Notice of Meeting

Western Area **Planning Committee**



Scan here to access the public documents for this meeting

Wednesday 22 October 2025 at 6.30 pm

in the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: Link to Western Area Planning Committee broadcasts You can view all streamed Council meetings here: Link to West Berkshire Council - Public Meetings

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on Tuesday 21 October by emailing planningcommittee@westberks.gov.uk.

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 14 October 2025

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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 or email planningcommittee@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 the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



Agenda - Western Area Planning Committee to be held on Wednesday 22 October 2025 (continued)

To: Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman),

Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines,

Tony Vickers and Howard Woollaston

Substitutes: Councillors Dennis Benneyworth, Martin Colston, Carolyne Culver,

Billy Drummond and Stuart Gourley

Agenda

Part I Page No.

1. Apologies for absence

To receive apologies for inability to attend the meeting (if any).

2. **Minutes** 5 - 8

To approve as a correct record the Minutes of the meeting of this Committee held on 17 September 2025.

3. **Declarations of Interest**

Proposal:

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' <u>Code of Conduct</u>.

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) 25/01687/FUL 14 Charnham Street, Hungerford

Change of Use of a Class E unit to a

Hot Food Takeaway (Sui Generis),

installation of extraction and

ventilation equipment and external

alterations.

Location: 14 Charnham Street, Hungerford

Applicant: Miss Chloe Smith

Recommendation: The Development Control Manager be authorised to

GRANT conditional permission.



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Agenda - Western Area Planning Committee to be held on Wednesday 22 October 2025 (continued)

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.

Sarah Clarke

Executive Director - Resources West Berkshire District Council

Wardh Clarke.

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.





Public Document Pack Agenda Item 2.

DRAFT

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 17 SEPTEMBER 2025

Councillors Present: Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Denise Gaines and Tony Vickers

Also Present: Lydia Theos (Apprentice Lawyer), Harriet Allen (Planning Officer), Debra Inston (Team Manager – Development Management), Ben Ryan (Democratic Services Officer), Jodie Wilson (Environmental Health Officer), Thomas Radbourne (Clerk)

Apologies for inability to attend the meeting: Councillor Nigel Foot and Councillor Howard Woollaston

PARTI

1. Minutes

The Minutes of the meeting held on 23 July 2025 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Councillor Antony Amirtharaj declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the Ward Member for the application, and that he had been lobbied for Agenda Item 4(1). 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.

Councillor Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of Newbury Town Council. 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.

3. Schedule of Planning Applications

(1) 25/00931/FUL Waitrose, Oxford Road, Newbury, RG14 1NB

- 1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 25/00931/FUL in respect of replacement of existing plant within the service yard and roof locations, Waitrose, Oxford Road, Newbury, RG14 1NB.
- 2. Ms Harriet Allen introduced the report to Members, which took account of all relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
- 3. In accordance with the Council's Constitution, Ms Jane Kemp, objector, Mr Tim Williams, agent, and Councillor Antony Amirtharaj, Ward Member addressed the Committee on this application.

Objector Representation

4. Ms Kemp addressed the Committee. The full representation can be viewed here:

WESTERN AREA PLANNING COMMITTEE - 17 SEPTEMBER 2025 - MINUTES

Western Area Planning Committee - Wednesday 17 September 2025

Member Questions to the Objector

- 5. Members asked questions of clarification and were given the following responses:
 - The objector was not reassured by the site meeting, and while she accepted that
 the noise created by the cages was an operational matter and could not be taken
 into account by the Committee, she believed that additional conditions should be
 added to allay some of her concerns about noise.

Agent Representation

6. Mr Williams addressed the Committee. The full representation can be viewed here:

Western Area Planning Committee - Wednesday 17 September 2025

Member Questions to the Agent

- 7. Members asked questions of clarification and were given the following responses:
 - No acoustic barriers were included in the application because the background noise levels would not increase, therefore there was no requirement for it.
 - The background sound levels were recorded in accordance with the relevant standards, when the weather conditions were appropriate.
 - The agent noted that the previous planning permission required a delivery management plan with clauses that must be abided by. He believed that the store had taken the delivery management plan into account.
 - The application would lead to increased energy efficiency due to the removal of the current system and would enhance the customer experience as part of the refurbishment of the store and replace the current plant system.
 - The Planning Officer had recommended a planning condition for controlling the plant, which restricted the running of the heat pump to one hour either side of the store opening hours. It would not run continuously throughout the night. This was a benefit over the current system, which currently ran 24 hours a day.
 - There would be heating as and when required for the store, but the main cooling system would not run continuously.
 - Regarding power throughout the night for deliveries, the agent felt that it was an operational matter, and Waitrose would accept that as a planning condition.
 - Planning conditions were enforceable and would be brought up by the Environmental Health Officer and could be actioned if Waitrose were in contravention of them.
 - There was no requirement for additional conditions related to acoustic fencing around the plant, as the application complied with planning conditions, as would not lead to an increase in noise.
 - He confirmed that there would be enough power to run the food store when all the generators were turned off.

Ward Member Representation

8. Councillor Amirtharaj addressed the Committee. The full representation can be viewed here:

Western Area Planning Committee - Wednesday 17 September 2025

WESTERN AREA PLANNING COMMITTEE - 17 SEPTEMBER 2025 - MINUTES

Member Questions to the Ward Member

9. Members did not have any questions of clarification.

Member Questions to Officers

- 10. Members asked questions of clarification and were given the following responses:
 - Issues not directly linked to the application, would be dealt with separately by the Environmental Health Team through nuisance investigation powers.
 - The noise assessment had been completed correctly and in accordance with the
 correct methodology. The conclusion noted that the noise levels generated by the
 proposal were below the existing background noise levels and should not be
 audible at residents' properties. There would not be a value to providing additional
 mitigation above that which had already been provided on the rear wall to prevent
 acoustic reflections.
 - Officers believed that an additional noise assessment would be required if additional acoustic screening was added, as the screening could reduce ventilation, and the plant would have to work harder and create more noise.
 - The agent had proposed that the equipment would be turned off at night.
 - Any mitigation measures conditioned on the application must be relevant to this proposal.
 - Operating hours under condition five would be between 7am to 10pm, therefore the equipment could operate from 6am to 11pm.
 - At a BS4142 rating level, there would be a 0db lower noise during the day, and -7db difference during the night (11pm – 7am).
 - There was no sound mitigation proposed for the rooftop.
 - At Old Bath Road, during trading hours, 37dB was emitted during the day, and 23dB at night. At Benedict Court, during trading hours, 41dB was emitted, and 29dB during the night.
 - Monitoring of noise was controlled by the Environmental Health Team. A planning condition could not be included to condition pre-emptive monitoring. Environmental Health would only monitor as a reactive measure.
 - The Committee could condition additional acoustic measures which could be delegated to Officers. This would be guided by the Environmental Health officer as to whether or not it would reduce noise.
 - Officers recommended that additional conditions could require a period of monitoring at a given period after the fulfilment of the proposal.

Debate

- 11. Councillor Tony Vickers opened the debate by noting the technical nature of the subject but believed the proposal would be a positive result for residents nearby. He believed it was useful to have the planning application and was in favour of approval.
- 12. Councillor Adrian Abbs considered that the new heat pumps would be quieter than the current equipment during the night and was in favour of approval.
- 13. Councillor Antony Amirtharaj commended the dedication of residents, and believed that from the technical aspects, the noise level would not increase from current levels. He felt that additional monitoring would enable consistency and reduce the

WESTERN AREA PLANNING COMMITTEE - 17 SEPTEMBER 2025 - MINUTES

impact on residents, and the supplementary conditions could mandate that any maintenance required to the heat pumps would be kept to the operational hours, and not during the out of trading hours.

- 14. Councillor Clive Hooker was in favour of the condition and believed that additional conditions could be added to the application in order to better support residents. He believed that the application was positive regarding the reduction in CO₂ and emissions.
- 15. Councillor Vickers believed that the Planning Committee could not require an applicant to implement or achieve levels beyond those set out in Planning Policies. He felt that there could be a test period where the new equipment could be run and monitored before it was fully brought into use.
- 16. Officers recommended an additional condition which required additional monitoring at a set time after first use, to make sure that sound levels were as predicted in the original noise report. If the noise levels were not as predicted, the applicant would have to make necessary adjustments to ensure that it was within the correct standards.
- 17. Councillor Abbs felt that if additional noise monitoring was to be conditioned, it should take place shortly after the first use of the new plant, with Officers being delegated the power to set the time of the noise monitoring.
- 18. Councillor Paul Dick was in favour of an additional condition in order to reduce noise faced by residents.
- 19. Officers recommended that the additional monitoring be taken at the same time periods as were taken in the noise impact assessment and from the same receptors.
- 20. Councillor Abbs proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Hooker.
- 21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Hooker to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions set out in the main report and the update report and the following additional conditions:

- Additional/amended Conditions Submission of a Noise Impact Report following practical completion with Officers being delegated the power to set the time of the noise monitoring.
- 2. Condition ensuring that the air source heat pumps hereby approved are restricted to operate an hour either side of the store trading hours.

(The meeting commenced	at 6.30 pm and closed at 7.46 pm)
CHAIRMAN	
Date of Signature	

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/01687/FUL Hungerford	26/09/25	Change of Use of a Class E unit to a Hot Food Takeaway (Sui Generis), installation of extraction and ventilation equipment and external alterations. 14 Charnham Street, Hungerford
			Miss Chloe Smith,
			Pegasus Planning Group Ltd

The application can be viewed on the Council's website at the following link: https://publicaccess.westberks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

Recommendation The Development Control Manager be authorised to

Summary: GRANT conditional permission.

Ward Member(s): Councillor Gaines

Councillor Benneyworth

Councillor Vickers

Reason for Committee Ward Member Call-in

Determination:

Committee Site Visit: 17th October 2025

Contact Officer Details

Name: Isabel Oettinger

Job Title: Planning Officer

Tel No: 01635 519111

Email: <u>Isabel.Oettinger@westberks.gov.uk</u>

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 Permission is sought for the Change of Use of a Class E (Commercial, Business and Service uses) unit to a Hot Food Takeaway (Sui Generis) at 14 Charnham Street.
- 1.3 The Site comprises a detached two-storey property and associated car parking on Charnham Street, Hungerford. The Site is in close proximity to several Grade II Listed Buildings, including two former public houses, and is located within the Hungerford Conservation Area.
- 1.4 Application 14/01834/FUL was approved in October 2014 for the change of use of the ground floor from Class A1 to A3 and A5. This included three precommencement conditions requiring details of plant and parking, which appear to have not been discharged and the permission has subsequently expired. From 2021 the site has since operated as a public house (sui generis), this use is therefore not immune from enforcement and even were this to be the case is not regularised therefore the site is considered to remain within the previous Class A1 use, now constituting a lawful Class E use (formerly Class A1). A change of use application is therefore required to change the use from Class E to a hot food takeaway (Sui Generis).
- 1.5 External alterations are proposed. This includes the removal of a number of doors and windows on the side elevation which will be infilled and rendered to match the existing appearance of the unit. A new aluminium exit door will also be installed on the side elevation to the rear of the unit which will be finished in Traffic Grey providing access to the back of house area. The compressors and louvres will also be installed on the side elevation. Extraction and ventilation equipment and a cold room compressor are proposed to be installed at the rear.
- 1.6 On the principal elevation the existing timber shopfront will be replaced like for like and finished in Traffic Grey.
- 1.7 Signage is also proposed above the shopfront, although specific details will be subject to a separate advertisement consent application.
- 1.8 The application site lies within the settlement boundary of Hungerford, within Hungerford conservation area and within the North Wessex Downs National Designated Landscape (NWDNL, previously NWDAONB).

2. Planning History

2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date

143689	Change of use to Indian take-away.	Refused 13.01.1994
12/02945/FUL	Replacement Shop Front.	Approved 05.02.2013
14/01833/FULD	Change of use and first floor extension to shop and workshop to form two 2 bedroom houses and an additional flat.	Refused 21.10.2014
14/01834/FUL	Change of Use from A1 to A3 and A5.	Approved 30.10.2014

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA)**: Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity**: Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on the 15th August 2025 on the front door of the site. A deadline for representations of the 8th September 2025 was posted. Notification in the Newbury Weekly News was posted 7th August 2025.
- 3.3 **Local Financial Considerations**: Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	3.4
New Homes Bonus	No	No	N/A
Affordable Housing	No	No	N/A
Public Open Space or Play Areas	No	No	N/A

Developer Contributions (S106)	No	No	N/A
Job Creation	No	No	N/A

- Community Infrastructure Levy (CIL): Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at https://www.westberks.gov.uk/community-infrastructure-levy CIL is not relevant to the application as no additional floorspace is involved.
- 3.5 **New Homes Bonus (NHB)**: New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance.
- 3.6 **Public Sector Equality Duty (PSED)**: In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues. The Committee will need to take this matter into account when considering this application.
- 3.13 **Conservation areas**: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site is within Hungerford Conservation Area.
- 3.14 **Listed building setting**: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The setting of the following listed buildings have the potential to be impacted by the proposal:

- 16 Charnham Street (occupied by Amore Italian restaurant) Grade II
- The Lamb Inn 5 Charnham Street Grade II
- Charnham Court Grade II
- 11 Charnham Street Grade II
- 1 Faulknor Square Charnham Street Grade II
- 2 Faulknor Square Charnham Street Grade II
- 3.15 **National Landscapes (AONB)**: Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues

4. Consultation

Statutory and non-statutory consultation

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

Hunge	erfor	d
Town	Cou	ncil.

Objection.

Highway safety substandard visibility at the proposed exit Reasonable expectation that clients will park on the A4 on double yellow lines rather than the car park causing obstruction and danger to the public. The proposed changes to the rear sections of the building would remove the historical context and replace it with a bland exterior, causing harm to the Conservation Area.

- We have no objection to change furthermore we feel that the sooner the building undergoes maintenance the better and removal of what looks like asbestos sheeting roofing would be beneficial
- We accept that the change in use of the building must mean that ventilation equipment must be placed on the central section of the roof
- From the point of view of the Conservation Area, whatever changes are made internally to the building we feel that externally the wall / window / doors layout should remain unchanged (even if blocked up inside)

There is a drawings issue

Highways:	- The Heritage statement Plate 8 shows a chimney in the centre of the from section of the building as does the SIDE WEST ELEVATION- ELEVATION 4 as existing - SIDE WEST ELEVATION- ELEVATION 4 shows the chimney in the centre whereas Section Y-Y shows it moved. We see no need for such a move and suggest that this drawing be corrected. (Officer note – the existing chimney is not proposed to be moved, amended plans have been received on 09.10.2025 correcting this mistake by showing the chimney in its current position) This is a change of use to Hot Food takeway in the centre of Hungerford. Three spaces have been retained which is acceptable. No highways objections. Informatives advised
Conservation Officer	This application is accompanied by a detailed heritage statement which correctly assesses the significance of the conservation area and the contribution of the site to that significance. The majority of the changes will be to the rear and while some of these will be visible, they are largely reversible and the impact will be minor. To the front elevation, the new shop window and door will be timber and the historic brackets are being retained. I therefore recommend this application for approval.
Environmental Health	I have reviewed this application and the main issues associated with this development are the control of noise and odour. Various reports have been submitted which cover these aspects which I have reviewed. The control of odour will be minimised by the use of carbon filtration and ozone. Noise from the extract will require a silencer to be fitted in order to reduce the noise level. This is satisfactory. Various other plant have limits specified which they will require to meet in order to achieve acceptable noise levels at the nearest sensitive receptors. This requires the installation of louvres and an acoustic enclosure. Conditions recommended
SuDs (first consult)	The application is required to be supported by a Flood Risk Assessment as per the text below: Request that the applicant submits a Flood Risk Assessment which is proportional to the development: The requirements for FRAs can be found here: Flood risk assessments: applying for planning permission - GOV.UK and are covered by clause 63 of the NPPF which states: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the

Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

Public representations

- 4.2 Representations have been received from 8 contributors, 1 of which is neutral, and 7 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Neutral/Comment	No objection to the proposed change of
Neutral/Comment	use. Suggest the siting of the cold room
	compressor fan to be changed so that the
	fan unit will face the rear or the west side of
Ohioat	the building.
Object	Traffic and Parking Concerns
	Insufficient parking: Only three spaces,
	likely used by staff, leaving no room for
	customers.
	Risk of illegal parking: Customers may
	park on double yellow lines, in private
	car parks (Faulknor Square or Amore),
	or obstruct traffic on the A4.
	Access issues: The site is on a bend
	with poor visibility, raising concerns
	about accidents during entry/exit. Rear
	access problematic: Via a narrow alley
	shared with Amore, not clearly marked,
	and difficult to navigate. Blind exit: Exit
	onto a bend in the A4 poses a
	significant safety risk.
	Delivery vehicle hazards: No clear
	provision for delivery vehicle parking;
	potential obstruction and safety issues.
	It is noted that in 1994 an application for
	change of use to an Indian takeaway
	was refused by Newbury District
	Council. One of the (two) grounds of
	refusal was for highway safety reasons.
	The circumstances of the current
	application seem indistinguishable,
	except that traffic on the A4 Charnham
	Street has certainly significantly
	increased.
	5,54554.
	Impact on Nearby Businesses
	Competition with Amore: The adjacent
	Italian restaurant already offers
	takeaway pizza, making a second outlet
	takeaway pizza, making a second outlet

redundant and potentially harmful to local business.

Noise and Litter

- Evening disturbances: Concerns about noise from waiting customers and increased foot traffic.
- Littering: Potential for rubbish (e.g., cigarette ends, cans) despite bin provision.

Residential Impact

- Unauthorised parking: Previous similar use led to illegal parking in residential areas, blocking emergency access.
- Encroachment on private property:
 Delivery drivers may use residents' hard standings, causing distress.

Alternative Locations

 Vacant takeaway premises: More suitable locations exist on Hungerford High Street with better access and parking.

Highways Department Concerns

 Objectors question the Highways Department's backing and urge a site visit to reassess safety.

5. Planning Policy

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

West Berkshire Local Plan Review 2023-2041

Strategic Policies

- Policy SP1 The Spatial Strategy
- Policy SP3 Settlement Hierarchy
- Policy SP5 Responding to Climate Change
- Policy SP6 Flood Risk
- Policy SP7 Design Quality
- Policy SP8 Landscape Character
- Policy SP9 Historic Environment
- Policy SP10 Green Infrastructure
- Policy SP11 Biodiversity & Geodiversity
- Policy SP18 Town & District Centres
- Policy SP19 Transport

Development Management Policies

- Policy DM4 Building Sustainable Homes & Businesses
- Policy DM5 Environmental Nuisance & Pollution Control
- Policy DM9 Conservation Areas
- Policy DM10 Listed Buildings

- Policy DM44 Parking
- 5.2 The following are relevant material considerations:
 - The National Planning Policy Framework (NPPF)
 - The Planning Practice Guidance (PPG)
 - Quality Design SPD (2006)
 - Planning Obligations SPD (2014)
 - Sustainable Drainage Systems SPD (2018)

6. Appraisal

- 6.1 The main issues for consideration in this application are:
 - Principle of development
 - Design, Character and Appearance and Heritage
 - Neighbouring amenity
 - Highways
 - SuDs

Principle of development

- 6.2 Policy SP1 sets out the Spatial Strategy for the district which includes the optimisation of previously developed land and support of development and redevelopment within settlement boundaries as defined in Policy SP3. Policy SP3 states that the focus of development will follow the settlement hierarchy set out within the policy. It defines Hungerford as an Urban Area which will be the prime focus for housing and economic development, offering development potential.
- 6.3 Policy SP18 supports development proposals within a town or district centre where they:
 - a. Are of an appropriate scale and character that reflect and respond to the role and function of that centre;
 - b. Create a high quality, well designed environment and public realm that promotes the individuality of the centre and responds to its historic built heritage; c. Contribute to the vitality or viability of that centre;
 - d. Do not have an adverse impact on the safety and capacity of the local highway network: and
 - e. Do not have an adverse impact on local amenity.
- 6.4 The proposed Takeaway would be within an existing commercial unit within Hungerford. The existing unit has lawful permission for Class E use but has been used unlawfully as a public house (Sui Generis) since 2021. It is currently vacant.
- 6.5 It is important to note that as the premises has a lawful Class E use it is provided within a fallback position, via permitted development rights in which it can operate a main town centre use such as a shop, restaurant (with ancillary takeaway) or offices without planning permission being required.

- 6.6 The proposed use would be similar to the neighbouring existing restaurant creating a small cluster of uses, retaining a business/commercial function in this area.
- 6.7 The proposed retention of 3 parking spaces and access from the existing car park has not raised objection from the highways officer. It is therefore considered that the proposed use would be accessible, enable the suitable redevelopment of an existing building within a sustainable town centre location, and would contribute to the viability of the town without harm to the safety and capacity of the highway. As per the heritage report, and the Conservation Officer comments, the proposal is considered to be acceptable in terms of its impact on the heritage assets. The potential competition of the food type (pizza) with the neighbouring restaurant is not a material planning consideration.
- 6.8 The criteria of Policy SP18 is therefore considered to have been satisfied.

Design, Character and Appearance and Heritage

- 6.9 Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' West Berkshire Supplementary Planning Document, Conservation Area Appraisals, and community planning documents such as Parish Plans and Town and Village Design Statements, the design principles on the rural environment.
- 6.10 According to Policy SP7, new development will be required to strengthen a sense of place through high quality locally distinctive design and place shaping. This will enable healthy place making, creating places that are better for people, taking opportunities available for conserving and enhancing the character, appearance and quality of an area and the way it functions.
- 6.11 According to Policy SP9, development proposals will be required to conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of archaeological, architectural, artistic or historic interest, or of landscape or townscape significance.
- 6.12 Regarding the Conservation Area setting, development should respect locally distinctive design and not result in the loss of any features that positively contribute to the historic character and appearance of the area to accord with Policy DM9.
- 6.13 In terms of Listed buildings Policy DM10 sets out detailed criteria for development proposals affecting listed buildings.
- 6.14 A heritage statement has been provided which describes the special historic and architectural interest of the building. The conservation officer has reviewed the application, including the heritage statement and is satisfied with the details provided.
- 6.15 The Conservation Officer notes that the majority of the changes will be to the rear, and involve installing extract ducting, cold room compressors, and railings on the flat roof of the rear extension at 14 Charnham Street. This section of the building is less sensitive to alterations than the prominent gable end facing the street. To reduce the visual impact of the proposed equipment, which will be

partially visible from Charnham Street, timber screening is proposed. Although this will introduce a noticeable new feature to the rear of the building, similar service installations are present elsewhere within the Conservation Area, particularly on rear elevations. As such, these types of additions are not uncommon in the area. The proposed services will support the needs of the new occupant and help maintain the site's commercial function. A condition is recommend requiring details of this timber screen including the colour of the paint/stain finish.

- 6.16 The Conservation Officer agrees with the conclusions of the submitted Heritage Statement, which recognises that the site contributes positively to the character, appearance, and overall significance of the Hungerford Conservation Area, primarily through its form and continued use. However, due to various alterations over time, such as the installation of uPVC windows, other modern fenestration, and unsympathetic rear extensions, the building's positive contribution is now largely confined to the form and brickwork of its front elevation. To the front elevation, the new shop window and door will be timber and the historic brackets are being retained.
- 6.17 Concerns were raised by Hungerford Town Council that the proposed elevations were inaccurate and seemed to indicate a chimney being moved. This was an error on the plans and amended elevation plan drawings have been submitted and now form part of the application.
- 6.18 Any new shopfront signage would be subject to a separate advertisement consent.
- 6.19 Overall, it is considered that the proposal would result in a very low level of less than substantial harm to the significance of heritage assets.
- 6.20 The low level of less than substantial harm is considered to be outweighed by the public benefit of bringing this empty unit back into use which will contribute to the local economy and the vitality and viability of the conservation area. Officers have given great weight and importance to the desirability of preserving or enhancing the character and appearance of the conservation area and the setting of listed buildings. It is considered that the low level less than substantial harm that would be caused by the proposed development has been adequately mitigated and is justified, and the harm would be outweighed by the level of public benefits that would result in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

Neighbouring Amenity

- 6.21 According to Policy DM30, all development will be required to provide and/or maintain a high standard of amenity for existing and future users of land and buildings. In terms of the impact on the living conditions of existing and proposed residential dwellings, development proposals will be supported where there is no unacceptable harm in terms of the following criteria:
 - a. Any significant loss of daylight and/or sunlight to land and buildings;
 - b. Any significant overlooking of land and buildings that results in a harmful loss of privacy;

- c. Development resulting in an undue sense of enclosure, overbearing impact, or a harmful loss of outlook; and
- d. Noise, dust, fumes and odours.
- 6.22 There are residential units near the application site, and the first floor of the site is maintained as a flat. The proposed change of use and minor alterations would see minimal increase in built form and as such there are no concerns of overshadowing, overbearing or overlooking. Regarding criterion (d), it is considered that the noise and activity generated by the takeaway would not be significantly different to that associated with the existing extraction fans and adjacent restaurant. The environmental health officer has reviewed the scheme and is satisfied that the works would not give rise to unacceptable noise or disturbance.
- 6.23 A request has been received to re-orientate the cold-room compressor fan to face the rear or west side of the building. However, given that Environmental Health have not raised any objections amendments to the proposal have not been requested.
- 6.24 It has been stated that operational hours would be 11am to 11pm on any given day. Due to the commercial setting and proximity to dwellings, it is considered reasonably necessary to restrict the use to the stated operational hours to avoid disturbance to neighbouring residents. The proposed opening hours has not raised concerns from environmental health officers.

Highways

- 6.25 Concerns from objectors and the Town Council have been raised regarding highways safety and parking issues. The Highways officer has assessed these areas and has not raised any concerns in terms of highways safety or parking. They are satisfied with the three on site spaces proposed.
- 6.26 It is considered that the application accords with the advice in Policy DM44 of the WBLPR and the application should not be refused on access/highways grounds.

SuDs

6.27 The SuDs team recommended that a Flood risk assessment (FRA) proportionate to the development be submitted. This is because the site lies within an area of groundwater flood risk and undefended flood zone 2 climate change area. The applicant has provided an FRA which is being further assessed by the SuDs team. This will need to be further reported in the update report.

7. Planning Balance and Conclusion

7.1 The current scheme is supported by your planning officer and is considered to be acceptable in design and appearance with no highways implications to resolve. The proposal complies with policy and will ensure the site reflects the existing character of the locality with no unacceptable harm to the visual character of the conservation area, setting of listed buildings and NWDNL if approved.

7.2 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore recommended for APPROVAL.

8. Full Recommendation

8.1 To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

Conditions

1. Commencement of development

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).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Location Plan ref: DB633-A5-LP REV A received 01.08.2025

Block Plan ref: DB633-A5-BP REV A received 01.08.2025

Proposed Elevations 1 of 2 ref: DB633-A505 received 22.09.2025

Proposed Elevations 2 of 2 ref: DB633-A506 received 09.10.2025

Proposed Floor Plans DB633-A504 24.07.2025

Flood Risk Assessment received 22.09.2025

Heritage Statement received 24.07.2025

Noise Impact Assessment received 24.07.2025

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

3 Extraction and ventilation measures prior to use

Before the use hereby permitted commences, fume extraction, mechanical ventilation and filtration equipment shall have been installed at the premises in accordance with the details specified in the Springfield Group Kitchen Ventilation Specifications Information. The equipment shall thereafter be retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations for so long as the use hereby permitted remains on site.

Reason: To ensure that no nuisance or disturbance is caused to the occupiers of neighbouring properties.

4 Noise measure implemented prior to use

The development hereby approved shall not be occupied until the noise mitigation measures as set out in the Suono Plant Noise Assessment Report

dated June 2025, submitted with the application, are implemented. Confirmation must be provided that the specified acoustic mitigation measures have been installed satisfactory.

The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future residents from noise from installed plant.

5 Construction hours

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 07:30 and 18:00 Monday to Friday and 08:30 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period

6 Materials

The materials to be used in the development hereby permitted shall be as specified on the plans, supporting information and application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7 and DM28 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).

7 Operating Hours

The use hereby permitted shall not be open to customers outside the following hours:

11am -11pm Monday- Sunday

Reason: To safeguard the amenities of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.

8 Details of timber screening

Prior to installation of the extractor fan ducting, details of the timber screening (including finish) shall be submitted to and approved in writing by the local planning authority.

The works shall be carried out strictly in accordance with the approved details.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7 and DM28 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).

Informatives

- 1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
- 2. Damage to footways, cycleways and verges
 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
- 3. Damage to the carriageway
 The attention of the applicant is drawn to the Highways Act 1980, which enables the
 Highway Authority to recover expenses due to extraordinary traffic.
- 4. | BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

- 1. The application for planning permission was made before 12 February 2024.
- 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
- 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
- (i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
- (ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
- 4. The permission which has been granted is for development which is exempt being:

- 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
- 4.2 Development below the de minimis threshold, meaning development which:
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5 Self and Custom Build Development, meaning development which:
- i) consists of no more than 9 dwellings:
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.
- * "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

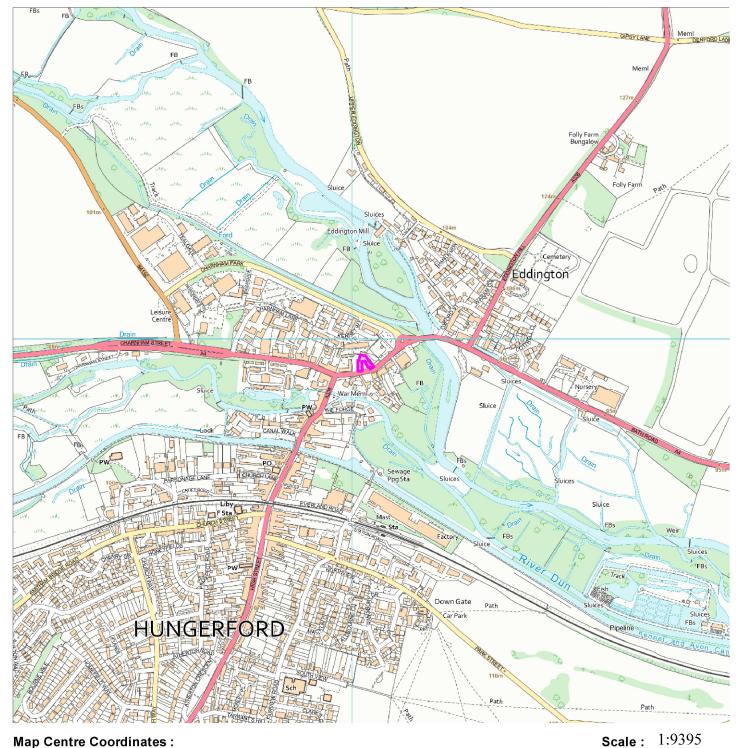
In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

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25/01687/FUL

14 Charnham Street, Hungerford RG17 0ES





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Organisation	West Berkshire Council
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Comments	Not Set
Date	09 October 2025
SLA Number	0100024151

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Plans and drawings relevant to reports submitted to Western Area Planning Committee

Wednesday 22nd October 2025 at 6.30pm

At Council Chamber, Council Offices, Market Street, Newbury, RG14 5LD

&

And via Zoom

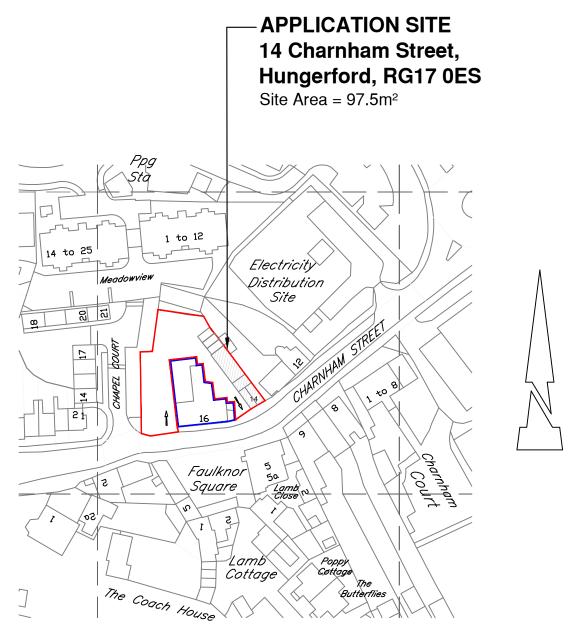
[to be read in conjunction with the main agenda]

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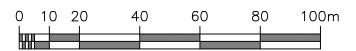
- All drawings are copied at A4 and consequently are not scalable
- Most relevant plans have been included however, in some cases, it may be necessary for the case officer to make a selection
- All drawings are available to view at www.westberks.gov.uk

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Α	Revised red line as req by PO.	31.07.25		



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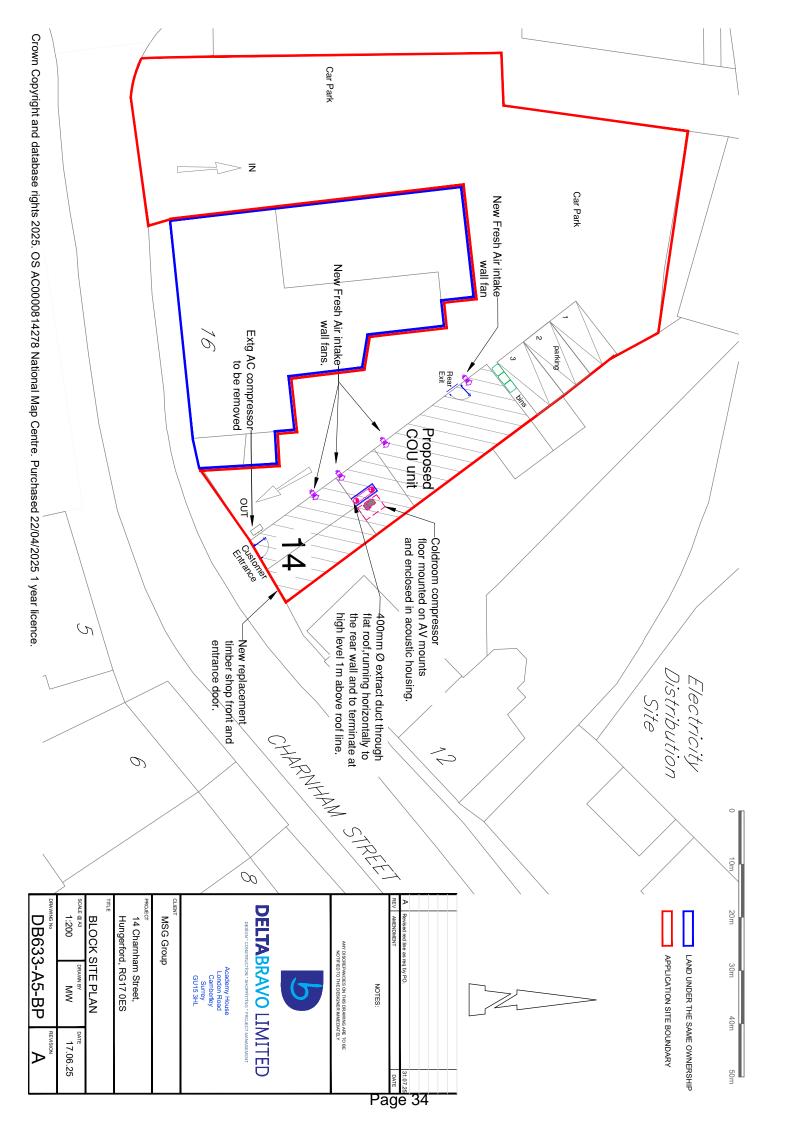
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Group narnham Street, erford, RG17 0ES

TITLE SITE LOCATION PLAN

DB633-A5-LP

REVISION



SECTION Y-Y'

