

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	24/01163/REG3 Thatcham Town Council	10.10.2024 ¹	The proposal is to change the usage for Laburnam from Age Concern class F2 to class E for WBC Staff Offices Age Concern The Laburnam Centre Stirling Way Thatcham RG18 3FW West Berkshire Council
¹ Extension of time agreed with applicant until 08.11.2024			

The application can be viewed on the Council's website at the following link:
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SEYX0TRD09N00>

Recommendation Summary: That the Development Manager be Authorised to GRANT PLANNING PERMISSION subject to conditions

Ward Member(s): Councillor Cottam and Councillor Lee Dillon

Reason for Committee Determination: More than 10 objections received.

Committee Site Visit: 30.10.2024

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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 to change the usage for Laburnam from Age Concern class F2 to class E for WBC Staff Offices. The Laburnam Centre itself can be described as a single storey red brick building. No physical works are proposed as part of this application. It is a pure change of use application.
- 1.3 The Laburnam Centre was built for purpose in the early 1990's for Age Concern. The building falls under use class F2 (b) (Local Community) because the building was used as hall and meeting place whose principal use is for the local community.
- 1.4 The proposal would change the building to Class E(g)(i); an office to carry out administrative functions. The office would be used by West Berkshire Council Adult Social Care (ASC) locality team. This office would not be a public-facing building and only used by West Berkshire Council employees. The usual working hours of the office would be 8:00 to 18:00.
- 1.5 The site is accessed via Stirling Way. The development would make use of the existing parking arrangement onsite. The Laburnam Centre has allocated parking in a parking courtyard which is shared with some of the residence of Stirling Way.
- 1.6 The site is located within the settlement boundary of Thatcham. The building is within flood zone 1 and not in a critical drainage area. There is a small northwest part of the site which is in a critical drainage area.

2. Planning History

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

Application	Proposal	Decision / Date
92/40466/ADD	Residential development of 66 houses and age concern buildings	Approved 22 March 1993

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 notice was displayed on 25.07.2024 at The Laburnam Centre, with a deadline for representations of 15.08.2024.
- 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):** 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).
- 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 The existing building comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act. The Local Highway Authority have noted the change of use would not lead to a different in trip generation and have confirmed they do not have concerns with regards to highway safety.

- 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 Public representations have raised that they have disabled member of family and friends who use the parking spaces when visiting them. The houses in question have their own allocated parking which could be used to accommodate disabled guests.
- 3.12 It is acknowledged that there are certain properties where they may be some minor impact (this can be mitigated by conditions). 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 Council Offices which will have to facilitate the provision of adult social care service in the Thatcham and the local surrounding area. The development will provide both social and economic benefits.
- 3.13 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.
- 3.14 **Biodiversity Net Gain (BNG):** The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
- 3.15 (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- 3.16 (b) the planning authority has approved the plan.
- 3.17 The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.
- 3.18 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.
- 3.19 The proposed development is within de minimis threshold. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun de minimis statutory exemptions considered to apply.

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.

Thatcham Town Council	No comments.
WBC Highways:	No Objection:- There are objections on the file on potential parking and traffic grounds. There is an existing permitted use that would have generated vehicle movements. The level of vehicle movements that would be generated by staff to/from the site would be too low to substantiate an objection to. The car park is existing and there is no increase in floor area and, as previously stated, the level of car parking complies with current highway standards. No objections.
Local Drainage Authority	No Objection
Ward Member	No comment received
Transport Policy	No comment received
Environment	No comment received

Public representations

- 4.2 Representations have been received from 3 contributors and a petition containing 47 signatures from residents, 0 of which support, and 47 of which object to the proposal. Total objection to this proposal stands at 50 at the time of writing.
- 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:
- Deliveries to residents will be made more difficult and at times almost impossible.
 - There is no lighting in this area and would be a big disadvantage to staff parking and walking in darkness. Health and Safety could be compromised.
 - There would have to be a disabled parking bay for any disabled member of staff.
 - There is a neglected corner plot here that would be a much better place for making a parking area for staff with lighting that could be installed for them without disturbing others.
 - Additional traffic and visitor will cause parking issues and be dangerous to children playing.
 - Bring potentially unsavoury character to the area.
 - People coming and ongoing 24/7
 - Risk to public health
 - Make parking worst for disabled residence.
 - Have a negative effect on neighbouring amenity.
 - Increase noise levels.

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, ADPP3, CS9CS13, CS14, of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.6 and TRANS1 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)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and Appearance of the area
- Neighbouring amenity
- Highways considerations
- Drainage considerations

Principle of development

6.2 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy and related to their transport accessibility and level of services. The urban areas will be the focused for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. The majority of development will take place on previously developed land.

6.3 CS9 encourages more efficient use of existing sites and premises should be made in order to attract inward investment, respond to modern business requirements, and meet the demand for employment land over the plan period. The Council will promote the intensification, redevelopment, and upgrade of existing, vacant and/or derelict employment sites and premises for business development.

6.4 The Laburnam Centre is located within Thatcham which is classed as an Urban Area under ADPP1. While it is acknowledged the site is outside the town centre. It is considered that the site is sustainably located. There is access to bus services. Being in an urban area the site can be accessed by walking and cycling.

6.5 The clarification statement submitted by the applicant demonstrates the F2 use is redundant and there are other community spaces which can meet the needs of local people.

6.6 The Laburnam centre has been redundant and empty for some time. The change of use would bring the centre back into use. The building would be used as a base for the Adult Social Care Team who work in the Thatcham Locality. There will be a small permanent team working there daily, plus occasional drop-ins from the field-based team in between their customer visits, providing them a space to complete their administrative responsibilities and undertake team and management meetings.

6.7 Adult Social Care is an important function within our modern society.

- 6.8 It is considered the proposed development would comply with ADPP1 and CS9 of the West Berkshire Core Strategy 2006-2026 (WBCS).

Character and appearance

- 6.9 Policy CS14 finds 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.
- 6.10 The Laburnam Centre will retain the same character as there are no physical works are proposed as part of this application. It is considered the proposed change of use would not change the character or the appearance of Laburnam Centre. Bringing the centre back into use will enhance the character and appearance of the Laburnam Centre. It is considered the purposed change of use would comply with CS14 of the of the West Berkshire Core Strategy 2006-2026 (WBCS).

Neighbouring Amenity

- 6.11 Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area and makes a positive contribution to the quality of life in West Berkshire. This can be interpreted as requiring development to not have an adverse impact on neighbouring amenity or future occupiers of the proposed development.
- 6.12 Saved policy OVS.6 also outlines that the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated.
- 6.13 Concerns have been raised by local residents that the change of use will lead to increase in noise levels.
- 6.14 A clarification statement was submitted by the applicant. The Laburnam Centre will be used 08:00-18:00 Monday to Friday. Operational hours can be secured via condition. It is considered that a class E(g)(i) use as proposed would be less intensive than an F2 use as is existing because a F2 use of the building includes use during weekends and evenings. The condition would restrict the use which means there will be no use of the building during unsociable hours.
- 6.15 Furthermore, the applicant has confirmed that this is not a public facing office which means it will only be used by employees of West Berkshire Council. No member of the public will come to the building. The use will be secured as class E(g)(i) because the other use within the class E use class made not be acceptable in this residential area. Restricting the use will help to protect neighbouring amenity.
- 6.16 Concerns have been raised with regards to a lack of lighting causing health and safety issue within the parking area. There is no physical work proposed as part of this application and thus lighting is not part of this proposal. The site is located on Stirling Way which is does has access to street lighting. The officer and car park will only be used 08:00-18:00 Monday to Friday. Majority of the time the office will be used at times where there will be natural daylight. Even at the winter solstice there will be daylight of approx. 8 hours which covers most of the working day. This change of use would improve the current situation as the F2 use could be used during the evening when there would be a lack of light. Thus, a lack of lighting is not a reason to refuse this change of use.
- 6.17 No physical work proposed as part of this application. The Laburnam Centre remains at sufficient distance away from neighbouring properties so as not to give rise to amenity

issues, such as overlooking, overshadowing or loss of natural light. Therefore, it is considered the proposal will not have a materially harmful impact on neighbouring amenity.

- 6.18 It is considered the proposed change of use would comply with CS14 of the of the West Berkshire Core Strategy 2006-2026 and Saved policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Highway Considerations

- 6.19 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.
- 6.20 The Highways Authority were consulted on the application documents. The Highways Authority have noted there are objections on the file on potential parking and traffic grounds. There is an existing permitted use that would generate vehicle movements. The level of vehicle movements that would be generated by staff to/from the site would be too low to substantiate an objection to. The car park is existing and there is no increase in floor area and, as previously stated, the level of car parking complies with current highway standards.
- 6.21 The clarification statement submitted by the applicant states *“Parking spaces at the Laburnam Centre are labelled on the Block Plan within the application submission. The applicant is confident that staff can fit up to 8 cars in the allocated space, parked side-by-side. The ASC team are currently based on a site with 6 spaces, which meets their needs. As such, there is no risk that staff parking would impact residents outside of the spaces allocated to the building. WBC also has responsible parking and driving policies for all employees which staff based at the Laburnum Centre would be expected to adhere to”*
- 6.22 Officers have noted the local objections raised with regards to Highway Safety. The existing Highways arrangement is considered to meet Highway Safety Standards. No physical changes are proposed as part of this scheme. The proposed use would be less intensive in terms of use than the current established use and entail a similar amount of parking and number of vehicle movements. It is considered that the proposed change of use would not lead to an unacceptable impact on highway safety. It is considered the level of car parking complies with current highway standards. Thus, officers consider the proposal to be compliant with Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan.

Drainage Considerations

- 6.23 Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of sustainable drainage methods in accordance with best practice and the proposed national standards. On all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity.
- 6.24 The proposed development site is located within flood zone 1 and the building is considered not to be in a Critical Drainage Area. No physical changes are proposed as

part of this scheme. The use will not be changed to a more vulnerable use in flood risk terms. The proposed development is considered minor and therefore a Flood Risk Assessment is not required with this application.

- 6.25 The Local Flood Authority have no objection to the change of use. Drainage will be managed via the existing drainage system on site. The proposal is compliant with CS16 of West Berkshire Core Strategy (2006-2026).

7. Planning Balance and Conclusion

- 7.1 In conclusion, the change of use from F2 to E(g)(i) is considered to bring a redundant building back into use. The proposal has both social and economic associated benefits. The change of use would not lead to any harmful impacts with regards to character of the area, neighbouring amenity, highway or drainage. It is considered that the proposed change of use is compliant with West Berkshire Council Local Development Policies and thus Officers recommend that members approve 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.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"> • Location Plan drawing reference 240105-10-001 received 09.07.2024 • Block Plan drawing reference 240105 - 20 - 001 received 03.07.204 • Existing Ground Flood Plan: 240105 - 30 – 001 received 09.07.2024 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Permitted uses within Class E</p> <p>The building shown on Location Plan drawing reference 240105-10-001 received 09.07.2024 shall be used for Class E(g)(i) (an office to carry out administrative functions) use only and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p>

	Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
4	<p>Hours of work</p> <p>The Class E(g)(i) use shall not take place outside of the following hours:</p> <p>Mondays to Fridays: 7:00 to 19:00</p> <p>The site shall not be use on Saturdays, Sundays and public holidays unless otherwise agree in writing with the Local Planning Authority.</p> <p>Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

Informatives

1.	Proactive consideration of application
2.	CIL
3.	BNG de minimis