

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00908/FUL Newbury	28 th June 2024 ¹	Use of the building as a SEND School 6 Northcroft Lane, Newbury, RG14 1BU Amegreen Children's Services
¹ Extension of time agreed with applicant until 19 th July 2024			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=24/00908/FUL> and
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SCSZU4RD0NK00>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions.

Ward Member(s): Councillors Colston and Sturgess

Reason for Committee Determination: The application was called in regardless of the recommendation due to highway concerns.

Committee Site Visit: 10 July 2024

Contact Officer Details

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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 This application seeks planning permission for a change of use of 6 Northcroft Lane to a Special Educational Needs and Disability (SEND) school. This use would fall within Use Class F1 (Learning and non-residential institutions).
- 1.3 The application site is 6 Northcroft Lane (also known as The Temperance Hall) a Grade II listed building with associated courtyard area. The last known use of the building was a nursery. The application site sits to the north of Northcroft Lane and to the south of the road is an area for parking also included within the application site. The application site is within the town centre forming part of the town centre commercial area and the conservation area. The following environmental constraints are also found within the area: a Tree Preservation Order tree and the River Kennet (also a Site of Special Scientific Interest) to the south of the parking area. Temperance Hall is also located within Flood Zone 1 and 2 whilst the parking spaces to the south are within Flood Zones 2 and 3.
- 1.4 The proposed development seeks to change the use of Temperance Hall to a SEND school. The school is proposed to provide places for children with social, emotional and mental health needs in the secondary cohort (Years 7-12). It is proposed that the school be managed by Amegreen Children's Services and there would be 6 members of staff supporting the school, although it should be noted that the planning application relates to the land, not the proposed operator. The opening times are proposed between 09:00 – 15:00.
- 1.5 No building operations are proposed to facilitate the use of the site as a school. No alterations are proposed to the parking spaces on the opposite side of Northcroft Lane but are intended to be used at school pick-up and drop-off times.

2. Planning History

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

Application	Proposal	Decision / Date
09/00798/FUL	To erect a waterproof fixed parasol in children's play area.	APPROVED 08.07.2009
99/56303/LBC	Change of use to restaurant and ancillary areas A3 use.	APPROVED 12.01.2000
82/18268/ADD	Storage accommodation.	APPROVED 15.12.1982
81/14943/ADD	Pottery store office and additional toilet accommodation in pitched roof building at rear of site.	APPROVED 14.05.1981
78/08654/ADD	Addition of office to building under conversion all in matching detail and materials.	APPROVED 07.07.1978

77/06404/ADD	Conversion of temperance hall to arts workshop.	APPROVED 11.07.1977
76/05460/ADD	Change of use to arts centre	APPROVED 05.01.1997

2.2 The most recent use of 6 Northcroft Lane was as a nursery. This would fall within Use Class E(f) (Non-residential creche, day centre or nursery). Ofsted reports from 2012 and 2018 demonstrate there were 55 places at the nursery.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** 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 **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. Site notices were displayed on 17th May 2024 at the pedestrian access gate for the site, with a deadline for representations of 8th June 2024. A public notice was displayed in the Newbury Weekly News on 16th May 2024; with a deadline for representations of 30th May 2024.
- 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. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	7.4

3.4 **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.
- 3.5 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.
- 3.6 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.
- 3.7 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. In addition, this application would provide specialist school places for children with social, emotional and mental health needs, and to this extent would positively contribute towards meeting the needs of persons with disabilities.
- 3.8 **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.
- 3.9 It is acknowledged that there are certain properties where there are concerns that the pick-up and drop-off at this site would create disturbance for nearby residents. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of providing additional specialist school places.
- 3.10 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.

- 3.11 **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 building that is subject to a change of use is a Grade II listed building: Temperance Hall. The application is accompanied by a Heritage Statement by Heritage Fusion.
- 3.12 **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 located within Newbury Town Centre's Conservation Area.

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.

Newbury Town Council:	Objection: Create additional traffic and building inappropriate for development.
WBC Highways:	<p>First Response: Request for additional information regarding parking of minibus, existing use management of parking and drop-off, change in parking layout, cycle parking. Noted that fewer trips made by proposed use.</p> <p>Second Response: Request for additional information: Parking space dimensions required, minibus cannot overhang in road, clear pedestrian access is required to be maintained. Parking spaces should be used for parent/carer drop-off. Secure cycle storage required for staff. Objections noted but difficult to substantiate objection on vehicle movement grounds due the previous use as a nursery.</p> <p>Third Response: Require accurate details of parking area.</p>
WBC Transport Policy:	The location is considered to be sustainable as it is well connected to public transport and nearby public car parking. Submission of travel plan is welcomed to encourage sustainable travel options. Recommend further incentives for staff to cycle to work and remove references to a London Borough. Travel targets are intended to be set following six months of occupation which is agreed with.
WBC Lead Local Flood Authority:	No objection to the proposals set out in the Flood Risk Assessment and Flood Evacuation Plan. A condition is recommended to ensure details of the flood evacuation plan are available.

WBC Environmental Health:	No comments to make.
WBC Conservation Officer:	Heritage Statement appropriately considers the significance of the listed building. Application only for change of use allowing for character and appearance to be preserved. To return an important building to use is supported.
WBC Tree Officer:	Following clarification that parking is existing the Tree Officer raised no objections.
WBC Archaeological Officer:	No below ground works or internal changes are proposed so there appears to be no direct impact to heritage assets. The building has been in several previous uses and the new educational use appears appropriate due to the history of the site.
WBC Ecology Officer:	With the confirmation that no external lighting is proposed there are no objections to the application.
WBC Education Services:	Request for further information on the need and data used. No further comments following applicant's response.
Environment Agency:	No comments received at time of writing the report.
The Canal and River Trust:	No comment.
Natural England:	No objection. The proposed development will not have likely significant effects on the statutorily protected site (SSSI) and no objections to the proposed development.
Thames Water:	No objections regarding wastewater network and sewage treatment works. No objections regarding water network and water treatment infrastructure capacity. An informative is advised.

Public representations

- 4.2 Representations have been received from 7 contributors, 6 of which object to the proposal and 1 in support of 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:
- Highway impacts: increase in traffic where it is already busy, existing parking problems exacerbated, potential blocking of accesses, highway safety concerns with manoeuvring and parking, existing use was a problem, parking spaces incorrectly shown, damage to highway.
 - Neighbouring amenity: noise and disturbance from pick-up and drop-off.
 - Suitability: location and quality of indoor & outdoor space for proposed use.

- Flood risk: site was not accessible for a week due to flooding this year and the associated impacts to users.
- Support: proposal would be smaller operation than the nursery, Northcroft Lane in this location has double yellow lines which should prevent on-road parking, existing parking spaces should prevent on-road parking for proposed use.

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, ADPP2, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6, ECON.5, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character, appearance and heritage assets
- Neighbouring amenity
- Highways
- Flooding
- Other matters

Principle of development

6.2 The application site is located within the settlement boundary of Newbury. Policy ADPP1 advises that most development will be within or adjacent to settlements in the settlement hierarchy and related to the transport accessibility and level of services for these settlements. Newbury is identified as an urban area where there is a focus for most development.

6.3 Policy ADPP2 provides the spatial strategy for Newbury. It is identified that Newbury will continue to provide a wide range of services and facilities including those for the community. The proposal will also bring an existing building into use in the historic area of Newbury where development should respect the historic environment.

6.4 Policy CS5 advises that the Council will work with infrastructure providers and stakeholders to meet requirements for infrastructure provision (including social infrastructure) whilst protecting local amenities and environmental quality.

- 6.5 Paragraph 99 of the NPPF advises it is important that there are sufficient school places to meet the needs of existing and new communities. A positive and proactive approach should be taken to meet this requirement and to widen the choice in education. Great weight is required to be given to the need to create, expand or alter schools through decisions on applications.
- 6.6 The information accompanying the application advise that the SEND School will provide 15-20 places for children at the secondary school age with social, emotional and mental health needs.
- 6.7 The Planning Statement advises the intention of the school is to meet a deficit of specialist places within existing schools (estimated at 443 spaces). The applicant already runs other SEND provisions within West Berkshire and noted the demand. The applicant advises that 11 children have already been identified to start in September, should permission be granted. This demonstrates that it would help meet the needs of the existing community.
- 6.8 The application is within the Town Centre Commercial Area in which Saved Policy ECON.5 applies. This relates to business development within commercial areas. Due to the nature of the proposed use, it is not considered that this policy is relevant.
- 6.9 It is considered that in principle there is strong support for the provision of SEND school in accordance with the NPPF and Policies ADPP1, ADPP2 and CS5 of the Core Strategy.

Character, appearance and heritage assets

- 6.10 Policy CS14 advises that development must demonstrate high quality design that respects and enhances the character and appearance of the area.
- 6.11 The application site also forms part of Newbury Town Centre Conservation Area and is a Grade II listed building. Therefore, Policy CS19 also applies which seeks to ensure that the local distinctiveness of the landscape character is conserved and enhanced. Within the policy it advises that particular regard shall be given to conservation and enhancement of heritage assets and their settings. This is supported by the Newbury Town Design Statement which seeks development that will preserve and enhance the historic fabric of the town centre.
- 6.12 In accordance with paragraph 200 of the NPPF the application is accompanied by a Heritage Statement. This assesses the significance of the building and the impact of the proposals. The report advises that bringing back the building into a functional use would have a net benefit for the Conservation Area and listed building reverting the building use back to a school setting.
- 6.13 The proposed development does not propose any external or internal alterations to the Grade II listed building fabric nor the parking spaces opposite. The Conservation Officer advises that due to no alterations to the building fabric of the listed building it would conserve the character and appearance of the building.
- 6.14 The Conservation Officer supported bringing an important building back into use and the Archaeological Officer noted that it would appear appropriate due to the history.
- 6.15 It is considered that the proposed change of use would be beneficial for both the Conservation Area and Grade II listed building and therefore would comply with the requirements of Policy CS14 and CS19 of the Core Strategy, the NPPF and Newbury Town Design Statement.

Neighbouring amenity

- 6.16 Policy CS14 requires development to have a positive contribution to the quality of life in West Berkshire.
- 6.17 Policies OVS.5 and OVS.6 seek to minimise an adverse impact on the environment and amenity from pollution including from noise.
- 6.18 The proposed development would not make any physical alterations to the building and therefore there would not be amenity impacts on the closest neighbours in terms of sunlight/daylight, outlook and privacy.
- 6.19 It is noted concerns were raised regarding noise and disturbance arising from traffic. Most vehicle movements would be at pick-up and drop-off times and due to the scale of the use it is considered that this would not result in harmful disturbance to neighbouring properties. Furthermore, when taking into consideration the previous use (as a nursery) was more intensive with approximately 55 children that operated between 07:30 and 18:30 the proposed use would be an improvement compared to what could already lawfully take place at the site.

Highways

- 6.20 Policy CS13 advises road safety is a key consideration for all development and improves travel choices reducing the use of single occupancy cars. Saved Policy TRANS.1 requires transportation needs of new development to be met through a variety of modes. The policy also advises that the level of parking provision will depend on alternative modes of transport available.
- 6.21 The NPPF at paragraph 115 advises that development should only be refused on highways grounds if there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.22 The location of the proposed SEND school is considered to be sustainable as supported by the Transport Policy Officer's response. This is due to the location in Newbury Town Centre where there is easy access to public transport and infrastructure for both cycling and walking. The plans show that secure cycle stands would be provided within the site, and it is proposed this is secured through a condition. A Travel Plan has also been submitted which encourages the use of sustainable modes of transport which was considered acceptable to the Transport Policy Officer. A condition would be required to secure the Travel Plan, its monitoring and targets to be set. Whilst it is encouraged to use sustainable travel options there are also nearby public car parks for those that may require to use a private vehicle.
- 6.23 Objections have been received from the public and Town Council regarding increase in traffic and highway safety concerns. These objections also relate to impacts it will have on the surrounding residents.
- 6.24 Regarding the concerns with the increase in traffic, the application is accompanied by a Transport Statement which sought to demonstrate that the proposed use would result in less vehicle movement than the existing nursery. It was estimated that there would be circa 48 vehicle movements from the existing use (based on the number of places at the nursery and staff). Whilst the proposed use would result in 16 in and 16 out per day (plus the additional minibus trips). The Highways Officer expects with the town centre location other modes of travel would also be used. The Highways Officers second set of comments on the application advised that *"Because of the previous uses as a nursery, which has the potential to generate a greater level of parent/carer drop off vehicle movements, it is likely it would be difficult to substantiate an objection on*

these grounds. The previous use as a nursery would be the fall-back position and presumably the building could be used as such without further consents”.

- 6.25 It is considered that in terms of the amount of traffic arising from the change of use this would result in an improvement due to the decreased intensity of the use, the encouragement of the use of other transport modes and the use of a minibus to transport approximately half the children to and from the site reducing the number of private vehicles visiting the site from the previous use. It is considered a condition could be used to limit the number of places at the SEND school would ensure that the proposed use would not be more intensive than the existing nursery.
- 6.26 It was noted there was some discussion regarding the parking of the minibus on-site to reduce the trips further. However, due to the size of the existing parking spaces the applicants have chosen to continue with the proposal for the minibus to be parked at the applicant’s headquarters outside of Newbury Town Centre.
- 6.27 Parking of private vehicles within the existing parking area was an area of concern raised by the Highways Officer due to potential vehicle overhang onto the highway. Further information was pursued by the Highways Officer to demonstrate the accurate dimensions of the parking area and how many cars could be parked in the area in accordance with standards. An extension to the parking area cannot be pursued due to the site constraints including the Tree Preservation Order. Options were explored with the applicant as to whether the parking area could be improved to accommodate parking spaces in accordance with parking standards. However, due to the size of the existing parking area this could not be improved. It is considered that the use of the existing parking area for drop-off and pick-up would not warrant the refusal of the application. This is because there is an existing lawful use as a nursery that could operate from the application site and use the parking area. The proposal would not exacerbate the parking demand that already could be achieved with a nursery use at the site. Furthermore, a proposed condition to limit the number of places at the school to 15 and a minibus used to pick-up and drop-off 10 children at the school would reduce parking pressures.
- 6.28 It is acknowledged that there are pre-existing highway problems on Northcroft Lane (it has not been demonstrated this is attributed to the existing use), but it is considered that this proposal would not exacerbate these to the extent the impact could be described as severe. This is because the proposed use would be less intensive than the existing nursery, a Travel Plan accompanies the application to try and minimise the use of private vehicle use, and it is intended that half the students would travel in one minibus to the site. Furthermore, there are double yellow lines outside the building which would prevent the waiting of vehicles in this location. The public objection and Highway Officer’s concerns are noted but it is considered that there are not sufficient reasons to substantiate the refusal of this application on highway grounds.

Flooding

- 6.29 Temperance Hall is located within Flood Zone 1 and 2 with Northcroft Lane and an area of the parking space located in Flood Zone 3. Policy CS16 will only accept developments located in areas of flood risk where it should be safe and not increase flood risk elsewhere, this should also take into account climate change. A Flood Risk Assessment (FRA) accompanies the application in accordance with Policy CS16 and the NPPF.
- 6.30 Policy CS16 and the NPPF does seek to locate development in areas of low flood risk requiring sequential and exception testing to be carried out for most applications in Flood Zone 2 and 3. However, paragraph 174 of the NPPF advises that changes of

use should not be subject to the sequential or exception tests. This application is for change of use and therefore paragraph 174 applies.

- 6.31 The Planning Practice Guidance advises for an application for a change of use the site-specific flood risk assessment should demonstrate how the development meets the objectives in the NPPF including mitigation measures and safeguarding for the lifetime of the development. Consideration should also be given to where there would be an increase in vulnerability of the occupiers of the building. A change of use also provides an opportunity to improve flood resilience of the existing development.
- 6.32 It is considered that the FRA does meet the requirements set out in the Planning Practice Guidance for a site-specific flood risk assessment. It is identified the use would be 'More Vulnerable' and appropriate in Flood Zone 2. The existing use (nursery) is also a 'More Vulnerable' use. It is considered there would be an improvement in terms of vulnerability of the development as the proposal would result in less vulnerable people being present on site than the existing use.
- 6.33 It has been demonstrated flood risk would not increase elsewhere as a result of the change of use. A discussion of mitigation measures is provided within the FRA. Recommendations include increasing the ground floor level of the building. However, due to the nature of the application and the listed building it is considered that this would not be possible and therefore other mitigation measures were suggested in the report this included temporary flood barriers it is noted these are referred to in the Flood Warning and Evacuation Plan accompanying the application. Flood resilience measures are also suggested in which some of these are already within the building- where possible the applicant should ensure resilience measures are implemented. The Flood Warning and Evacuation Plan to demonstrate safe escape routes is considered to be acceptable.
- 6.34 The Lead Local Flood Authority raised no objections to the application requesting a condition is applied for a condition to ensure that the Flood Warning and Evacuation Plan is placed in a visible location within the building to ensure it can be enacted correctly.
- 6.35 It is noted there are public objections regarding the suitability of this location for a SEND School, however the Flood Warning and Evacuation Plan takes this into account requiring the Management Team to keep a log of those who maybe on site that would require assistance in the event of a flood.
- 6.36 The FRA is based upon 15 places at the school, it is recommended a condition is applied to limit the number of places to this to ensure that the development remains acceptable in terms of flood risk.
- 6.37 It is considered that the proposed development would be in accordance with Policy CS16 and the NPPF as it would not increase the vulnerability of the existing use and it has been demonstrated that consideration has been given to mitigation and resilience measures to help protect the building and ensure its return to use after a flood event. Furthermore, this application would secure an evacuation plan accepted by the Lead Local Flood Authority.

Other matters

- 6.38 **Trees:** Policy CS14 and CS19 seek the conservation of trees where they contribute positively to the character of the area. Policy CS18 is also relevant seeking the protection of green infrastructure. To the south of the parking area is a Tree Preservation Order. The Tree Officer advised that providing no works were taking

place to the parking area there were no objections. The application is not seeking to make amendments to the parking area.

- 6.39 **Ecology:** Policy CS17 seeks the conservation and enhancement of biodiversity. The River Kennet to the south is a SSSI. This proposal only seeks to change the use of the existing building and no external lighting is proposed as part of the development. The Council's Ecologist is satisfied with this, and Natural England raised no objections. The proposed development is exempt from 10% Biodiversity Net Gain because it falls below the threshold for the *de minimis* exemption to apply.
- 6.40 **Suitability of building:** It is noted that comments have been submitted regarding whether the building is suitable for its intended purpose. The last use was for a nursery and therefore there would not be a planning reason why a SEND School would not be suitable within the building. The school would be subject to other regulations which would ensure it was suitable for use.

7. Planning Balance and Conclusion

- 7.1 It has been identified that the proposed SEND School would be located in a sustainable location within the Newbury Urban Area and therefore acceptable in principle under ADPP1 and ADPP2 of the Core Strategy.
- 7.2 The school would provide additional social infrastructure supported by Policy CS5 of the Core Strategy. The applicant has advised that 11 children have already been identified for places at the SEND School supporting children with social, emotional and mental health needs at secondary school age. The NPPF advises great weight should be attached to creation of a school. The social benefits of this proposal are given substantial weight in the planning balance.
- 7.3 The existing building is a heritage asset due to the designation as a Grade II listed building and within a conservation area. Whilst no alterations are proposed to the building the application would bring the building back into use. These heritage benefits are supported by the Conservation Officer and given significant positive weight in the planning balance.
- 7.4 There would be some minor economic benefits arising from the development due to the job creation for the 6 members of staff that would support the operation of the SEND School. There could also be benefit for surrounding businesses with any interaction that staff and students may have with the town centre due to the proximity.
- 7.5 Environmental impacts on ecology and trees are given neutral weight in the planning balance because the impacts are negligible. It is recognised that the SEND School would be located within Flood Zone 2 which would attract negative weight in the planning balance. However, the weight given to this is minor because it is demonstrated that the scheme would have the same vulnerability as the existing use and flood impacts could be mitigated and a flood evacuation plan can be secured using condition.
- 7.6 The most contentious issue is the highways impact of the scheme. It is recognised that there would be pick-up and drop-off children at the school in an area which has pre-existing parking problems. However, neutral weight is attached to this consideration. It is recognised that there may be some disturbance to residents, but it is considered that this proposal would not exacerbate any disturbance or highway impacts. The proposal could represent an improvement on the existing use due to a reduction of movements to and from the site and securing a travel plan through condition.

- 7.7 When weighing these matters in the planning balance it is considered that the social and heritage benefits of the proposed development outweigh any dis-benefits of this application.

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:

- (i) Location and Site Plan (2100 E100 P5) received on 24.06.2024;
- (ii) Ground Floor Plans (001) received on 30.04.2024;
- (iii) Heritage Statement (Heritage Fusion, 2100) received on 30.04.2024;
- (iv) Flood Risk Assessment (GeoSmart: 81842R1) received on 14.05.2024;
- (v) Swept Path Analysis Minibus (Drawing 2403067-TK01) within Transport Statement Final by Motion received on 30.04.2024;
- (vi) Email from Agent: Response to Highways Consultation received on 24.06.2024;
- (vii) Email from Agent: No changes to parking area received on 05.07.2024.

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

3. **Pre-commencement: Flood Evacuation Plan**

The hereby approved SEND School shall not be first brought into use until a leaflet Flood Warning and Evacuation Plan detailing the procedure to be followed is produced which is to be placed in a location visible to all and easily accessible for the plan to be enacted correctly in the event of a flood.

Reason: To ensure the safety of all occupants, particularly those with specific vulnerabilities. This condition is applied in accordance with the NPPF and Policy CS16 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because all users are required to be aware of the flood evacuation plan from first date of occupation. Agreed: 03.07.2024.

4. **Pre-commencement: Cycle parking**

The hereby approved SEND School shall not be first brought into use until cycle parking/storage 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.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and the Council's

Cycle and Motorcycle Advice and Standards for New Development (November 2014). A pre-commencement condition is required because the cycle parking should be made available for users from the first date of occupation. Agreed: 03.07.2024.

5. **Flood Warning Evacuation Plan**

The hereby approved use shall not be operated except in accordance with the Flood Warning and Evacuation Plan (81842.01R1) received on 14.05.2024. The plan shall be kept up-to-date, and relevant to all the occupants at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition.

Reason: To ensure the safety of all occupants, particularly those with specific vulnerabilities. This condition is applied in accordance with the NPPF and Policy CS16 of the West Berkshire Core Strategy 2006-2026.

5. **Travel Plan**

The hereby approved SEND School shall take place in accordance with the Travel Plan (Final by Motion) received on 30.04.2024. The following shall be undertaken:

- (i) Within 6 months of occupation a survey of staff travel will be undertaken where targets for monitoring will be derived to be agreed with the Local Planning Authority.
- (ii) These targets shall be monitored, and a report will be produced for the approval of the Local Planning Authority on the first, third and fifth anniversaries.

Notwithstanding the details in the Travel Plan the existing parking area shall be used for drop-off and pick-up.

Reason: To encourage the use of sustainable modes of transport and the reduction in private use vehicles. This is in accordance with the NPPF, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan (Saved Policies 2007).

6. **Limit on school places**

The hereby permitted used as a SEND School shall have a maximum of 15 places for children.

Reason: The occupation is limited because any greater number of places may impact on the highways and flood risk assessments. This condition is applied in accordance with the NPPF and Policies CS13 and CS16 of the West Berkshire Core Strategy 2006-2026.

Informatives

1. **Proactive statement**

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. **Pre-commencement conditions**

Conditions nos. 3-4 impose requirements which must be met prior to the commencement of the use. Failure to observe these requirements could result in

the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

3. **Thames Water Utilities**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.