Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	Newspaper House Newbury Town Council	1 st January 2024 ¹	23/02520/NONMAT - Application for a Non-Material Amendment Following a Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage. Amendments: External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage. 23/02544/FUL - S73A - Application for Variation of Condition 2 following Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage. Cinch Self Storage
¹ Exten	sion of time agreed w	th applicant until 27 th Au	igust 2024

To view the plans and drawings relating to this application click the following link: http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02520/NONMAT http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02544/FUL

Recommendation Summary: To delegate to the Development Manager to GRANT

PLANNING PERMISSION subject to the conditions listed

below.

Ward Member(s): Councillor Nigel Foot, Councillor Stuart Gourley

Reason for Committee

Determination:

23/02544/FUL - Development Manager call-in given that

the representations on 23/02520/NONMAT are material

to this application.

23/02520/NONMAT - Level of objection.

Committee Site Visit: Not Required

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 The purpose of this report is for the Committee to consider the 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 item is for consideration of two inter-related applications; a non-material amendment (23/02520/NONMAT) which is for the change in proposal description which subsequently allows for the retrospective changes which are being regularised in the S73A application (23/02544/FUL).
- 1.3 The previously approved application to be amended under these two applications is: 22/02310/FUL for the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.
- 1.4 The site is in the Newbury settlement boundary located along the east side of the A339 road between the Robin Hood and Bear Lane/Kings Road roundabouts. It is adjacent to the Newbury Conservation Area. A public car park and the Newbury football ground is to the east, the River Kennet/Kennet and Avon Canal is to the south, Victoria Park is beyond the A339 to the west, and the Faraday/London Road industrial estate is to the north and north east

2. Planning History

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

Application	Proposal	Decision / Date
19/01281/OUTMAJ	Outline permission for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: Access, Appearance, Layout and Scale.	Non determination and Appeal Dismissed
22/00161/FUL	Recladding the existing building. Installation of drive-up storage units in the rear car park/service yard. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.	Withdrawn / 09.09.2022
22/02310/FUL	Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.	Approved / 23.11.2022
23/01371/ADV	5x individual illuminated letters mounted on an aluminium panel. Digitally printed vinyl applied to door glazing. Frosted vinyl applied to door glazing.	Approved / 21.08.2023
23/01546/COND	Application for approval of details reserved by condition 4 (External lighting) of approved 22/02310/FUL - Recladding the existing	Approved / 24.08.2023

building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.	

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. Site notices were displayed on 22nd December 2023 at the application site, with a deadline for representations of 15th January 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. No local financial considerations are material to this application.
- 3.4 Community Infrastructure Levy (CIL): 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. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. 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).
- 3.5 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.
- 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 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. Adjacent the Newbury Conservation Area.

4. Consultation

Statutory and non-statutory consultation

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

23/02544/FUL

Newbury Town Council:	Objection – Not non-material should be a FULL application, site is in Flood Zone 3 with flood risk assessment and flood risk measures.
WBC Highways:	No Objections
Archaeology:	No Objections
Conservation:	No Objections
Canal and River Trust:	Conditional Approval – soft landscaping condition
SUDS:	Conditional Approval – Flood warning leaflet and evacuation plan
Environment Agency:	No Comments

23/02520/NONMAT

Newbury Council:	Town	Objection:
		1. The proposed development is not non-material and should be subject to a full planning application.
		2. The site is in a Flood Risk 3 area and the proposed development requires a full flood risk assessment and measures to deal with these risk.

Public representations to 23/02520/NONMAT and 23/02544/FUL

- 4.2 Representations have been received from 5 contributors, 5 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:
 - Would be a material change
 - Allows for the changes to the building and application site
 - Lack of drainage provision
 - Flooding impact downstream
 - No flood/drainage information submitted
 - Retrospective
 - Increased hard surfacing
 - Impact from surface run off
 - Pollution impacts
 - Environment Agency Objection still stands (Officer comment this is incorrect as the EA have not raised any objections to the current applications)

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, CS9, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies TRANS.1, OVS.5, OVS.6 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).
 - Policy NRM6 of the South East Plan.
- 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)
 - Sustainable Drainage SPD (2018)
 - Conservation of Habitats and Species Regulation (2017)
 - Newbury TDS (Refresh 2018)

6. 23/02520/NONMAT

- 6.1 Application for a Non-Material Amendment Following a Grant of Planning Permission 22/02310/FUL Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage. Amendments: External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.
- 6.2 The application seeks change of description from:
 - "Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage."
- 6.3 To the proposed new description:
 - "External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage."
- 6.4 According to Section 96A of the Town and Country Planning Act 1990, a local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission (or permission in principle) as originally granted. This power includes power to make a change to a planning permission: (a) to impose new conditions; and (b) to remove or alter existing conditions.
- 6.5 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme an amendment that is non-material in one context

- may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application
- 6.6 When assessing the proposed description change to include the wording 'external changes' this is considered to be a small scale change and is therefore considered to be non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation

- 6.7 Your officer's recommendation is that the amendment detailed in the description and detailed within document; Cover Letter dated and received 3rd November 2023. Is approved as non-material amendment to the development granted planning permission by application 22/02310/FUL.
- 6.8 This decision is made under section 96A of the Town and Country Planning Act 1990. Except as stated otherwise, this decision does not alter any planning conditions and/or obligations on the planning permission.

7. 23/02544/FUL

- 7.1 Application Section 73A for Variation of Condition 2 following Grant of Planning Permission 22/02310/FUL Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.
- 7.2 The proposal seeks to regularise the retrospective changes that have been carried out these include:
 - Amended layout to parking and servicing yard
 - Removal of existing smoking shelter and cycle store
 - Increase in height of building by 0.4m maximum and change in location of blue cladding panel
 - Relocation and/or increase in height of external escape stairs
 - Amendments to size and location of roller shutter doors, exit doors and windows within ground floor elevation
 - Creation of two lift overruns at roof level
 - Change to glazing pattern on double-height entrance projection
- 7.3 The application site is located within the defined settlement boundary of Newbury. 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.
- 7.4 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan provides an up-to-date framework for determining applications/appeals for development in West Berkshire. Relevant policies for the commercial development are contained in the West Berkshire Core Strategy 2006-2026. These policies attract substantial weight in the determination of applications for new residential development.

7.5 The principle of development has been established by the approval and commencement of works on site of planning permission 22/02310/FUL for the recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.

Character and appearance

- 7.6 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.
- 7.7 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.
- 7.8 The principle of the change of use and re-cladding has been set; the proposal seeks the changes as set out above which are retrospective.
- 7.9 The overall form remains similar to the approved scheme with the proposed changes not considered to have a significant impact on the character and appearance of the area including the adjacent conservation area.
- 7.10 The conservation officer stated that "the amended drawings showed the blue band around the building moved down and square blue panels to the corners removed, which was noted as helping to reduce the visual impact of the re-cladding and signage on the setting of the adjacent conservation areas. However, the implemented scheme has a higher blue band than the approved (although not as high as initially proposed) and square blue signage panels (signage later approved via 23/01371/ADV), resulting in a slightly increased visual impact than the approved. The other proposed changes are visually minor in nature and are not considered to impact the setting of the adjacent conservation areas. In this case, it is considered to be disproportionate to request that the building is re-clad to lower the blue band in order to match the approved, therefore, I have no objections."
- 7.11 Initially the Canal and River Trust raised an objection to the retrospective changes due to the visual impact as well as increased noise towards the canal corridor. Amended plans were submitted which proposed soft landscaping to the southern and eastern boundary with the inclusion of hedgerow to the southern boundary. This was supported by the Canal and River Trust to aid in reduction of visual impact and noise mitigation however insufficient details were submitted therefore they recommended a soft landscaping condition which would allow for further details of plant size and species as well as a maintenance and replating scheme should any plants die within 5 years.
- 7.12 The retrospective changes in general are acceptable and do not result in any harm to the character and appearance of the area or the adjacent conservation area.
- 7.13 Therefore, the retrospective changes are considered to comply with the NPPF and policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Neighbouring amenity

- 7.14 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.
- 7.15 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.
- 7.16 The retrospective changes are not considered to have a significant impact on neighbouring amenity due to the location of these and the distance the application site is away from any neighbouring buildings.
- 7.17 Overall, there is not considered to be a significant impact on neighbouring amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

Highways

- 7.18 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.
- 7.19 During the application the Council's Highways Officer was consulted and raised no objections to the changes to the layout/parking.
- 7.20 The highway officer was consulted and commented: "The proposed parking layout shown at Appendix B of the TS shows the provision of 36 car parking spaces, 2 disabled bays, 7 van spaces, 6 cycle spaces and 2 motorcycle spaces. The proposals also include the provision of 3 electric vehicle charge points. The proposed parking provision is in line with the required provision for B8 use based on West Berkshire parking standards and is therefore acceptable."
- 7.21 "The applicant has undertaken swept path analysis for a fire tender and refuse vehicle demonstrating that these vehicles can manoeuvre into and out of the site in forward gear. This is acceptable."
- 7.22 "The submitted TS considers the impact of the increased self-storage area on trip generation. It shows that the updated proposals would result in an increase in 7 two-way trips in the AM and PM peak hours, therefore a total of 13 trips per hour. The LHA have reviewed the trip rates used and it is considered that the increased GFA would not generate a net increase in trips compared to the existing use (B2 Industrial with B2a Office)."
- 7.23 The retrospective changes accord with the NPPF, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS.1 of the West Berkshire Local Plan (Saved Policies).

Floodina

- 7.24 The application site is located within flood zones 2 and 3 and therefore a flood risk assessment is required as part of Policy CS16 and the NPPF.
- 7.25 Policy CS16 states that the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of

groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. When development has to be located in flood risk areas, it should be safe and not increase flood risk elsewhere, reducing the risk where possible and taking into account climate change.

- 7.26 A flood risk assessment was submitted and deemed acceptable by the drainage engineer. They requested a condition be added to require the provision of a leaflet which details flood warning information and evacuation plan which details the procedure to be followed and for this to be placed in a location visible to all. This has been recommended as a condition below.
- 7.27 The previously approved scheme has commenced on site and a sequential test is not required for change of use applications.
- 7.28 The Environment Agency were consulted on the current applications however they did not wish to provide comments or raise any objections.
- 7.29 It is noted that the Environment Agency raised an objection under application 22/00161/FUL due to the installation of drive-up storage units in the rear car park/service yard. This application was subsequently withdrawn due to the objection.
- 7.30 The retrospective changes accord with the NPPF and Policy CS16 of the West Berkshire Core Strategy (2006-2026).

8. Planning Balance and Conclusion

- 8.1 The application has been carefully assessed to ensure that the proposal is appropriate in scale and design whilst taking into consideration the impact on the character and appearance of the area including the adjacent conservation area.
- 8.2 The retrospective changes are not considered to cause any harm to the character and appearance of the area and the adjacent conservation area.
- 8.3 Furthermore, no objections have been raised by the Lead Local Flood Authority (LLFA) or the Environment Agency.
- 8.4 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.

9. Full Recommendation

23/02520/NONMAT

- 9.1 To delegate to the Development Manager to GRANT APPROVAL for a NON-MATERIAL AMENDMENT following a grant of planning permission 22/02310/FUL to change the application description from:
 - "Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage."
- 9.2 To the proposed new description:

"External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage."

23/02544/FUL

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

Conditions

1. Approved plans

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

Proposed Roof Plan 119A received 6th November 2023;

Proposed First Floor Plan 117A received 6th November 2023;

Proposed Ground Floor Plan 116A received 6th November 2023;

Proposed North and East Elevations 114A received 6th November 2023;

Proposed South and West Elevations 115A received 6th November 2023;

Schedule of Proposed Changes received 6th November 2023:

Proposed Site Plan 121F received 15th May 2024;

Flood Risk Assessment 27848 Issue 3 received 15th May 2024.

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

2 Materials

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the 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 CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

3. Soft landscaping (prior approval)

Within 3 months of the date of this decision a detailed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion this decision. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design and provide visual and noise mitigation to the canal. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

4. Flood Warning Leaflet and Evacuation Plan

Within 3 months of the date of this decision a Flood Warning Leaflet and Evacuation Plan detailing the procedure to be followed shall be produced and 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 from the risk of flooding. To ensure appropriate disposal flood mitigation measures are carried out, in accordance with the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.

5. External Lighting

The details submitted in relation to Condition 4 under approved application 23/01546/COND of planning permission 22/02310/FUL are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:

'Alterations to Newspaper House, Faraday Road, Newbury, West Berkshire RG14 2DW - Planning Approval - 22/02310/FUL - Condition 4 - External Lighting Design' prepared by Roger Mears Architects.

'DF5952 Installation: Proposed Lighting' prepared by Collingwood Lighting.

Industrial floodlight specification sheet.

Received 29th June 2023.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the SSSI located adjacent to the site. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

1.	Proactive
2.	CIL