

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01650/FUL Hungerford Town Council	6 <sup>th</sup> September 2023	Change of use of office building (Class E) to education use (Class F1(a)), minor external alterations and associated works to curtilage, including provision of outdoor amenity space and erection of fencing.  Norgate House, Tealgate, Hungerford, RG17 0YT  Sir Peter Birkett

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01650/FUL>

**Recommendation Summary:** To **DELEGATE** to the Development Control Manager to **GRANT PLANNING PERMISSION**

**Ward Member(s):** Councillor Tony Vickers, Councillor Dennis Benneyworth, Councillor Denise Gaines

**Reason for Committee Determination:** Development Control Manager's call-in due to public interest

**Committee Site Visit:** 17<sup>th</sup> August 2023

#### Contact Officer Details

**Name:** Cheyanne Kirby  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Cheyanne.kirby@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for change of use of office building (Class E) to education use (Class F1(a)), minor external alterations and associated works to curtilage, including provision of outdoor amenity space and erection of fencing.
- 1.2 The application site is an office building located within the settlement boundary of Hungerford, within the North Wessex Downs AONB and within the Charnham Park Protected Employment Area (PEA). The application site is also located to the west of the River Kennet and its tributaries. The site is accessed from Charnham Park and serves other commercial units. To the south-west of the application site is Herongate Leisure Centre.
- 1.3 The proposed change of use is to a state-funded, independent school for children with special educational needs, to help meet an acute need in Berkshire. Accommodating for approximately 30no. pupils between the ages of 5-16 years with up to 30 educational jobs due to the one-to-one based teaching.
- 1.4 The proposal includes minor alterations to the building including a new ground floor door to the rear elevation, internal alterations, 2m boundary fence and changes to car park to provide outdoor play/learning area.

## 2. Planning History

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

Application	Proposal	Decision / Date
99/56063/FUL	Erection of two storey extension to existing office building	Approved / 14.01.2000
06/00878/FUL	Conversion of loft storage area into office space by the addition of 6 dormers and two associated parking spaces.	Approved / 02.06.2006
06/01775/FUL	Addition of 4 'Velux' windows to approved office loft conversion.	Approved / 19.09.2026
19/01702/FUL	Extension of reception area and enhancement of second floor/attic accommodation.	Approved / 29.08.2019
23/01032/CERTP	Change of Use of existing Office building (use Class E) to a state-funded school (use class F1(a)) on a temporary basis of two academic years	Pending Consideration
23/01064/FUL	Installation of 8r Velux windows to the roof above existing office spaces. Velux windows in each space	Pending Consideration

### 3. Procedural Matters

- 3.1 Given the nature and scale 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 Site notice displayed on 21<sup>st</sup> July at the site; the deadline for representations expired on 11<sup>th</sup> August 2023.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 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.

<b>Hungerford Town Council:</b>	No Objections
<b>Highways:</b>	Conditional Approval
<b>Trees:</b>	No Objections
<b>Economic Development:</b>	No Response
<b>SUDS:</b>	No Objections - Recommend use of SUDs features
<b>Education:</b>	No Objections – Comments on layout
<b>Sport England:</b>	No Comments
<b>Policy:</b>	No Response
<b>Environment Agency:</b>	No Response
<b>Public Protection:</b>	No Objections

## ***Public representations***

4.2 No representations have been received.

## **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.

- Policies ADPP1, ADPP5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle
- Character and appearance
- Amenity
- Highways
- 23/01032/CERTP

### ***Principle of development***

6.2 The application site is located within the defined settlement boundary of Hungerford the application site is also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). In accordance with Core Strategy Area Delivery Plan Policy 1 (ADDP1) and the principal guidance in the National Planning Policy Framework (NPPF) new development will be directed to the most sustainable locations and with preference on brownfield sites accessed.

6.3 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates the site as being within the open countryside for planning purposes. Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern, and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

- 6.4 Planning Policy ADPP5 of the Core Strategy further advocates for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context.
- 6.5 Planning Policy CS9 of the Core Strategy relates to the type and location of business development, protecting employment areas and managing the scale, type, and intensification of business development. Protected Employment Areas have been designated for B class uses to ensure sufficient sites are provided in suitable locations to foster business development and promote sustainable economic growth across the District. Policy CS9 allows for employment generating uses other than B class uses to be located within Protected Employment Areas if they are complementary to the existing business use in that location, and where they are consistent with the integrity and function of the location for employment purposes.
- 6.6 Whilst the proposal will involve the change of use of the office building to educational use the impact of the loss of office space whilst not supported by policy would be outweighed by the benefit of the provision of an educational site which caters for special educational needs. The change of use is not considered to have a significant impact on the existing surrounding uses and therefore is considered to be acceptable.

### ***Character and appearance***

- 6.7 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. The NPPF also adds that the visual appearance is a very important factor, securing high quality and inclusive design goes beyond aesthetic considerations.
- 6.8 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.
- 6.9 The proposal does not include any increase in footprint with minor external works including changing a ground floor window on the rear elevation to a door, erection of 2m high boundary fence and outdoor play/learning area as well as hard and soft landscaping.
- 6.10 Overall, the proposed building will appear much the same as existing due to the majority of changes taking place internally; whilst there will be alterations to the surrounding land via hard and soft landscaping changes these are not considered to have a significant impact on the character and appearance of the area and therefore comply with the NPPF and policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

## ***Amenity***

- 6.11 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 6.12 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.13 Due to the location of the proposal, the existing nature of the site and the distance from neighbouring dwellings there is not considered to be a signification impact on neighbouring amenity.

## ***Highways***

- 6.14 Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. The NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.15 During the previous application the Council's Highways Officer was consulted and raised concerns and requested further information be submitted in the form of a transport statement. A highways technical note was submitted on the 7<sup>th</sup> August addressing the concerns raised by the highways officer and deemed acceptable.
- 6.16 Further information was requested by the highways officer regarding swept path analysis and removal of some parking spaces to accommodate the safe turning of minibuses. This was submitted on 10<sup>th</sup> August and deemed acceptable to the highways officer subject to conditions. The proposed change of use compared to the existing office use, is considered to not have a detrimental impact on the local highway network.
- 6.17 In total 46 parking spaces are proposed which is considered reasonable, along with the provision of 4 cycle parking spaces and 2 motorcycle parking spaces. The proposed provision and the location of cycle/motorcycle spaces is considered acceptable.
- 6.18 There would also be no change to the sites existing access or servicing arrangement. However, a drop off area for the children is to be provided in the rear parking area. The planning statement states that this would allow for cars and minibuses to enter and exit the site in forward gear. The submitted TN includes swept path analysis of the proposed drop off area for a minibus and this shows that two minibuses can pass each other within the car parking access.
- 6.19 An updated Proposed Block Plan (drawing 25046-B-P-00-10-01 Rev B) has been submitted showing the removal of 2 parking spaces to allow for minibuses to turn safely at the drop off area, as well as an accompanying swept path analysis drawing (2307105-TK02 Rev A), this demonstrates that a minibus can sufficiently manoeuvre into and out of the proposed drop off area and is therefore acceptable.
- 6.20 It has been established that drop-off and pick-up times will be managed by a warden and start / finish times will be staggered to minimise multiple minibuses being on site any the same time.
- 6.21 Overall, the proposed change of use and associated works are not considered to have a detrimental impact on the local highway network. The addition of conditions to secure the parking/turning as well as the cycle/motorcycle parking provision has been recommended.

## **23/01032/CERTP**

6.22 For your information a certificate of lawfulness application has also been submitted for “Change of Use of existing Office building (use Class E) to a state-funded school (use class F1(a)) on a temporary basis of two academic years”. This would be a fall-back position if the applicant gains Secretary of State approval as mentioned below. To clarify the certificate of lawfulness is to be a delegated decision and not a decision for the Western Area Planning Committee.

6.23 The certificate of lawfulness application has been assessed against the criteria set out in the General Permitted Development Order Schedule 2, Part 4, Class C of the GPDO which provides permitted development rights for use as a state-funded school for 2 academic years:

*“Permitted development C. The use of a building and any land within its curtilage as a state-funded school falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order for 2 academic years.”*

6.24 Permitted development rights are subject to national conditions and limitations (for example limits on height, size or location) to control impact and to protect local amenity.

*“Development is not permitted by Class C if -*

*(a) the existing use of the site is not a class of use specified in the Use Classes Order;*

*(b) the site is, or forms part of, a military explosives storage area;*

*(c) the site is, or forms part of, a safety hazard area;*

*(d) the building is a listed building or a scheduled monument; or*

*(e) the building is used for a purpose falling within Class F.2 (local community) of Schedule 2 to the Use Classes Order.”*

The proposal would comply with the above where the existing use of the site is a class of use within the Use Classes Order.

6.25 *“Development is permitted by Class C subject to the following conditions -*

*(a) the site must be approved for use as a state-funded school by the relevant Minister;*

*(b) the relevant Minister must notify the local planning authority of the approval and of the proposed opening date of the school;*

*(c) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;*

*(d) the permission is granted for up to 2 academic years and it may only be used once in relation to a particular site;*

*(da) for the purposes of the Use Classes Order as it applies to Class T of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use class it had before changing to the use as a state-funded school;*

*(db) for the purposes of Class S of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use as an agricultural building before changing to the use as a state-funded school; and*

*(e) the site reverts to its previous lawful use at the end of the second academic year or when it is no longer required for use as a state-funded school, whichever is earlier.”*

6.26 Whilst the application has yet to be determined at this stage it is considered likely that the application meets the permitted development criteria except for the Secretary of State approval for allocation of the site as a school, which the applicant is currently in discussion with the Secretary of State.

## 7. Planning Balance and Conclusion

7.1 The proposal has been carefully assessed to ensure it is considered to be sustainable development. The proposal seeks minor external changes to the building to accommodate the change of use and therefore has minimal impact on the character and appearance of the area including the sensitive North Wessex Downs AONB. The overall benefit of an educational facility that accommodates for special educational needs is supported.

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 Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

### Conditions

1.	<b>Commencement of development</b> 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.	<b>Approved plans</b> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:  Proposed Exterior Elevations Sheet 1 of 2 Front and South East Elevations 25046-B-E-00-10 Rev 00 received 12 <sup>th</sup> July 2023; Proposed Exterior Elevations Sheet 2 of 2 North West and Rear Elevations 25046-B-E-00-11 Rev 00 received 12 <sup>th</sup> July 2023; Proposed Layout Ground Floor 25046-B-P-00-11 Rev 00 received 12 <sup>th</sup> July 2023; Proposed Layout First Floor 25046-B-P-01-10 Rev 00 received 12 <sup>th</sup> July 2023; Proposed Layout Second Floor 25046-B-P-02-10 Rev 00 received 12 <sup>th</sup> July 2023; Location Plan 51398-P1-01 received 12 <sup>th</sup> July 2023; Proposed Block Plan 25046-B-P-00-10 Rev B received 10 <sup>th</sup> August 2023; Swept Path Analysis 2307105-TK02 Rev A received 10 <sup>th</sup> August 2023.



	Reason: For the avoidance of doubt and in the interest of proper planning.
3.	<p><b>Parking</b></p> <p>The development shall not be brought into use until vehicle parking and turning space have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning space shall be kept available for parking and manoeuvring at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
4.	<p><b>Cycle and motorcycle parking</b></p> <p>The development shall not be brought into use until the until cycle and motorcycle parking facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the adequate provision of cycle and motorcycle parking facilities. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>

### ***Informatives***

1.	Proactive
2.	CIL
3.	<p><b>Tree Protection Precaution</b></p> <ul style="list-style-type: none"> <li>• To ensure that the trees which are to be retained are protected from damage, ensure that all works occur in a direction away from the trees.</li> <li>• In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.</li> <li>• Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.</li> <li>• To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.</li> <li>• If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil</li> <li>• If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back using a sharp knife.</li> <li>• If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.</li> </ul>