis site would produce 5990 vehicles movements in total compared to the Pro Logis 2051.

- The Officer had stated that if the rest of the Pro Logis site was developed the overall impact would be the same however, this failed to acknowledge that if the rest of the site was developed the same as the proposed application, the impact would be much higher.

In considering the above application Councillor Julian Swift-Hook asked for clarification on the noise caused by the Wincanton site as this had not been developed when the Pro Logis application was considered. Tony Forward reported that the noise caused by the Wincanton site had caused real residential grief. The noise from Wincanton was significant and took place overnight.

Councillor Swift-Hook continued by referring to the point made by Tony Forward about the proposed building density of the site, via the planning application under consideration, and the risk that this could result in significantly higher levels of traffic movements. Tony forward confirmed that this was assuming the rest of the Pro Logis site was built at the density of the current proposal. There was concern that approval of the application would set a precedent.

Councillor Swift-Hook noted that the wider community including Thatcham and Heads Hill had been referenced and questioned how residents this far away would be affected. Tony Forward confirmed that the site was in a dip creating a situation similar to an amphitheatre, causing those mentioned at Thatcham and Head's Hill to suffer from the negative noise impact.

Councillor Garth Simpson asked for confirmation that the Wincanton Site formed part of the original Pro Logis site and if so what proportion it accounted for. Michael Butler confirmed that Wincanton was on the Pro Logis Site and accounted for about 30-40% and generated a relatively high traffic flow.

Jeremy Bartlett and Shirley Huxtable in addressing the Committee raised the following points:

- Jeremy Bartlett reported that he was speaking as a resident who lived very close to Greenham Park.
- He was often woken by low grinding and banging noises at night.
- Residents had invested for their own noise assessment to be carried out.
- British Standard 8233 had been used by the Council and dealt with the introduction of new developments near to existing noise sources. It was felt that British Standard 4142 would have been more suitable as it dealt with new noise sources next to an existing residential area.
- It was felt that the same level of noise protection should be implemented to that of the Pro Logis site.
- It was felt that there was a lot of missing information concerning the application.

Councillor Swift-Hook questioned what information residents felt was missing from the application. Jeremy Bartlett confirmed that he was referring to specific detail relevant to the application, to ensure all aspects were being considered. Recently residents had suffered from terrible smells coming from the English Provender site and although once investigated this stopped, it highlighted that current protection in place was inadequate. Councillor Swift-Hook acknowledged that much of the detail referred to as missing was

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dealt with using conditions. Jeremy Bartlett stated that residents wanted to see the full detailed approach determined by Councillors, not Officers when approving or refusing an application.

Councillor Swift-Hook referred to concerns raised about the eastern area. Councillor Swift-Hook highlighted that the applicant had now agreed to erect a four metre acoustic barrier to the car park as well as the eastern side of the warehouse. Councillor Swift-Hook asked if the applicant was happy to extend the wall so it joined onto the building, if residents would be satisfied. Jeremy Bartlett felt that further noise mitigation features were required. It was felt that for satisfaction to be reached the same level of protection would be needed as with the Pro Logis application, including consideration to other pollutants such as light.

Michael Butler reminded Members that they needed to consider the balance of the application and that QTR site was only 10% of the Pro Logis site. He did not feel that it was reasonable to set out mitigation measures like Pro Logis as the cost would be too high for a smaller company like QTR.

Councillor Paul Bryant queried what happened if conditions could not be agreed upon with the applicant. Michael Butler confirmed if an agreement could not be reached the conditions discharge application would not be approved and so the development could not proceed. .

Councillor Swift-Hook asked for clarification around discharged condition applications. Michael Butler confirmed that in most cases these were technical applications and these were not subject to public consultation. Councillor Swift-Hook requested that if the application was approved, the Ward Members should be consulted on any discharged conditions.

RESOLVED that Ward Members would be consulted on any discharged conditions if the application was approved.

Rose Green confirmed numerous guidelines were used under the NPPF by the Environmental Quality Team when assessing noise standards. Anna Smy reported that BS4142 was a comparative Standard (with the existing background) whilst BS8233 set absolute values within properties so it was not necessarily the wrong standard to use. Other guidelines on reasonable living conditions from the Government and WHO were also used. The Environmental Quality Team would use all the tools available when assessing a site in order to achieve the best outcome.

Councillor Swift-Hook queried why there was no reference to British Standard 4142 and referred to the point made by Jeremy Bartlett that British Standard 8233 was not suitable. Anna Smy confirmed that three standards including British Standard 4142 were used.

Councillor Swift-Hook referred to another concern raised regarding the green area and asked for clarification on what this would be used for as there was concern that it would be used for accessing the site. Michael Butler confirmed that the access to the north would be retained and then there would be a further two accesses, on the west elevation only, but not to the east .However, the green area would be used for parking

Steven Smallman, Richard Sharland and Stuart Tagg in addressing the Committee raised the following points:

- The site was a former airbase that took up around 900 acres. There had been 1.6 million square foot of buildings.
- In 1993 when the land was no longer needed as an airbase, 150 acres had been designated for employment purposes and 750 acres became a country park.

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- The site was very important in the district as it supported the local economy. 110 jobs would be created by QTR if the application was approved.
- The core objectives of the NPPF included driving sustainable economic growth.
- The Greenhman Common Trust had bought back the Pro Logis site including building number 302, which was on the application site.
- The highways officer was content that there would be acceptable impact on the local network.
- An accumulation of impacts had been dealt with in the Officers report.
- Local residents had raised objection to noise and in response to this the applicant had met with residents and the Parish Council to try and rectify their concerns. The work space had been relocated as a result and the doors at the gable end would be shut at all times.
- The proposal fully complied with ECON6, CS9 and the Councils Core Strategy. The NPPF focused on economic development.

Councillor Swift-Hook stated that Members had heard comments from objectors and the Environmental Quality Team. Councillor Swift-Hook queried why British Standard 8233 had been referred to in the Officers report however, British Standard 4142 had not. Richard Sharland explained that there were many different strands used when considering acoustics. The report on the 10th December 2013 had taken into account a wider range of standards than the initial report and therefore the latter had been misleading. Standards for acoustics were either from an absolute or relevant perspective and Richard Sharland confirmed that the application had been assessed by using a variety of guidance. Councillor Swift-Hook further asked if British Standard 4142 was therefore not relevant and Richard Sharland confirmed that it was but only during the night time, not during the day and evening. BS8233 was relevant at night time, when background noise levels were higher.

Councillor Swift-Hook raised the concern raised by objectors regarding the rest of the site being developed at the same use intensity. Stuart Tagg commented that he would be surprised if a small local transport operator was more efficient at using floor space than a national one. Councillor Swift-Hook stated that residents were concerned that the application, which was just a tenth of the Pro Logis site would generate twenty percent of the Pro Logis traffic. Stuart Tagg stated that he was not aware of ten or more similar companies to QTR who would want to occupy the site. He stated that there used to be a preference for smaller local companies like QTR rather than larger ones like Sainsbury's or Pro Logis, but this appeared to no longer be the case.

Steven Smallman referred to the word 'precedent', which had been used throughout discussions and stated that this could not be used as a reason to refuse a planning application as each application should be judged on its merits. Officers duly noted this point.

Councillor Swift-Hook raised a question about reversing alarms and stated that if permission was granted it would not be particular to QTR as indicated on page 44 of the Planning Officers report. It was important that this condition stated 'QTR or other occupant'.

Councillor Swift-Hook referred to the acoustic fence and asked if the applicant would be happy to continue the four metre fence until it joined the building. Stuart Tagg confirmed that they would be happy to do this however, highlighted that due to the ground levels across the roadway the fence would be 1m lower than the 4m high fence to the north and east.

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Councillor Swift-Hook questioned if the ancillary office space would be adequate and it was confirmed that it would be adequate for what QTR required.

Councillor Jeff Beck queried when the site would be lit. Stuart Tagg confirmed that low level lighting would be used where the vehicles were manoeuvring. It was confirmed that there would be security lighting only at night.

Councillor George Chandler questioned if vehicles would be unloaded at the western end of the site. Steven Smallman confirmed that all vehicles would be unloaded at the western end and the eastern end would only be used for parking, therefore most of the noise would be to the west. Richard Sharland confirmed that the building would also act as a screen for the noise.

Councillor Roger Hunneman was concerned about how much of the traffic would use the A339 and Burger King roundabout, which was an Air Quality Management Area. It was confirmed that in the transport section of the report a table set out projected HGV movements, these could not be precise but were a good indication. Between four and seven in the evening 40 HGV movements would be generated. Broadly 30% of traffic would use the A339 going north through Newbury and therefore was a relatively small proportion. Councillor Hunneman asked if the vehicles could be routed down Newtown Road and Stuart Tagg confirmed that it was preferable not to direct any HGV traffic through villages and therefore it had been split up across different routes to help minimise the impact.

Councillor Paul Hewer questioned where the ancillary office buildings would go. Stuart Tagg reported that there would only be a minor amount required in the main building and it was thought that internal portacabins might be used for this.

Councillor Anthony Stansfeld asked Officers if extra measures to mitigate noise could be conditioned later on if required. Michael Butler confirmed that once permission was granted along with the conditions, the planning department would not be able to re-impose new conditions.

Stuart Tagg stated that the Council had ample means to control noise if required besides going through the planning legislation and therefore this should not be a concern.

Councillor Swift-Hook asked for clarity on QTR's nature of business. Councillor Bryant reminded Members that the occupant would not necessarily be QTR. It was confirmed that QTR were a pallet distribution company.

Councillor Bryant asked if sprinklers were being installed seeing that there would be expensive goods onsite. Stuart Tagg confirmed that all the necessary regulations would be complied with.

Anna Smy explained to Members that HGVs were the largest concern within the Air Quality Management Areas and therefore an increase in HGV traffic would have a negative impact. However, the Environmental Quality Team would welcome working closely with Greenham Park in order to meet targets around air quality in the area.

Councillor Hunneman referred to the S106 money and asked if a significant proportion could be dedicated to improving air quality along the A339. Paul Goddard confirmed that the money would be dedicated to improvements along the A339.

Councillor Swift-Hook as Ward Member raised the following points:

- The principle of the development was accepted and therefore it was the detail which required discussion.
- The applicant was willing to increase the acoustic barrier to four metres and that part of the site would not be used between the hours of 7pm and 7am.

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- Despite these efforts Councillor Swift-Hook still had concerns about the application, particularly as the traffic generated would account for 20% of the traffic generated by Pro Logis even though it was only a tenth of the size. He hoped that further development would be controlled with this in mind.
- The site would contribute positively to the local economy however, he was unsure how the site would lead to an increased usage of libraries, which was where it was stated some of the S106 money would go towards if the application was approved.
- He was concerned that during the consultation phase, Hampshire County Council had not responded. The site was right on the border between West Berkshire and Hampshire.
- There used to be a cross border working group between West Berkshire and Hampshire and Councillor Swift-Hook was keen to see this reconvened.
- He was concerned about the volume of issues in planning applications dealt with through conditions and felt it would be helpful for these to remain within the application detail.
- A planning brief for the Greenham Park area had been drawn up in 1993. When Pro Logis had come to Committee in 2003, Councillor Swift-Hook had suggested that this needed revisiting and felt that this was still the case.
- In conclusion Councillor Swift-Hook felt it would be hard for Members to object to the application, as it would bring welcome employment to the area.
- He welcomed the acoustic fence proposed by the applicant and hoped that residents would be satisfied by this.

Michael Butler in response to Councillor Swift-Hook's comments about Hampshire County Council, stated that the relevant Officer at Hampshire County Council had been approached however, still no response had been received.

Councillor Simpson asked if a row of trees along the eastern side of the site would be acceptable. Michael Butler confirmed that there was extremely deep concrete hardstanding where Councillor Simpson was referring to and therefore this would not be a reasonable request.

Stuart Tagg reported that a row of trees was planned along the south eastern boundary of the site, outside the hardstanding area. .

Councillor Beck proposed that Members approve the application in line with Officer recommendation and this was seconded by Councillor Iuean Tuck.

Councillor Bryant reminded Officers that condition seven needed to be amended so that it was less specific to QTR. It was suggested that the following text be used 'all QTR or other operators'. This was agreed by Officers.

Councillor David Allen asked if there would be a way to dedicate a certain proportion of money to air quality management. Paul Goddard confirmed that there were three specific areas the money could be spent on including improvements to the A339 through Newbury town centre, cycle ways and the retention and provision of bus services from New Greenham Park to Newbury and Thatcham

Councillor Swift-Hook requested that his abstention from the vote be recorded in the minutes.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions and the s106 obligation completion.

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.
2. Notwithstanding the permitted development rights as set out in Schedule 2, Part 8 of the GPDO 1995 as amended, no mezzanine flooring or any extensions to the warehouse use hereby permitted shall be undertaken, without the express planning permission from the Council.
Reason: To ensure there is no further intensification or expansion of use on the site, which could impact local amenity and the highway network, in accord with policies CS13 and CS14 in the West Berkshire Core Strategy 2006 to 2026.
3. The permitted ancillary office space shall remain as ancillary at all times [less than 10% of the overall floorspace].
Reason: To accord with the advice in policy ECON6 in the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).
4. The access route for all vehicles attending the application site shall be via Third Street East, and Ministry Road, and not Wofford Way.
Reason: To reduce the potential noise impact of lorries accessing the site, on neighbouring property, in accord with policy OVS6 in the Saved Local Plan for West Berkshire 1991 to 2006.
5. The use of the Eastern Parking Area by HGV's shall be restricted to the hours between 07:00 -19:00, every day.
Reason: In the interests of the amenities of neighbouring occupiers, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.
6. No development shall take place until a scheme for the provision of the 4 metre high acoustic barriers (nominal mass 28kg/m², faced on the internal face with absorptive lining), on the eastern and southern boundary of the site, as detailed in the acoustic report dated 10 December 2013 by Ian Sharland - version 4 - has been submitted to and approved by the Local Planning Authority. All works forming part of the scheme shall be completed before use of the building commences.
Reason: In the interests of the amenities of neighbouring occupiers. In accordance with the objectives of policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026.
7. Installation of air handling equipment, if any, shall not commence until details of any proposed air handling plant equipment have been submitted to and agreed in writing by the Local Planning Authority, the scheme shall include;
 - (a) written details concerning any proposed air handling plant associated with the development including
 - (i) the proposed number and location of such plant as well as the manufacturer's information and specifications
 - (ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.
 - (iii) the intended operating times.

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- (b) The findings of a noise survey (undertaken in accordance with BS4142 or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed development and calculations showing the likely impact of noise from the air handling plant;
- (c) a scheme of works or such other steps as may be necessary to minimise the effects of noise from the air handling plant;

The agreed scheme shall be implemented in full, with installation timing to be agreed as part of the agreed scheme and kept in full operational order for as long as the building, hereby approved, is occupied and used.

Reason: In the interests of the amenities of neighbouring occupiers. In accordance with the objectives of policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026.

- 8. All of QTR's operators or any subsequent occupier of building 302, whose HGV's and fork lift trucks are operating on the Application Site shall be fitted with non tonal (white noise) reversing warning alarms. In addition, no reversing tonal beepers shall be used on any vehicles on site between the hours of 23:00-07:00, nor at any time on Sundays, bank or public holidays.

Reason: In the interests of the amenities of neighbouring occupiers. In accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

- 9. No development shall take place until details of the vehicle parking and turning space / areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The use shall not commence until the vehicle parking and turning spaces / areas have been provided in accordance with the approved details. The parking and / or turning space shall thereafter be kept available for parking (of private motor cars and 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 which 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).

- 10. No development shall take place until details of all accesses for vehicles and pedestrians into the site have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the access has 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).

- 11. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy

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(2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Details of floodlighting of the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation. This installation shall be done prior to the operation of the site commencing.

Reason: to protect the appearance of the area and local residents from light pollution. In accord with policy ECON6 in the West Berkshire District Local Plan - saved 2007.

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.
2. This decision letter must be read in conjunction with a s106 planning obligation dated the yyyy. You are advised to make yourself aware of the contents.

40. 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 8.30 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Proposal, Location and Applicant
(1)	13/02707/FULD Greenham Parish Council.	Demolition of existing dwelling, and erection of 4 number dwellings with associated parking. Land at 1 Dalby Crescent, Newbury. Priory Land Limited.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02707/FULD>

Recommendation Summary:

The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the first completion of the required s106 obligation.

Ward Member(s):

Councillors Swift-Hook and Drummond.

Reason for Committee Determination:

The application has been called in by Councillor Swift-Hook given local concerns about the application and the past planning history. In addition in excess of 10 objections received.

Committee Site Visit:

3rd February 2014.

Contact Officer Details

Name:

Michael Butler.

Job Title:

Principal Planning Officer.

Tel No:

(01635) 519111

E-mail Address:

mbutler@westberks.gov.uk

1. Site History

12/00426/fuld. Demolition of dwelling, erection of 4 dwellings – Refused. Dismissed at appeal on 26th September 2013.

2. Publicity of Application

Site Notice Expired: 31/12/13.

3. Consultations and Representations

Parish Council:	The Parish Council regrets the application, but notes that the appeal Inspector dismissed the appeal on very specific grounds only, so if the application had overcome those objections, there would be no valid grounds of concern. However, an objection is still raised, since there is not enough information on the plans to make a proper judgement on this matter. Comment that all the required parking should be conditioned, more details needed re. foul water disposal, proper protection of mature tree, and refuse collection points should be repositioned.
Highways:	Conditional permission is recommended. No concerns about on site parking, turning, or access. S106 contribution of £10,000 required.
Thames Water	No objections.
Env. Agency	Application is one of low risk. No objections.
S106 Contributors	Education - £17,295, Public Open Space - £3636, Libraries - £1362, Waste - £450, Adult Social Care - £2241, Highways - £10,000. Total - £ 34,984.
Ecologist	No objections.
Tree Officer	No objections to the application. The mature pollarded oak to the south of the site can be retained but is not worthy of a TPO.
Public Protection.	Conditional permission. Dust suppression, hours of working, and landfill gas migration.
Newbury Society	Does not support the application, since not satisfied that the scheme addresses in full the Inspector's concerns over the street scene issue re. plots 3 and 4.
Newbury Town Council.	Objection / comment. Not enough information to arrive at a conclusion. If approved would welcome the POS contribution.
Correspondence:	11 letters of objection received. Concerns based upon overdevelopment, out of character, impact on street scene, over dominant, impact on local traffic and parking, noise during construction, precedent, impact on local amenity and impact on refuse collection.

4. Policy Considerations

The National Planning Policy Framework March 2012.

CIL Regulations 2010.

West Berkshire Core Strategy 2006 to 2026. Policies ADPP2, CS1, CS4, CS5, CS14.

West Berkshire District Local Plan 1991 to 2006 - Saved Policies 2007. Policy HSG1.

Council's Delivering Investment from Sustainable Development – adopted June 2013.

5. Description of Development

- 5.1 The application site is 0.11ha in extent and comprises the curtilage of one detached dwelling, No. 1 Dalby Crescent, which lies at the head of that Crescent adjacent to Greenham Road to the west. The existing dwelling has a drive and access, plus detached garage. It is proposed to demolish this dwelling and construct in its place 4 dwellings. Two will be detached with integral garages, being 3 bedroomed, with half hipped roofs. These are plots 1 and 2 to the south of the site. Further to the north will be plots 3 and 4, which are a pair of link detached dwellings, being 4 bedroomed, and 1.5 storey height only. They will face directly onto Dalby Crescent, with their rear gardens facing west. There will be a total of 6 car parking spaces on site excluding the 4 garage spaces. There is to be a turning area for vehicles on site and a refuse storage area, plus sheds for cycles. Finally, each dwelling will have its own rear garden area, which will all meet the Council's minimum standards.

6. Consideration of the Proposal

- 6.1 The application will be considered under the criteria of saved policy HSG1 in the Local Plan 1991 to 2006, and how it relates to the appeal decision letter relating to the last refusal of application 12/00426/fuld, also for 4 dwellings.

Policy HSG1.

- 6.1.1 Criterion [1] of the policy notes that the projected scheme should have regard to the residential nature of the site's surroundings. Dalby Crescent is an attractive but fairly mixed area of housing comprising dormer bungalows plus two storey semi detached and detached houses. No. 1 Dalby Crescent entirely complies with this existing character, and this is recognised in the Newbury Town Design Statement –page 51 as it corresponds to Pyle Hill. The test here is whether the new development will harm this existing character, to its detriment or otherwise. Clearly, if the scheme proceeds, there will be a local change in the building skyline adjacent Pyle Hill, which is important as a visual gateway into the town itself, as noted in the Guide above. The architects have undertaken a local street scene view here, and the longer views will not be harmfully disrupted by the new skyline, which is modest due to the cut down in levels afforded in the amended scheme - as shown by the submitted sections. However, please see the note in criterion [v] below which examines the street scene issue in greater detail.
- 6.1.2 Criterion [2] notes that special landscape areas contributing to the overall character of the area should be conserved where possible. The application site is certainly not unattractive, and as such does provide some "benefit" visually to the locality, providing a visual stop to the end of the Crescent. It is of course a prominent site, given its height. However it cannot be said that its retention is necessary or special in the locality, so its loss is acceptable in principle, so long as that which is replacing it is similarly "acceptable". Officers consider that the layout, scale and overall design of the four new dwellings is modest whilst clearly slightly higher.
- 6.1.3 The scale of the development and its impact on [for example] local parking issues. A number of the local objectors are concerned about increased parking congestion in the area, should the scheme proceed. The four units will have 2 parking spaces each plus 2 visitor spaces, so that will be 10 spaces overall i.e. a ratio of 2.5 per dwelling, which is generous for a highly sustainable location as this. Even if the garages are not used for vehicle parking, that will still mean 6 spaces on the site a ratio of 1.5 per dwelling, which is the "average" across the District. Accordingly highways officers have not objected to the application. In terms of traffic generation the addition of 4 new houses will make no material change to traffic flows on Dalby Crescent, so the scheme is also acceptable on these grounds.

- 6.1.4 The removal of dilapidated sites, or problem areas. This criterion does not apply here.
- 6.1.5 The cumulative effect of new building, and if it impacts upon local amenity or the special character of the area. On the one hand, the introduction of an additional three new dwellings in the area will clearly have some impact, given the increased density of occupation, noise and so forth, including increased vehicle movements. On the other hand, the application will make more efficient use of a brown field site in a highly sustainable location, which is what is specifically encouraged in the NPPF, where no demonstrable harm is found. So whilst officers understand the concerns of local residents, it is not considered that the form and layout of the new houses will impinge upon local amenity to such a degree as to merit refusal. There will be some overshadowing of the garden of No. 3 Dalby Crescent, from plot No. 1, to the west, and some overlooking, it is acknowledged, but the cut down in levels of plots 1 and 2 will assist this. Plots 3 and 4 will have very little impact on neighbouring amenity. Accordingly, this criterion is also satisfied.
- 6.1.6 The most significant element of this new application for the Committee to assess is the lowering of the roof line of plots 3 and 4 on the site. This is what the Inspector in his appeal decision letter dated 26th September 2013 was specifically concerned about - as noted in paragraphs 7 and 8 of that decision letter. He stated that "the overall scale of plots 3 and 4 would in my judgement cause the dwellings to appear too prominent and over dominant in their relationship to the street scene". Whilst acknowledging the lowering of ground levels here, he still considered that they would appear as "an unacceptable discordant feature in the locality". In order to address this issue, the applicants have lowered the ridge height of the relevant two plots by 0.5m. In addition, plot 4 has been moved 0.8m further back into the site, so reducing its visual prominence further. Street scene elevations and cross sections have been submitted to indicate this. The ridge height linking the 2 dwellings will now be less than 6.5m high, whilst the gable ridges will be 7m. This is considered to be modest, and acceptable in terms of the street scene impact both upon Greenham Road / Pyle Hill aspect to the west, and to the Dalby Crescent aspect to the east. This overcomes, in the officer's view, the shortcomings noted by the appeal Inspector.
- 6.1.7 It is important to recognise here that the Inspector did not dismiss the appeal on any other grounds, i.e he considered that the overall character of the area would not be harmfully diminished by the introduction of the three [net] additional dwellings, nor would there be harm to local amenity, nor would car parking / access / refuse disposal issues present any problems. Like your planning officers, he encouraged the more efficient use of a brown field site in a sustainable location, as being in accord with the NPPF of 2012. He did not consider the lack of the s106 obligation, since the appeal was dismissed. He similarly recognised potential "Suds" conditions would cover any potential drainage problems and recognised that one objector's concerns over the stability of the party retaining wall was a civil, not a planning matter. Finally, he did not take issue with the design of the houses, nor the overall density, being over 30 dwellings per ha.

7. Conclusion

- 7.1. All planning applications are required to be determined in accordance with the three sustainability dimensions of the NPPF of 2012. The first is economic. The application, if approved will have a beneficial short term positive impact given the boost to the local construction industry. In social terms, the impact is positive in that 3 new dwellings will be added to the town's stock. In environmental terms, this has been considered above – i.e. the impact is considered to be acceptable.
- 7.2. Officers consider that from the original application to redevelop this site to 14 flats, then 6 dwellings, then the last application for 4 dwellings, to this one before Council, the applicants have moved a considerable way to arrive at an acceptable scheme. Whilst this does not automatically mean such applications should be approved, to resist very up to

date “advice” from an Inspector at appeal on a similar proposal would be undertaken on a tenuous basis.

- 7.3. Having regard to the clear reasons to support the scheme, the application is accordingly favourably recommended by your officers, with a conditional approval, subject to the first completion of the required s106 obligation.

8. Full Recommendation

The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the first completion of the required s106 planning obligation.

If for any reason the obligation is not completed by 31st March 2014, the application, if considered expedient, be refused for the following reason.

Notwithstanding the applicant’s willingness to do so, he has failed to enter into the required s106 obligation which would mitigate the impact the new occupants of the housing will have upon the District’s facilities, services and infrastructure. Accordingly the application is contrary to the advice in the NPPF of 2012, policy CS5 in the West Berkshire Core Strategy 2006 to 2026, and the Council’s Delivering Investment from Sustainable Development adopted June 2013. It is thus unacceptable.

CONDITIONS

3 years

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

To clarify the permission in accord with the DMPO of 2010.

Removal of permitted development rights.

2. 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 dwelling shall be built or ancillary buildings or structures erected within the curtilage, 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 HSG1 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

Floor levels

3. 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 HSG1 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

Hours of working.

4. 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 HSG1 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

Dust suppression.

5. No development shall commence until the applicants have submitted to the Local Planning Authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local planning Authority to any such scheme of works.

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

Landfill gas.

6. No development approved by this permission shall be commenced until a landfill gas investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.

Reason: In order to protect the amenities of proposed occupants/users of the application site. In accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Tree works.

7. 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.

Reason: To ensure the retention of selected trees at the site in accordance with the objectives of Policy CS19 of the West Berkshire Core Strategy 2006 to 2026.

Tree protection.

8. 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 CS19 of the West Berkshire Core Strategy 2006 to 2026.

Landscaping

9. 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 CS19 of the West Berkshire Core Strategy 2006 to 2026.

Ground investigation. [SUDS]

10. A ground investigation survey shall be carried out to establish the soil characteristics and infiltration rate to enable design of suitable SuDS measures. This shall be done before any development commences on the site. The results of the survey shall be submitted to and approved in writing by the Council before any development commences, and the works identified undertaken in accord with that survey.

Reason : To ensure that the design of the SuDS provisions are appropriate, adequate and maintainable for the site conditions in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

Drainage

11. Suitable Sustainable Drainage proposals for disposal of surface water within the site shall be submitted for approval in writing by the Local Planning Authority prior to commencement of work on site. Any new paved areas shall be formed of permeable paving.

Reason: to ensure that the design and locations of the SuDS provisions are adequate and maintainable in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

Code level 4.

12. 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).

Boundary treatment.

13. No development shall commence on site [including demolition] until the applicant has submitted to the Local Planning Authority a scheme indicating the precise boundary treatment between the application site and No. 3 Dalby Crescent including any retaining walls if required. This shall then be approved in writing by the Local Planning Authority before any building commences on site and the works, as agreed, shall be carried out on site on completion of the scheme hereby permitted.

Reason: to respect the amenities of adjoining occupiers in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

Construction Method Statement.

14. 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).

Surfacing of access.

15. No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of three metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway 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).

Vehicle parking.

16. No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. 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 which 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).

Cycle parking.

17. No dwelling shall be occupied until the cycle parking has been 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. 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).

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.

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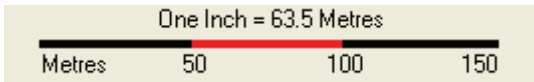


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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	22 January 2014
SLA Number	100015913

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Agenda Item 4.(2)

Item No.	Application No. and Parish	Proposal, Location and Applicant
(2)	13/02569/FULEXT Newbury Town Council.	Change of Use from offices (Class B1) to provide 17 dwellings (Class C3) 3 and 9 London Road, Newbury, Berkshire, RG14 1JL J Curtis and Sons

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02569/FULEXT>

Recommendation Summary:

To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to the completion of a Section 106 agreement and within two months of the date of the committee.

Or within two months of the date of the 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 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 and Policies CS5 and CS6 of the West Berkshire Core Strategy (2006-2026) as well as West Berkshire District Council's adopted Supplementary Planning Document – Delivering Investment from Sustainable Development.

Ward Member(s):

Councillor David Allen
Councillor Roger Hunneman

Reason for Committee Determination:

The application has been called in by Councillor Hunneman given concern from residents of No. 5, where the bicycle store and bin store could cause disturbance to residents. The position of the entrance is tucked away and this aspect of the design could be improved. There could be antisocial behaviour. Concerns about practicality of parking arrangements. Note comments from police. No listed building consent application.

Committee Site Visit:

3rd February 2014.

Contact Officer Details

Name:	Cheryl Willett
Job Title:	Senior Planning Officer.
Tel No:	(01635) 519111
E-mail Address:	cwillett@westberks.gov.uk

1. Site History

13/00362/FULEXT: Change of Use from offices (Class B1) to provide 17 dwellings (Class C3).

Invalid 26.03.13

13/01959/FULEXT: Change of Use from offices (Class B1) to provide 17 dwellings (Class C3).

Invalid 26.09.13

13/02421/FULEXT: Change of Use from offices (Class B1) to provide 17 dwellings (Class C3).

Invalid 04.10.13

2. Publicity of Application

Site Notice Expired: 19/11/13.

Neighbour Notification Expired: 13/11/13

3. Consultations and Representations

Town Council:

Object. Lack of parking; lack of amenity; no application for Listed Building Consent. If approval, contribution requested towards medium term plans to improve nearby open spaces/playgrounds in the north and centre of the town.

Amended plans: No change to previous comments. Members concerned with rapid deterioration to the front of the building.

Highways:

The parking layout is satisfactory (amended block plan received in November 2013). The prescriptive rights of way to the three remote spaces need to be checked.

No contributions sought, as the current and proposed uses generate comparable trip rates.

The cycle store is satisfactory.

Planning Policy

The NPPF gives significant weight on driving and supporting sustainable economic growth. Paragraph 22 sets out that where there is no reasonable prospect of a site being used for the allocated employment applications for alternative uses should be treated on their own merits having regard to market signals. Paragraph 51 gives support to change of use applications from commercial to residential if there is an additional need for housing in an area subject to there being no strong economic reasons that would make development inappropriate.

Core Strategy CS9 seeks to locate office development within defined town and district centres. The loss of office floorspace will need to demonstrate that that proposal maintains the vitality of the existing centre and would be substantially prejudice the overall supply of office floorspace over the Core Strategy period of 2006 to 2026.

The Council's Employment Land Assessment concluded that West Berkshire has sufficient employment land to meet future requirements. There are variations in supply and demand in the different employment classes, and the Council should therefore seek to retain its existing floorspace, particularly B1 uses.

Planning Policy
continued

The applicants have submitted a 'Disposal Advice' report with the application to justify the loss of office floorspace within Newbury town centre. Using data derived from the 'Focus Property Intelligence' website the report indicates that within Newbury Town Centre at present there is 10,253 square metres of available office floorspace, with a further 18,251 square metres outside of the town centre. This information does lack detail in that it does not set out the individual properties that make up the 10,253 square metres.

The 2013 Thames Valley Office report notes that the availability of office units in Newbury has been in decline since 2010. The reports highlights that several older office buildings are being marketed for residential development, which if sold will further reduce the supply of office stock. Availability is set to fall further, though applies to the wider Newbury area and not only the town centre.

The Disposal Advice report states that take-up of office units is low. This is acknowledged in the Thames Valley Office Report 2013. In respect of marketing of the unit, the applicants argue that because of marketing trends the availability of office floorspace in the town centre, low take-up and low demand, there was not the need to undertake marketing. It is therefore assumed that there is no continued demand for the office use at the site.

In conclusion, on balance given that the loss of the unit (731 square metres) would reduce the amount of available office floorspace in Newbury town centre to 9,522 square metres it is considered that on this occasion the loss of floorspace would not substantially prejudice the overall supply of office floorspace over the Core Strategy period within Newbury town centre. No objection is raised.

Thames Valley Police

Initial comments: There needs to be access control to the gates off London Road to the inner landscaped courtyard as well as the communal entrance doors. This will help provide security;

A strategy needs to be formulated for how the waste will be collected;

A strategy needs to be formulated as to how post could be delivered.

Cycle parking: There is some parking along the walkway and not under cover, will be visible and are likely to attract thieves. The large cycle store incorporates a storage area, and access is difficult. The toilet area appears to serve no purpose and could provide a hiding area.

Car parking: There is little car parking and residents with cars will park elsewhere with no natural surveillance.

Amended plans and following site visit:

Function: Offices and residential accommodation function in different ways and have different security needs. Offices open during the day and are secured over night and at weekends, secured with an alarm. Dwellings need access during all hours of the day, evening, and overnight. Therefore, entrances and access to the accommodation, cycle stores, etc need to be planned so that the entrance does not become a fear factor for residents returning home in a dark evening. The entrance door to flats 5, 9, 10, 11, 15, 16 and 17 is tucked away with no natural surveillance from active rooms. The entrance from the alleyway off the inner courtyard is next to a bedroom window of an existing flat so likely to cause disturbance to that resident.

Thames Valley Police
Continued

Access: The gated entrance off London Road provides a weakness to the security as this will be a main entrance to the majority of residents. The gate is likely to be left open which could allow casual intrusion. This could then be exploited by offenders to break into flats, cause anti social behaviour or other activities. The location is near the town centre and nearby pubs, and the courtyard could be exploited as an area for doing drug dealing or become an informal urinal, etc.

The entrances to the blocks of flats should be off the main roadway. Residents approaching the communal entrance to their flats from the inner courtyard during the hours of darkness are likely to have a fear of crime.

Cycle store access: This is convoluted and narrow. The exterior alleyway entrance is narrow, and may make using this route difficult.

Bin store: This is shown outside a bathroom window of two existing flats, which means the residents will be unable to open their windows.

Affordable Housing

30% affordable housing is required which equates to 5 units. CS6 requires 70% social rent and 30% shared ownership. It would be preferable to have the affordable housing in one block with its own access. The shared ownership unit will also have to be accessed separately to the rented units. Preference is for smaller one and two bedroom properties, ideally two x 1 bedroom and two x 2 bedroom units for social rent. All affordable units should be developed to Lifetime Home standards and conform to the latest Design and Quality Standards published by the Homes and Communities Agency. The Code for Sustainable Homes is encouraged. Details of registered providers are provided.

Conservation Officer

A site visit was made on 3rd October 2013 to assess the potential impact of any works on the listed buildings. This inspection showed that the properties have had internal alterations and significant extensions, since the buildings were originally listed. Some works were quite significant.

Upon reading the Heritage Impact Assessment helps to explain the history of changes to the building, many of them quite recent historically. Further changes are fairly minimal in terms of the historic core/frontage building with the existing compartmentalisation retained. However, in the absence of an application for listed building consent, only 'without prejudice' comments can be made in terms of the building conservation aspects of the proposal. In effect the proposed development is likely to be physically achievable without significant impact on the historic and architectural character of the building. There will be an impact on the historic fabric and layout of the building because of the need for fire and sound proofing between units, insulation, new services and subdivision of several rooms, etc.

The works are likely to be achievable taking into account good building conservation practice and the changes which have already been made to the properties. The main concerns were the removal of a staircase at No. 3 and the alteration of a staircase at No. 9. It appears that the staircase at No. 3 is not original and that at No. 9, whilst intact at first and second floor, has been altered at ground floor level. Accordingly, the proposal to turn the ground floor staircase at No. 9 is acceptable in principle.

Conservation Officer continued	Without full details regarding these works it is impossible to assess the impact of the proposal on the significance of the buildings. No real changes, except repairs, are indicated at this stage which will affect the significance, character or appearance of the front elevations and their group value or value in terms of the character and appearance of the conservation area when seen from public viewpoints.
Archaeology	<p>The heritage statement provides more information about the nationally designated heritage assets than was initially provided, however it falls short of that would be expected in a heritage statement. The quality of the 1978 images is poor, and there are discrepancies between the 1983 listed building descriptions and what is present in 2013, and it would be useful for the surviving historic elements to be clearly indicated through the use of a phasing plan. This should investigate whether the early 19th century attribution from the listed building description applies to all the historic fabric, or whether the refronting applied to an older building. More should be known about the former Phoenix Inn and the staircase mentioned in the listed building description.</p> <p>Historic photographs of the frontage would be helpful in understanding the changes to the windows and doors that may have already been carried out. There may have been many modern changes connected with the office use, and a return to residential may be beneficial, but the applicants need to clearly describe the significance and extent of the assets in order to ensure that the significance is not being harmed or lost.</p>
Newbury Society	This application should be accompanied by a listed building consent application, and thus should not be considered until a LBC application is submitted. The principal entrances within a narrow courtyard will give rise to a security risk, and the design seems poor since both houses have a fully functioning front door onto London Road. The application is an overdevelopment. Grade II buildings should be occupied by residents able and willing to pay a service charge appropriate to its maintenance in the long term, which does not seem sufficiently in prospect in this case. The projected car parking of five is inadequate even for a central town location.
Tree Officer	No objection.
Public Protection.	No objection.
Ecology	There is a reasonable likelihood of swifts being present, and a small possibility of bats being present. It is therefore suggested a condition is appended to request a survey of such species including any necessary mitigation.
Waste Management	<p>Initial comments that given the location of the proposed dwellings on London Road adjacent to the zebra crossing and its associated road markings, the collection vehicles would not be able to stop immediately in front of the access to the bin store via the undercroft and would have to stop further away and next to a dropped kerb for level access. We would therefore require smaller 240 litre bins to be provided to these properties, as the larger 1100 litre bulk bins cannot be safely manoeuvred more than 10 metres and where there is no dropped kerb. There may be a requirement for more bins for each property.</p> <p>Amended plans – the revised details are acceptable.</p>

Environment	Low environmental risk.
Agency	
Ministry of Defence	No safeguarding objections.
Thames Water	No objection with regard to sewerage or water infrastructure capacity.
Berkshire Fire and Rescue Service	No additional fire hydrants required. Access requirements for Fire Fighting are to meet the functional requirements the Building Regulations 1991 and the relevant provisions of the Berkshire Act. It should be noted that any gates required for emergency access should provide a minimum of 3.1m clear opening. The layout plans have not been reviewed for fire safety provisions.
Developer Contributions	Transport: £0; Education: £26,134.94. Open space: £0. Libraries: £2,969; Adult Social Care: £9,565; Waste Management: £867.
Correspondence:	<p>3 letters of objection received. Concerns based upon lack of parking, and should not use conversion of No. 5 as a comparison/precedent. Lack of parking will cause difficulty for tenants of No. 5, and the opening of Aldi has added to parking difficulties. It is not possible to allocate or sell individual spaces as parking behind Bramer House is within ownership of No. 5.</p> <p>Access is past ground floor window which serves a bedroom, and would result in disturbance. No privacy to neighbouring flats.</p> <p>The side gates would be left unlocked and invite anti-social behaviour and thieves, and increase risk to neighbouring properties. Flats are likely to be let to young sharers who will not keep the side gate locked.</p> <p>The bicycle storage area would attract anti-social behaviour. The lift is likely to be vandalised.</p> <p>Bin storage is unacceptable, and result in problems to neighbouring flats.</p> <p>The buildings are becoming dilapidated and do not give a good impression of Newbury. The buildings should remain as offices, and further investment made. This would also enable controlled access to the yard.</p> <p>The change in planning laws destroys almost all the planning rules that have been developed over many years, and will produce inferior residential properties.</p>

4. Policy Considerations

- 4.1 The statutory development plan comprises the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP), and the West Berkshire Core Strategy 2006-2026.
- 4.2 Other material considerations include government guidance, in particular:
 - The National Planning Policy Framework (March 2012) (NPPF)
 - By Design: urban design in the planning system: towards better practice (DETR/CABE)
 - Manual for Streets (DCLG/DfT)
 - Secured by Design (Association of Chief Police Officers)
 - Safer Places – The Planning System and Crime Prevention (DCLG)
- 4.3 Paragraph 215 of the NPPF advises that, for the 12 months from the day of its publication, due weight should be given to relevant policies in existing plans according to their degree

of consistency with the framework. The following saved policies from the Local Plan are relevant to this application:

- HSG.1: The Identification of Settlements for Planning Purposes
- TRANS.1: Meeting the Transport Needs of New Development
- ECON5: Town Centre Commercial Areas

4.4 In addition, the following locally adopted policy documents are relevant to this application:

- SPG 4/02: House Extensions (July 2004)
- Supplementary Planning Document Quality Design (June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Part 3 Residential Character Framework
 - Part 4 Sustainable Design Techniques
 - Part 5 External Lighting
- Newbury Town Design Statement

4.5 The West Berkshire Core Strategy (2006-2016) July 2012 now forms part of the development plan and therefore its policies attract full weight. The following policies are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 1: Delivering New Homes and Retaining the Housing Stock
- CS 4: Housing Type and Mix
- CS 5: Infrastructure Requirements and Delivery
- CS 6: Provision of Affordable Housing
- CS 9: Location and Type of Business Development
- CS 13: Transport
- CS 14: Design Principles
- CS 19: Historic Environment and Landscape Character

5. Description of Development

5.1 The application seeks full planning permission to convert the existing offices at Nos. 3 and 9 London Road Newbury into 17 residential flats. The application forms highlight that there would be nine 1 bedroom flats and eight 2 bedroom flats. The plans were amended during the course of the application to change a 2 bedroom flat on the ground floor to a 1 bedroom flat, increasing the amount to ten 1 bedroom flats and seven 2 bedroom flats. Three 2 bedroom flats in 9 London Road have studies, which could be considered as a further bedroom, and have been for the purpose of calculating developer contributions. Ten car parking spaces are proposed, seven to the rear of No. 9 London Road and three accessed from Park Way.

6. Consideration of the Proposal

The main issues for consideration in the determination of this application are:

- Principle of the development and loss of office space
- Design
- The impact upon heritage assets
- The impact on neighbouring amenity
- The impact on highway safety
- Affordable Housing
- Impact on Ecology
- Developer Contributions
- The presumption in favour of sustainable development

6.1 Principle of the development

- 6.1.1 The site is located within the defined settlement boundary of Newbury, the Town Centre Commercial Area, in the Conservation Area, not in a Primary Shopping Frontage and not in a Protected Employment Area. The general principle of development is acceptable.
- 6.1.2 The buildings are lawfully in Class B1 use, as offices. It is of some merit that conversions from offices to residential are now classified as permitted development, provided the developer goes through the prior notification procedure, and subject to compliance with certain criteria. As Nos. 3 and 9 London Road are listed buildings the conversion would not be considered as permitted development, explaining the requirement of a full planning application.
- 6.1.3 The National Planning Policy Framework (NPPF) seeks to 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs', as one of the core planning principles. However, at paragraph 22 it also recognises that where there is no reasonable prospect of a site being used for the allocated employment use applications for alternative uses should be treated on their merits. Paragraph 51 also gives support for bringing empty buildings back into residential use. Permission should normally be permitted from commercial to residential where there is an identified need for additional housing and provided there are not strong reasons why such development would be inappropriate.
- 6.1.4 Policy CS9 of the Core Strategy seeks to retain existing office floorspace where possible over the Core Strategy period which is 2006 to 2026. Evidence shows that there is 10,253 square metres of available office floorspace in Newbury town centre, with a further 18,251 square metres available outside of the town centre. The evidence from the 'Focus Property Intelligence' website does not provide a break down of the individual available properties in Newbury town centre. The 2013 Thames Valley Office Report notes that the availability of office units has been in decline since 2010 and remains tight, though take-up is low. Marketing of office units for residential development further reduces the supply of office stock, and the permitted development rights introduced in May 2013 affect this further.
- 6.1.5 The applicants have not actively marketed the buildings for office use as their marketing exercise indicates that an office use would not create any demand. This is an assumption. However, planning policy officers have reviewed the application and associated documents, in association with evidence of employment land and office space availability, and consider that whilst the application would result in the reduction of available floorspace in Newbury town centre it would not substantially prejudice the overall supply of office floorspace over the Core Strategy period within Newbury town centre. As such it is considered that the loss of office space to residential is acceptable for this site.
- 6.1.6 In providing new homes there is a good mix of flats proposed, and whilst three units are described as two bedroom flats there is a study which could be considered as a bedroom. Affordable housing would also be expected to include on-site, with a concentration on the smaller units. Thus, the proposal would contribute positively to a balanced housing mix in the area.

6.2 Design

- 6.2.1 The conversion of the buildings will not involve alterations or extensions, and therefore would not impact upon the appearance of the area or the qualities of the Conservation Area. The buildings are in a poor condition at the front, and whilst it is the responsibility of the landowner to ensure that listed buildings are properly maintained, it must be put into the balance that bringing the buildings back into use would be beneficial to the character and appearance of the buildings and the character of the area and street scene. Nos. 5

and 7 London Road have been converted to residential uses, and thus the conversion of Nos. 3 and 9 would not be out of character with other uses in the area.

- 6.2.2 Little amenity space would be provided for the residents. In town centre locations this is acceptable, and there are nearby recreation grounds and facilities for resident use. It is not out of character for building conversions to residential in London Road to have little or no amenity space.
- 6.2.3 The access into the buildings is an area of concern, as evident in representations made. The issues regarding designing out crime are therefore quite balanced. The plans have been amended to show the access into the rear of No. 3 London Road would be away from habitable windows of No. 5. A large entrance foyer, providing access to the cycle store and lift, would provide access to the majority of flats in No. 5. The main access would be through a side gate, which also appears to serve a flat in No. 7. At present this is secured by a lock. Concern has been raised by the police, the Newbury Society, the Town Council and the neighbour with the potential anti-social behaviour which could be attracted to the courtyard, and thus potential for burglary of the converted and existing flats. As identified in the Government's document 'Safer Places – the Planning System and Crime Prevention' crime and anti-social behaviour are more likely to occur if pedestrian routes are poorly lit, indirect and away from traffic. The access from London Road would be overlooked by the residents of the proposed flats, and existing neighbouring flats. It is not a thoroughfare to access the area to the rear of London Road, located opposite a public house, and it is adjacent to a main road through Newbury and this assists in reducing the threat of crime and anti-social behaviour, and the additional measures identified below would assist in reducing this perception further.
- 6.2.4 As detailed in the police comments the function of offices and residential premises are different as offices are open during the day with security measures in place for out of hours events. Residential dwellings need access at all times. It is agreed that the present locked gate is unsatisfactory and there could be potential for access to be easily obtained if left open. Therefore, it is recommended that details of a more secure gate, including an access control system and a new type of gate, is requested by planning condition. The developers should use Secured by Design principles when considering the access system. The gate should be self-closing to reduce the possibility that the gate could be left open. Similarly, additional lighting and security measures like CCTV shall be provided as part of a planning condition. The area is poorly lit, especially at the rear, and additional lighting would be important to reduce the threat of a fear of crime and anti-social behaviour. This should be motion controlled to reduce an adverse impact to the living conditions of existing and proposed residents. If that flats are to be leasehold there may be a condition or clause in the lease for residents to be aware of security measures.
- 6.2.5 The cycle store is appropriate, and it is expected that the room will be properly secured to reduce theft or abuse of the space from other residents.
- 6.2.6 In consideration of the design, it is appreciated that there are concerns with safety and security, and as such the issues are quite balanced. However, when considering the aim of the NPPF and Core Strategy Policy CS14 to create safe and accessible environments, it is considered that the recommended conditions aid in creating a safer environment than that at present, and seek to keep the courtyard secure and parking area lit to the benefit of existing and future residents.

6.3 Impact on Heritage Assets

- 6.3.1 Nos. 3 and 9 London Road are Grade II listed buildings. The rear sections of the buildings are relatively modern extensions (approximately 30 years old), and the buildings were converted to offices in the 1980s. No application for listed building consent (LBC) has been made at this time. Whilst comments have been made as to whether the Council can

determine the full application without a LBC this is an acceptable approach. A Heritage Statement has been submitted, which is required for full applications in order to assess the heritage assets and an overview of the impact on these heritage assets. It will be for the LBC to go into greater detail on the impact of the proposed conversion and the works required to alter the building to make it habitable for 17 units, such as sound proofing, insulation, new services, etc. If the investigation shows that such works will affect the layout, number of units, or general means of conversion, a further full application may be required. If the LBC shows that the conversion works do significantly alter and affect the fabric and significance of the listed buildings then the Council may not be in a position to support a LBC application. This is not unusual, and the approach taken is purely at the applicant's/developer's risk.

- 6.3.2 The Council's Conservation Officer has reviewed the Heritage Statement, which explains the history of the changes to the buildings, and details that further changes are fairly minimal in terms of the historic core/frontage. The proposed development is likely to be physically achievable without significant impact on the historic fabric and architectural character of the building. The main concerns focused on the removal of a staircase in No. 3 and the alteration of a staircase in No. 9. It appears that the staircase at No. 3 is not original, and the staircase at No. 9 has been altered at ground floor but remains intact at first and second floor level. Thus, the proposal to turn the ground floor staircase at No. 9 is acceptable in principal.
- 6.3.3 Future owners of the flats will need to accept their responsibility being a custodian of part of a listed building, which is true for the owners of all listed buildings. If there is to be an overall lease agreement conditions or other clauses may be inserted to make occupiers aware of their responsibilities and any requirements.
- 6.3.4 Notwithstanding the above requirements, whilst it is considered that the supporting documents have shown that the buildings could be physically achievable, it will be for any future LBC application to outline the full works required to convert the buildings. This would need to take into account the comments of the Council's archaeological officer.

6.4 Impact on Neighbouring Amenity

- 6.4.1 Representations have been received from the tenant and the owner of the ground floor flat at No. 5, which were recently converted from offices to residential use. The representations express concern that the access will rise to a disturbance to their amenity and result in a lack of privacy. The location of the bin store is objected to due to impact of smell and vermin.
- 6.4.2 The access into units 5, 9, 10, 11, 15, 16 and 18 (in No. 3 London Road) was originally proposed from an existing access from the courtyard adjacent to No. 5. Officers were similarly concerned that the thoroughfare of residents, not only for those flats but other residents accessing the cycle store, would affect the amenity of residents in the ground floor flat at No. 5. The bedroom window is adjacent to this access. It should be noted that the buildings are used for offices, and a certain level of activity would be expected with this use. Theoretically there is nothing to prevent office workers from using the courtyard, including the section by No. 5, for rest breaks or informal meeting points, and such like. However, it is also recognised that the function of offices and residences is different where residences would be accessible at all times. Therefore, an amended plan was received to alter the location of the main access to move it to the rear of No. 3, in the originally proposed unit 5. Unit 5 has thus been amended from a two bedroom unit to a one bedroom unit. A large entrance lobby is proposed with access to the cycle store, staircase and lift. This is a more acceptable arrangement. The Council would recommend a condition that the access next to the lift onto the courtyard would be for emergency access only.

- 6.4.3 The location of the bin store is a concern as it lies adjacent to the windows of Nos. 5 and 7 London Road. Approved plans for the conversion of No. 7 show this as a living room. There is room in the courtyard for the bin store, or bin stores if needed, to be provided elsewhere in the site. The applicant has shown that a store of the required size can be provided and expressed that they would not object to a condition requiring details of the location. The size of the bin store is such as the waste officer comments that due to the location of the zebra crossing on London Road the collection vehicles would not be able to stop in front of the access. Smaller bins would therefore be required as the larger 1100 bulk bins could not be safely manoeuvred more than 10 metres without a dropped kerb.
- 6.4.4 There may be an element of overlooking between the units, though as this is a town centre location, to some extent this is to be expected.

6.5 Impact on Highway Safety

- 6.5.1 10 car parking spaces are provided, including 7 at the rear and 3 approximately 50 metres to the east accessed from Parkway. A plan was originally submitted to show four spaces to the rear of No. 9 angled from the approach road. Queries were raised from the Highway Authority as to whether vehicles could manoeuvre within the red line. The three tandem spaces to the side of No. 9 would also be blocked by the parking space. An amended plan has been received to show the four parking spaces in line with one another, accessed directly from the approach road. This also leaves space for the three tandem spaces to be accessed. This is acceptable to the Highways Authority, who have also taken into account the existing B1 office use.
- 6.5.2 The proposal does involve 10 spaces for 17 units, and whilst this does not represent one space per unit, this is a town centre location, highly accessible for key services and modes of transport. 25 spaces for cycles have been included to encourage residents to choose alternative modes of transport. Given this highly sustainable location the level of parking is acceptable, and residents of the flats will need to be aware of the situation before deciding whether to rent or buy. This is not unusual in town centre locations.

6.6 Affordable Housing

- 6.6.1 In accordance with Core Strategy Policy CS6 30% on-site provision of affordable housing would be sought, as the site is considered previously-developed land. Thus, 5 units would be required, at a 70% social rent and 30% shared ownership split. The housing officer has expressed that it would be preferable to have the affordable housing in one block with its own access. Preference will be given to smaller units. The affordable units will be secured through a Section 106 Agreement, and the applicants have been provided details of registered providers through the housing officer's consultation response.

6.7 Impact on Ecology

- 6.7.1 The Council's Ecologist considers there to be a reasonable likelihood of swifts being present, and a small possibility of bats being present. Therefore, a condition requiring a survey of swifts and bats are to be undertaken.

6.8 Developer Contributions

- 6.8.1 Developer contributions have been requested from education, libraries, adult social care and waste management to mitigate against the impact of additional population on local services. For the purposes of calculating the developer contributions, although three units in No. 9 London Road are marked as two bedroom units there is a study proposed, and which were highlighted as a third bedroom in previous invalid planning applications. Thus, contributions have been calculated on the basis that the study could be considered as a

third bedroom and is consistent with the advice in the Council's Supplementary Planning Document 'Delivering Investment from Sustainable Development'. No contributions have been requested for transport or open space as the existing B1 office already has an impact upon the highway network and open space. Contributions will be secured through a legal agreement.

6.9 Presumption in favour of sustainable development

- 6.9.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals.
- 6.9.2 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 6.9.3 In contributing to the economic role the right type of land is available in the right place in this case to support growth. Whilst the scheme would result in the loss of office floorspace over the Core Strategy period it is not considered that in this case the loss would be prejudicial to the overall supply of office floorspace within Newbury town centre. The scheme would provide short term benefits to the construction industry. Developer contributions would secure the provision of infrastructure to mitigate the impact of the additional residents.
- 6.9.4 In terms of the social role the creation of a high quality built environment is an objective, as is the provision and mix of housing required to meet the needs of the present and future generations. Newbury is a sustainable settlement and the proposal would aid in providing the 5400 homes envisaged in the Core Strategy period. Whilst balanced in terms of the perception of anti-social behaviour it is considered that appropriate conditions can be used to secure details of the access gate, security measures and lighting.
- 6.9.5 Contributing to protecting and enhancing the natural, built and historic environment is fundamental to fulfilling the environmental role of planning. Bringing listed buildings back into use is of benefit to the buildings and to the character of the area. The buildings can be physically converted without significant harm to the historic fabric, though it will be for an application for Listed Building Consent to detail all the works required to allow the conversion.
- 6.9.6 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.

7. Conclusion

- 7.1. Having taken account all of the relevant policy considerations and the other material considerations referred to above, it is considered that, although the issues are finely balanced the proposal the development proposed is considered to be acceptable and should be approved. Whilst objections have been received in reference to the potential for anti-social behaviour, lack of an application for listed building consent, lack of parking, and impact upon neighbour amenity, it is considered that the amended plans and recommended conditions would aid in alleviating concerns. The parking layout is acceptable. Overall, the scheme is considered to be in general accordance with the NPPF, the relevant policies in the Development Plan, and other material considerations.

8. Full Recommendation

DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1) and subject to the completion of a Section 106 agreement and by 31st March 2014.

OR, IF the Section 106 Legal Agreement to secure developer contributions and affordable housing is not completed by 31st March 2014, to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the reason set out in Section 8.2.

8.1 Schedule of conditions

1. Full planning permission time limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. Standard approved plans

The development hereby approved is carried out in accordance with drawing numbers 1140/02 received on 7th January 2014, 1140/07 received on 22nd November 2013, 1140/01, 1140/08, and 1140/09 received on 17th October 2013.

Any material change to the approved plans will require a formal planning application. Any non-material change to the approved plans will require a non-material amendment application prior to such a change being made.

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

3. Parking and turning in accordance with plans

The development shall not be brought into use until the vehicle parking and turning spaces have been provided in accordance with the approved plan (1140/02 received on 7th January 2014). The parking and turning spaces 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 for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with the National Planning Policy Framework March 2012, Policies CS13 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 Quality Design (June 2006).

4. Cycle Parking

No dwelling hereby permitted shall not be brought into use until the cycle parking has been provided in accordance with the approved drawing (1140/07 received on 22nd November 2013) and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To promote cycling by providing convenient and safe bicycle storage. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

5. **Communal Lighting**

No development shall commence until details of a system of lighting which shall include a scheme of illuminating pedestrian, cycle and car parking areas at the access with London Road, within the courtyard between 3 and 9 London Road, at the rear and side of number 9 London Road, and at the three car parking spaces accessed from Park Way when the buildings are occupied have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of security and safety. 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).

6. **Access and security details**

No development shall commence until full details of the entrance gates from London Road and other appropriate security measures have been submitted to and approved in writing by the Local Planning Authority. Details of the type of gate shall be submitted, and should form a self-closing gate. Such measures will include an access control system and CCTV. This should be guided by Secured by Design principles. Thereafter, the entrance from London Road shall be implemented in accordance with the approved details prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interests of the amenity and safety of existing and future occupiers and to address crime prevention. 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).

7. **Bin storage**

Notwithstanding what is shown on the approved plans no development shall take place until details of the provision for the storage of refuse and recycling materials for the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. **Hours of work**

Demolition or construction works shall not take place outside the following hours:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework March 2012, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006).

9 **Access door**

The access into the side of number 3 London Road from the courtyard, located adjacent to the lift, shall only be used for emergency access and shall not be used as a main pedestrian access in and out of number 3 London Road.

Reason: In the interest of neighbour amenity and to reduce the potential impacts of increased pedestrian thoroughfare on the amenity of number 5 London Road. This condition is imposed in accordance with the National Planning Policy Framework March 2012, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006), and and Supplementary Planning Document Quality Design (June 2006)..

10 **Ecology (swift and bats)**

No development shall commence until a survey of swift and bat use of the buildings has been undertaken and the report submitted to and approved in writing by the Local Planning Authority. If either swifts or bats are found to be present, the submitted report shall include a detailed mitigation plan including detailed construction drawings. Thereafter, no dwelling shall be occupied until the approved mitigation works have been implemented in full. The measures shall thereafter be maintained.

Reason: To ensure the protection of bat and swift species, which are subject to statutory protection. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

Informatives:

1 **Presumption in favour of sustainable development**

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 **Consent to enter adjoining land**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

3 **Legal agreement**

This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the TBC. You are advised to ensure that you have all the necessary documents before development starts on site.

4 **Informative – Construction / Demolition Noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

5 **Listed Building Consent**

No internal or external works (including the new security gates) shall be undertaken in connection with the approved scheme without the submission and approval of an application for Listed Building Consent.

OR

8.2 Reason for Refusal

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of 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 and Policies CS5 and CS6 of the West Berkshire Core Strategy (2006-2026) as well as West Berkshire District Council's adopted Supplementary Planning Document – Delivering Investment from Sustainable Development.

DC

13/02569/FULEXT

3 And 9 London Road, Newbury

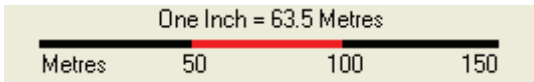


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Scale : 1:2500

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	23 January 2014
SLA Number	100015913

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Agenda Item 4.(3)

Item No.	Application No. and Parish	Proposal, Location and Applicant
(3)	13/01937/FULMAJ Newbury Town Council.	Proposed Change of Use of offices (Class B1) to provide 10 Dwellings (Class C3) Phoenix House, 50 And 52 Bartholomew Street, Newbury. J Curtis And Sons

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01937/FULMAJ>

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, where expedient.

Ward Member(s):

Cllr Dr A. Vickers and Cllr G. Mason

Reason for Committee Determination:

At the request of Cllr Vickers. Discussion would focus on [a] loss of employment land [b] parking provision. Even if applicant does satisfy requirement for both proof of marketing and evidence that loss of office space will not harm local economy, there is still the issue of parking – where it may be that our policy is the problem not anything that the applicant can do.

Committee Site Visit:

3rd February 2014.

Contact Officer Details

Name:	Mrs Isabel Johnson
Job Title:	Senior Planning Officer.
Tel No:	(01635) 519111
E-mail Address:	ijohnson@westberks.gov.uk

1. Site History

82/117801 Extension of existing second floor offices mezzanine floor and general office refurbishment. Approved 08.09.1982

82/117800 LBC. Extension of existing second floor offices mezzanine floor and general office refurbishment. Approved 03.03.1983

13/00363/FULMAJ Proposed change of use of offices (Class B1) to provide 11 Dwellings (Class C3). Withdrawn 3.6.13.

2. Publicity of Application

Site Notice Expired: 18.09.13.

3. Consultations and Representations

Newbury Town Council:	Members have not seen an application for Listed Building Consent so feel they cannot comment on these plans as incomplete (no information showing layout / internal changes to be made). If the development were to proceed, a £3,000 S106 contribution is requested towards improvements to open spaces in the Town Centre (e.g. Lock Island, Victoria Park).
Highways:	<p>This application follows the withdrawal of the previous 13/00363. The proposals are for a town centre change of use from office to residential with zero parking provision and no residents parking entitlement. This lack of residents parking entitlement would lead to residents of the flats parking on the few unrestricted bays on St.Michaels Road, perhaps the streets leading off St Michaels Road, and at the 32-space Pay & Display car park ("Newbury Eight Bells") on the other side of Bartholomew Street. Overnight, I believe Bartholomew Street, within the vicinity of the site, has a few unrestricted bays, although some of the bays to the north have been converted to taxis only after 1800.</p> <p>At the time of the previous application, Highways conducted evening site visits on the surrounding streets and identified some spare capacity for on-street parking that the future residents of Phoenix House may be able to utilise. Adequate cycle parking has been proposed.</p>
Thames Water	No objections.
Waste Management	A suitable bin store has been included on the proposed plans and we have no concerns regarding the collection and storage of refuse and recycling.
S106 Contributions	Education: £7,896, Libraries: £1362, Adult Social Care: £5297, Waste - £461
Affordable Housing	<p>Highways: no contributions, Public Open Space: no contributions</p> <p>I would like to see 3 units for affordable housing with separate entrances. Preference would be for 2 units of social rented and 1 unit of shared ownership. The shared ownership dwelling would need to have a separate entrance from the social rented dwellings. I would like to see two 1 bed flats for social rent and one 2 bed flat for shared ownership.</p>

Fire and Rescue	No additional hydrants required. Any gates should provide a minimum 3.1m clear opening.
Public Protection.	<p>The application states that there will be no parking spaces for the proposed flats. EH would have concerns that unless properly managed during construction / development stage vehicles from contractors and deliveries to site could cause a disturbance to neighbouring properties. The proposed development is also quite large and it is important that the site is managed with permitted working hours for any construction or noisy works.</p> <p>EH would also want to ensure that there is sufficient insulation between the converted flats in the interest of potential future residents of the development.</p>
Conservation Officer	<p>Hours of work and sound insulation conditions recommended.</p> <p>The amendments to the proposed layout showing a reduction in the number of units and submitted Heritage Statement are welcomed. Further to our site meeting, the amended plans and the Heritage Statement, I am content that the building can accommodate 10 units without harming the significance of the building. I therefore have no objections to this application.</p>
Archaeology Officer	<p>Listed building consent will obviously be required, which should provide full details of the proposed works. An informative should be attached to any consent advising of the need for LBC.</p> <p>The submission of a revised Heritage Statement has been submitted which is welcome. Detailed comments on the content of this document have been made which will be a useful reference with the submission of further information within an application for Listed Building Consent.</p>
Newbury Society	<p>This proposal to convert Phoenix House to 11 dwellings is in substance the same as the previous withdrawn application 13/00363, but with provision for bin and cycle stores. It is not accompanied by a listed building consent application. The 11 dwellings comprise four two-bedroom flats, six one-bedroom flats, and a one-room "studio". The "studio" contains no kitchen, and so cannot be described as accommodation. No parking provision is envisaged. On a matter of terminology, the site includes 50, 51, and 52 Bartholomew Street.</p> <p>Phoenix House is an important landmark building in Newbury of whose attraction we are all aware, Grade II listed of early 18th century date. It is therefore essential that any application to convert it both respects its character and fabric, and is capable of sustaining it for the long term. It is not yet evident that these conditions are fulfilled. There are three major problems:</p> <ol style="list-style-type: none"> 1. The application cannot be considered in the absence of an LBC application which reviews the present state of the building's historic fabric and examines the effect of the development on it. In the absence of such information, the Society considers the building to be potentially at risk. 2. It is not yet evident that the service agreements that the owners of 10 or 11 small dwellings could be induced to sign and pay for will be sufficient to preserve the building's historic fabric. On first consideration, some at least of the residents may be transient or indifferent.

3. Although there is a view that flats in the centre of Newbury require no parking, we are concerned that this will in fact not be the case for all the residents. Given the absence of local on-street parking, the complete absence of dedicated parking may not be sensible.

A further and lesser point is that the bedroom and bathroom of one of the proposed flats are in the basement. It is not shown that this would provide acceptable accommodation.

We recognise that none of the above problems are of the applicant's making or admit of a quick solution. Given the importance of this exceptional building, we urge that the necessary close attention is given, jointly with the applicant, to finding a commercially and architecturally viable solution.

Planning Policy

The applicant has submitted information to indicate that there is a supply of available office space in the town centre (10,253 sq.m); however this information does not provide detail on the vacant buildings which make up this total. The 2013 Thames Valley Office Report indicates that availability as a whole in Newbury is declining and set to fall further, and availability is tight but take-up is low. There is no doubt that the loss of this unit would contribute to the decline of available floorspace within Newbury as a whole.

Whilst take-up is identified as being low, the applicants have made no attempt to market the unit, and it is unknown if there is a continued demand for the office use at Phoenix House.

On balance, given that the loss of the unit (1,156 sq.m) would reduce the amount of available office floorspace in Newbury town centre to 9,097 sq.m; it is considered that *on this occasion*, the loss of floorspace would not substantially prejudice the overall supply of office floorspace over the Core Strategy period within Newbury town centre.

No objection is raised to the proposals.

Correspondence:

No letters of representation received.

4. Policy 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).
 - Circular 11/95 - The use of conditions in planning permissions.
 - Supplementary Planning Document "Quality Design" (adopted June 2006).
 - National Planning Practice Guidance (Draft)
 - Newbury Town Design Statement

5. Description of Development

- 5.1 Permission is sought for the conversion of Nos. 50 and 52 Bartholomew Street from B1 office use (last used several years ago) to C3 residential flats. The building is at the end of a terrace of historical structures fronting Bartholomew Street and is Grade II Listed. Access to the rear of the site is from a wide gap between Nos. 49 and 50 which serves as access to No. 50b (a small electrical shop) and the converted residential units of Nos. 1 to 7 Phoenix Brewery.
- 5.1.1 The building consists of what would have been the original two dwellings with a large 2 1/2 floor extension to the rear which originally formed part of the works for Phoenix Brewery. Internally, the whole site is divided into separate offices with wall partitions, lowered ceilings to accommodate office lighting and appropriate fire safety facilities.
- 5.1.2 The original proposal was for 11 separate units. However, following an internal inspection with the Conservation Officer, key features of the Listed Building were identified and concerns raised over the proposed living conditions for some units. The total number of flats was therefore reduced to ten in order to overcome these issues, maintain the main fabric of the building and preserve its historical significance.
- 5.1.3 The application and proposed developer contributions are therefore now based on 2 studio flats, 6 one bedroom flats and 2 two bedroom units, one of which has a bedroom on the second floor. No vehicle parking is proposed for the scheme however, a covered cycle store able to accommodate approximately 14 cycles is proposed. A further 6 visitor cycle store and sufficient bin storage for the whole development is also proposed on the external space to the rear of unit 3.

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 Impact on neighbouring amenity
- 6.5 Highway Matters
- 6.6 Other Matters

6.1 Principle of Development

- 6.1.1 The key principle of the change of use in this case lies in the conversion from office use to residential and the policy implications for such a new use. The proposal site lies within the Newbury town centre commercial area and a Conservation Area (Newbury). The proposal seeks the change of use of a vacant Grade II Listed office of 1156 sqm into 10 units. The site is in a highly sustainable location, and development would represent an efficient use of previously developed land.
- 6.1.2 The National Planning Policy Framework (NPPF) places significant weight on driving and supporting sustainable economic growth and taking account of market signals in plans (Core Planning Principles: bullet point 3, paragraph 17), in addition to securing economic growth (paragraph 18). Nonetheless, paragraph 22 sets out that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their own merits having regard to market signals. Paragraph 51 gives support to change of use applications from commercial to residential if there is an additional need for housing in an area subject to there being no strong economic reasons that would make development inappropriate.
- 6.1.3 Core Strategy policy CS9 seeks to locate office development within defined town and district centres. Proposals for non town centre uses which seek the loss of office floorspace will need to demonstrate that the proposal maintains the vitality of the existing centre and would not substantially prejudice the overall supply of office floorspace over the Core Strategy period (2006-2026) in that centre. Residential does not fall within the NPPF's definition of 'main town centre uses', however the NPPF does set out that residential development can play an important role in ensuring the vitality of centres.
- 6.1.4 The Council's Employment Land Assessment (2007) concluded that West Berkshire has sufficient employment land to meet future requirements. However there are variations in supply and demand across the different employment (B-use) classes. The Council should therefore seek to retain its existing employment floorspace, particularly B1 uses. A more comprehensive and focused employment land review will take place as part of work on the Sites and Allocations Development Plan Document.
- 6.1.5 The applicants have submitted a 'Disposal Advice' report with the application to justify the loss of office floorspace within Newbury town centre. Using data derived from the 'Focus Property Intelligence' website, the Report indicates that within Newbury Town Centre at present there is 110,367 sq.ft (10,253 sq.m) of available office floorspace, with a further 196,455 sq.ft (18,251sq.m) outside of the town centre. This information, however, does lack detail in that it does not set out the individual properties that make up the 110,367 sq.ft.
- 6.1.6 The 2013 Thames Valley Office Report is referred to by the applicants refer in their supporting statement notes that the availability of office units in Newbury has been in decline since 2010 and remains tight. The report goes on to highlight that several older office buildings in Newbury are being marketed for residential development, which if sold will further reduce the supply of office stock in the market. Furthermore, the report states that availability is set to fall further. However, the report applies to the wider Newbury area not the town centre.
- 6.1.7 The 'Disposal Advice' report states that take-up of office units is low. This is also acknowledged in the Thames Valley Office Report 2013; however in both cases this is for the wider Newbury area and not just Newbury town centre. In respect of the marketing of the unit, the applicants argue that because of the marketing trends (which is not discussed in any detail), the availability of office floorspace in the town centre, low take-up and low

demand, there was not the need to undertake marketing. It is therefore only *assumed* that there is no continued demand for the office use at Phoenix House.

- 6.1.8 The loss of the contribution of this unit to the decline of available floorspace within Newbury as a whole is balanced against a number of factors, detailed in further sections of the report.
- 6.1.9 The loss of the unit (1,156 sq.m) would reduce the amount of available office floorspace in Newbury town centre to 9,097 sq.m. Policy have concluded that on a case by case basis, on this occasion the loss of floorspace would not substantially prejudice the overall supply of office floorspace over the Core Strategy period within Newbury town centre.

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

- 6.2.1 The application seeks to retain the appearance of the building from Bartholomew Street with repairs and replacement windows as appropriate. Currently the building is shuttered all round. There would be an individual entrance to one of the flats from the street and a main door accessing most of the other units.
- 6.2.2 From the rear, the courtyard area would be enhanced, cycle parking provided and the outlook enhanced with domestic windows rather than a commercial access. Bin storage would be within a purpose built structure. Within the same courtyard, there are the 7 Phoenix Brewery residential units and the area has a quiet atmosphere off the street.
- 6.2.3 At this stage, the main impact on the Conservation Area would be the introduction of footfall movements from the residential use and the enhancement of the Listed Building. 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.
- 6.2.4 The proposed conversion to residential use will not detract from the distinctive character of the Westfields area as 19th Century Victorian housing 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 structures along Newbury's streets will not be affected.
- 6.2.5 The conversion of the former Phoenix Brewery buildings directly west of Phoenix House is a key factor in the character of the area and the proposal is considered would also improve the appearance of the courtyard area to the rear of the site enhancing the heritage asset and its setting.
- 6.2.6 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 alter few external features of the building and would bring back original features of the Listed Building which have been compromised in the past by the previous uses.
- 6.3.2 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.

- 6.3.3 The NPPF highlights the contribution of heritage assets to the economic vitality of an area and to sustainable communities. The addition of new residential units to this location will help sustain the community rather than retain a small office unit that may struggle to survive financially. This is considered to weigh in favour of the proposal.
- 6.3.4 Internally, the layout will be altered to subdivide the offices into ten residences. The Conservation Officer is satisfied that the proposed alterations will provide opportunities for the enhancement of the original features of the historical building and whilst a Listed Building application will be required, there are sufficient details submitted with this application to provide a recommendation.
- 6.3.5 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 properties directly east across Bartholomew Street, no new opening are proposed on the front elevation of Phoenix House and there will be few changes 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 views into the courtyard looking west from Phoenix House, no new openings are proposed upon those that already exist that would enable overlooking for the properties known as Phoenix Brewery or result in significant overlooking towards the commercial property at No. 50b Bartholomew Street.
- 6.4.3 External lights around the building may be required around the building at entrance points into the building. However, these could be conditioned to maintain the privacy of potential residents and the existing use within the courtyard.
- 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. Highways have commented that the proposals are for a town centre change of use from office to residential with zero parking provision and no residents parking entitlement. This lack of residents parking entitlement would lead to residents of the flats parking on the few unrestricted bays on St. Michaels Road, perhaps the streets leading off St Michaels Road, and at the 32 space Pay & Display car park ("Newbury Eight Bells") on the other side of Bartholomew Street. Overnight, Bartholomew Street, near the site, has a few unrestricted bays, although some of the bays to the north have been converted to taxis only after 1800pm.
- 6.5.2 At the time of the previous application, Highways conducted evening site visits on the surrounding streets and identified some spare capacity for on-street parking that future residents of Phoenix House could take advantage of. For a site close to the town centre with good access to services and public transport this is considered to be acceptable.

- 6.5.3 Adequate cycle parking has been proposed and there are no objections to the location, size or layout of the proposed bin store. Further details of the design of the cycle and bin store would be required in relation to the setting of the Listed Building.
- 6.5.4 The maintenance of the existing 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.
- 6.5.5 However, the query of over the right of access over third party land outside the red line area of the site has been raised with the agent and a further answer by the date of committee is expected.

6.6 Other Matters

Developer Contributions

- 6.6.1 Developer contributions are sought to mitigate the impact of the development on local infrastructure and services and are detailed above. Highways and Public Open Space have not requested contributions as the activity of the former use of the site outweighs the proposed usage. The applicant has indicated that an appropriate legal agreement to secure these contributions would be acceptable.
- 6.6.2 Affordable Housing has requested 3 units within the site which would need to have separate entrances. Some negotiation has already taken place which would also be secured through a legal agreement linked to developer contributions.

National Planning Policy Framework

- 6.6.3 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

- 6.6.4 A biodiversity survey assessment has not been submitted with the application which could identify the roosting of swifts in the local area and if there are any bats using the roof voids of the building. In this particular case, as the building is Listed, the most reasonable way forward is the attachment of appropriate conditions.

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 balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.
- 7.2 The building has been empty and boarded up for some time and office take up has been shown to be low. 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 building may well be enhanced by a sympathetic conversion and the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of office accoutrements. 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 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 1140/06 (amended), 1140/07 (amended), dated 05/01/14.

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 confirming any upgrade 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.

Temporary Parking Area

6. 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 has 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.

Communal Lighting

7. No development shall take place until details of a system of lighting which shall include a scheme of illuminating pedestrian and cycle parking areas when the building is occupied has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of security and 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).

Cycle parking and bin storage

8. No dwelling hereby permitted shall be occupied until the cycle parking and bin storage has been provided in accordance with the approved floor plans and elevations to be approved 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

9. 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.

Ecology

10. Prior to works commencing on site, a survey of swift and bat use of the buildings will be undertaken and a report shall be submitted to the Local Planning Authority for approval. If either swifts or bats are found to be present, then the submitted report shall include a detailed mitigation plan including detailed construction drawings. Such approved mitigation works will be implemented in full and the measures maintained thereafter.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

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. It will be necessary to submit a separate Listed Building Consent. No work shall take place before Listed Building Consent is obtained.
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. 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.
6. 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.
7. 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.
8. 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.

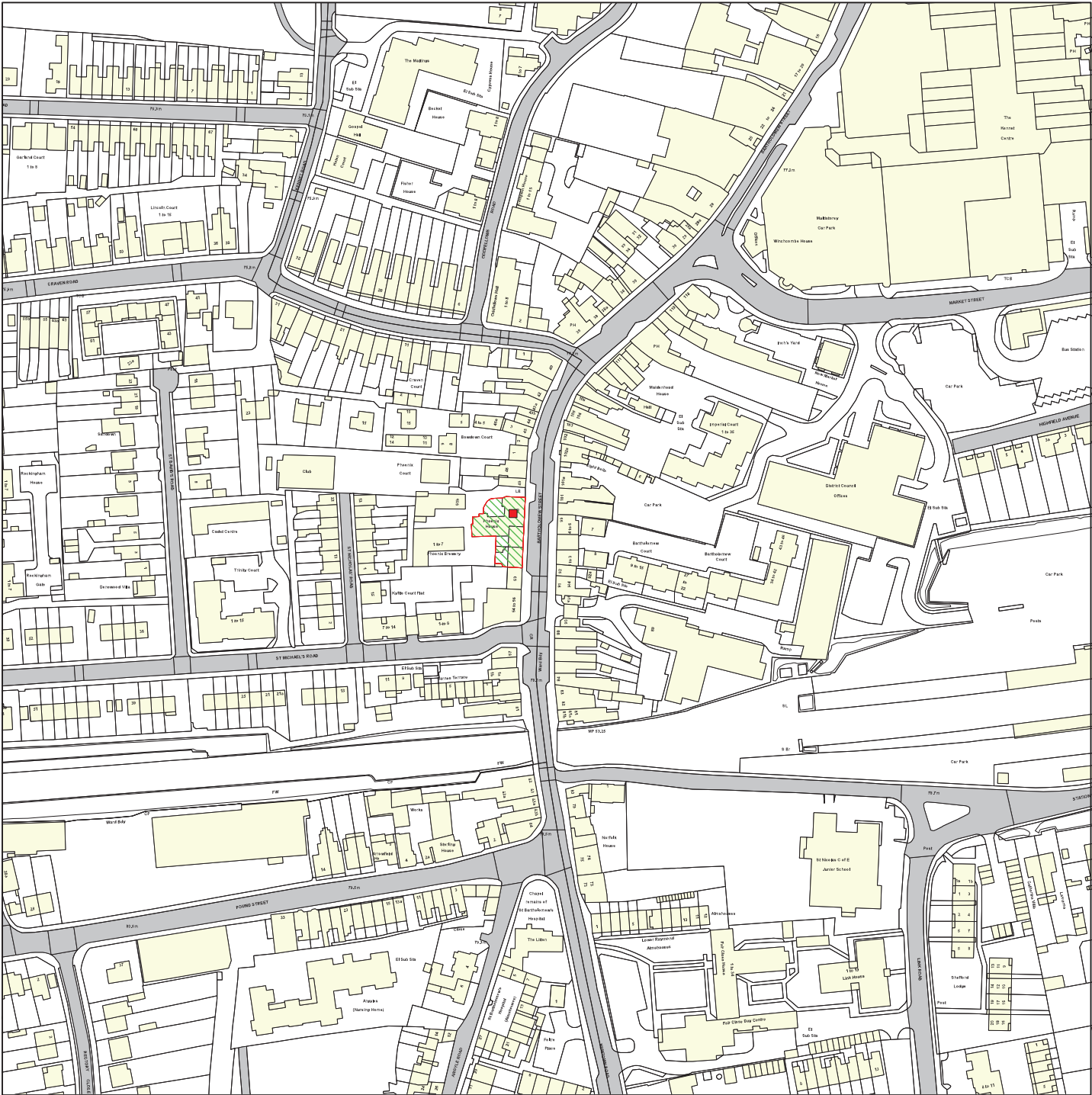
OR

- 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 Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPD Delivering Investment from Sustainable Development.

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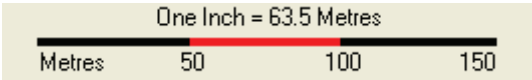


Map Centre Coordinates : 446937.27 , 166775.60

Scale : 1:2500

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Organisation	West Berkshire Council
Department	Environment
Comments	
Date	23 January 2014
SLA Number	100015913

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Agenda Item 5.

APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
SHAW-CUM-DONNINGTON 12/03053 Pins Ref 2195524	Balholme, Snelsmore Common, Newbury Hornbeam Homes Ltd	Demolition of existing dwelling and outbuilding and re-placement dwelling and garage/store.	Delegated Refusal	Allowed 4.12.13
NEWBURY 12/03105 Pins Ref 2201775	66 Valley Road, Newbury Mr S Ruston and Miss L Breakwell	Removal of existing lean-to and detached garage; erection of new two storey dwelling.	Delegated Refusal	Allowed 18.12.13
LAMBOURN 13/00662/FUL Pins Ref2202179	Mildenhall Court 11 Oxford Street Lambourn Mr and Mrs Emptage	Section 73a - Removal or Variation of Condition 7 - Treatment for hard surfaced areas of approved application 07/02442/FULD -	Delegated Refusal	Dismissed 19.12.13
KINTBURY 13/00109 Pins Ref 2203163	The Willows, Hamstead Marshall Mr R Canning	Barn Extension to house 100 breeding ewes, 30 goats and 15 pigs	Delegated Refusal	Allowed 31.12.13
NEWBURY 13/01229 Pins Ref 2209397	32 Salcombe Road, Newbury Mr J Bates	Construction of a 2 storey extension on the front elevations with solar PV panels. Extension to replace single storey garage.	Delegated Refusal	Dismissed 14.1.14
ASHAMPSTEAD 11/00465 Enf	Linden House, Burnt Hill, Yattendon Mr R De Souza	New single building	Enforcement	Dismissed 16.1.14

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ASHAMPSTEAD 11/00465 Enf	Linden House, Burnt Hill, Yattendon	New single building	Enforcement	Dismissed 16.1.14
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Preliminary matters

The heading of the notice is "Operational Development" and this is described in paragraph 3 of the notice as the erection of a single-storey building. However, the description of the breach of planning control goes on to state "capable of residential occupation". The words "capable of" do not describe a breach of planning control and the Inspector therefore corrected the notice by deleting "capable of residential occupation" from both the alleged breach of planning control and the requirements of the notice. He was satisfied that this correction can be made using the powers available under S176(1) of the Act without causing injustice to either party and he exercised his powers accordingly.

The appeal on ground (f)

The appeal on ground (f) is that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, injury to amenity. The Council has not specified in the notice which of these two purposes (as set out in s173(4)) it seeks to achieve in this case. However, since the notice requires the complete removal of the building, it is quite clear that the purpose is to remedy of the breach of planning control that has occurred by restoring the land to its condition before the breach took place as set out in s173(4)(a).

Given that the purpose of the notice is to remedy the breach of control that has occurred, that can only be achieved by the complete removal of the building and all associated materials as is set out in the requirements. To require that does not, therefore, exceed what is necessary and the appeal on ground (f) must fail.

The lesser steps suggested by the Appellant are to alter the building externally to give it more of an agricultural appearance and to remove the kitchen. Those steps would not remedy the breach of planning control. The breach can only be remedied in this case by restoring the land to its condition before the breach took place as set out in s173(4)(a).

Other matters

The Appellant has pointed out that there was previously a building in this location. That building, however, was removed and now that it has gone it does not present a potential fall back position. Whilst the Appellant says he could have reused the original structure, he chose not to do so, and that has no relevance to the determination of the current appeal.

The Inspector noted the request that a decision on this appeal be delayed pending the outcome of an application to be made to the Council to retain the building. However, he could find no reason to do so in this case, particularly as the Appellant had the opportunity to progress an appeal on ground (a), that planning permission should be granted, as part of this appeal. However, if the Council were subsequently to grant planning permission then, by virtue of s180 of the Act the notice would cease to have effect insofar as it was inconsistent with the permission granted. The Inspector took into account all other matters raised in the representations, but they did not alter or outweigh the main considerations that have led him to his decision.

Formal decision

The enforcement notice is corrected by:

- i) the deletion of "capable of residential occupation" from the alleged breach of planning control in paragraph 3.
- ii) the deletion of "capable of residential occupation" from the requirements of the notice in paragraph 5.

Subject to the above correction the appeal is dismissed and the enforcement notice is upheld.

DC

13/01229 Pins Ref 2209397	32 Salcombe Rd, Newbury, Berkshire RG14 6ED	Construction of a 2 storey extension on the front elevation with solar PV panels. Extension to replace existing single storey garage.	Dele. Refusal	Dismissed 14.01.2014
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Main Issue

The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

The host property is a two storey semi-detached house set within a road which contains a mixture of detached, semi-detached and terraced houses. The properties are generally arranged upon consistent building lines with relatively small but nevertheless distinguishable gaps between one another.

From the evidence before the Inspector, in particular the Council's delegated report, he considered the Council's primary objection to the proposal remains the absence of a significant set-back within the design of the proposed extension.

The proposed two storey extension would incorporate a very small set-back from the front of the existing building which would fall substantially short of the recommended minimum distance of 1m set out within the House Extensions Supplementary Planning Guidance 2004 (SPG). This promotes subservient extensions and those which avoid the creation of a "terracing" effect within the street scene.

He found that the gaps between the buildings were still in evidence within the street scene and play an important role in the differentiation between the different house types along Salcombe Road. He did not agree that the house types are intermingled to such an extent that they are not visually distinct from one another.

The proposal would result in an extension which, due to its significant size and prominent massing would unbalance the predominant symmetrical form between the host property and its attached neighbour at No. 30. In addition, the absence of a significant set-back from the front of the existing building would result in a "terracing" effect which would be harmful to the street scene and the character of the various building styles and types contained therein.

At his site visit, he noted the development at No. 46 which had a larger set-back from the front building line than the proposal which provides it with a more sympathetic and subservient appearance. The Inspector had not been provided with sufficient detail on the planning decision and street scene contexts of the other examples of development provided by the appellant and therefore he could not apply any significant weight to this in his decision.

In conclusion, the Inspector considered the proposed development would harm the character and appearance of the surrounding area and would thereby conflict with policies CS14 and CS19 of West Berkshire Core Strategy 2012 and the guidance contained within Quality Design – West Berkshire Supplementary Planning Document (Parts 1 and 2) which, amongst other criteria, seeks to support high quality residential development which respects and enhances the character of the area.

Furthermore it would also conflict with paragraph 17 of the National Planning Policy Framework which seeks high quality design and the SPG for the reasons he outlined above.

Other Matters

Although he recognised the obvious conflict between providing an additional bedroom at this property and the significant set-back sought by the SPG, the Inspector could only give this aspect of the appellant's case limited weight and it is outweighed by the harm to the character of the area he had outlined above.

The Inspector had not been provided with all of the evidence before the previous Inspector (APP/W0340/D/12/2173307) however it is clear from his decision that he also had significant concerns over the impact of the development upon "terracing" within the street scene. He therefore considered his decision was consistent with that of his colleague.

Whilst he noted and understood the frustration the appellant has experienced through successive planning applications and now a second unsuccessful planning appeal, the Inspector could only take into account the planning merits of the particular appeal before him.

For the above reasons, and having taken all evidence before him into account, the appeal was dismissed.

DC