

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(4)	13/01848/FULD Newbury.	14 <sup>th</sup> October 2013	Change of Use and conversion of the main Grade II Listed pub building and two outbuildings into 4 new residential units. Demolition of rear extension to main building, garage/store and toilet blocks, extension linking main building to function suite and boundary wall adjacent to Derby Road. Hard and soft landscaping and provision of 3 car park spaces. Wellington Arms, 4 Andover Road, Newbury, Berkshire, RG14 6LR. Vokins Construction.

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01848/FULD>

**Recommendation Summary:**

To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8.2) and the completion of a Section 106 legal agreement within two months of the date of Committee.

OR

If the s106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure as set out in section 8.4, where expedient.

**Ward Member(s):**

Cllr M Johnston and Cllr I Tuck.

**Reason for Committee determination:**

Called to Committee by adjoining Ward Member Cllr A Edwards as building is one of the oldest historical pubs in Newbury and as a Grade II listed building it should be retained as a pub and not converted into residential use.

**Committee Site Visit:**

9<sup>th</sup> December 2013.

**Contact Officer Details**

**Name:** Jake Brown

**Job Title:** Senior Planning Officer

**Tel No:** (01635) 519 111

**E-mail Address:** [JPBrown@westberks.gov.uk](mailto:JPBrown@westberks.gov.uk)

## **1. Relevant Site History**

Application Reference: 142551 – Demolition and rebuilding of chimneystack. Application approved 4<sup>th</sup> May 1993.

Application Reference: 126921 - Improvements including new toilet facilities. Application approved 2<sup>nd</sup> October 1986.

Application Reference: 126920 (LBC) - Internal bar alterations and extension to improve toilet facilities. Application approved 2<sup>nd</sup> October 1986.

## **2. Publicity of Application**

Site notice expired 1<sup>st</sup> October 2013.

Neighbour Notification expired 18<sup>th</sup> September 2013.

## **3. Consultations and Representations**

<b>Town Council</b> <b>(1<sup>st</sup> Response):</b>	No objection: Comment: Members requested that the external design is retained, the internal staircase is somehow retained, pictures be retained or donated to West Berkshire Museum. A £2,735 s106 contribution is requested towards improvements to the nearby St John's Memorial Gardens.
<b>Highways Officer</b> <b>(1<sup>st</sup> Response):</b>	Object: One of the car parking spaces is shown reversing from/to an access from Andover Road which is an 'A' classed road and so this is not an acceptable arrangement. In addition a vehicle would need to cross a wide footway; the northern most parking space appears to be accessed from the end of the on-street car parking and there is potential difficulty accessing this space with a vehicle parked at the end of this bay. Request amended plans.
<b>(amended plans):</b>	Object: insufficient room to manoeuvre; insufficient access for pushchairs, wheelchairs and bin movements; prefer one cycle stand per flat; security of cycle store.
<b>(further amended plans):</b>	No objections subject to conditions.

**Conservation  
Officer  
(1<sup>st</sup> response):**

The applications are accompanied by a detailed Design & Access and a detailed Heritage (Impact) Statement. The only concern in respect of the latter is that it stops short of assessing the architectural and/or historic significance of the existing staircase and a case for its removal. It is understood that further information is to be requested in this respect. Apart from that however, the proposed works to the listed building are adequately detailed and justified, involve limited intervention into historic structures, and/or re-use of existing openings, thereby considerably improving the external appearance of the building, particularly at the rear. The proposals will also secure the future use of the building. On balance therefore the proposals are likely to be considered acceptable from a building conservation point of view (notwithstanding that there may be other planning issues to take into account such as the justification of the loss of the public house).

**Conservation  
Officer  
(amended plans):**

Object: The essential difference between the originally submitted proposals and those now submitted is the loss of one parking space and the relocation of the bin/cycle store from within the site to a position in front of the Derby Road front elevation of the main building. Although the lower/western part of this elevation is currently screened behind a high brick wall, the original proposals would have opened this up to view, and as such were preferable to the current proposal to erect a bin/cycle store in front of it, since the retention and enhancement of the street scene view of this important corner building should be a primary aim in terms of the character and appearance of both the listed building and that of the conservation area in which it lies. The introduction of a new and fairly utilitarian structure in this location is therefore considered detrimental to the character and appearance of the listed building/conservation area.

The details of the internal conversion have not changed, but the Heritage Statement goes a little further in justifying the loss of the existing staircase between the ground and first floor of the core building. Paragraph 5.1.4 describes changes in the vicinity of the staircase and 8.1.6 acknowledges that its removal will involve a loss of historic fabric, evidential and aesthetic values, having a minor negative effect on the heritage significance of the property, although mitigated by the retention of the external form and character of the building and the enhancement of its condition and contribution to the conservation area. On balance, I would tend to go along with this conclusion, on the basis that otherwise the interior of the building has previously been much altered to accommodate its existing/former use, although minimum change is now proposed to its overall compartmentalisation.

<b>Conservation Officer (further amended plans):</b>	<p>The reversion of the bin/cycle store to its originally proposed position is preferred from a building conservation point of view in terms of protecting /enhancing the character and setting of the proposed development on the site and particularly the listed building and the conservation area in which it is situated. It is noted that the bin/cycle store will be in "bricks to match", which is clearly welcomed. It is further noted that submission of samples of external materials will be required as a condition of any consent. Whilst it is noted that no further attention has been given to retaining the wall on the northwest boundary to a greater height than proposed, to provide better privacy, etc. for the occupiers of the site and neighbouring properties (and more visible evidence of former buildings on the site) - this is not, by itself, considered detrimental to the <i>prima facie</i> building conservation aspects of the overall proposals of retaining an important listed building in (appropriate) use.</p> <p>One small point, is that the ground floor plan drawing (3805.PL06E) appears to show "landscaping", including in front of the Derby Road frontage of the main building, whereas the block plan (3805.PL13C) does not. It would be appropriate to clarify what is actually proposed here, in order to assess any potential impact on "setting", since a generally open aspect would be preferred in this location.</p>
<b>Commercial Valuers (Davis Coffer Lyons):</b>	Consultants were asked to review the evidence presented by the applicants and report on the likely viability of the premises as a public house. The public house is not considered to be a viable business.
<b>Newbury Society:</b>	Although The Society is disappointed at this loss of an historic pub, we welcome this proposal to retain this heritage building at one of the gateways to Newbury. We welcome the retention of the historic fireplace. We would like inclusion of plans to ensure that the historic pictures and artefacts are safely retained.
<b>Drainage Officer:</b>	No response received.
<b>Thames Water:</b>	No objections, suggest informative.
<b>Public Protection:</b>	No objections.
<b>Ministry of Defence:</b>	No response received.
<b>Ecologist:</b>	No objections subject to conditions.
<b>Waste Officer:</b>	No objections.
<b>Representations:</b>	No letters of representation received.

#### **4. Policy and Legislation Considerations**

4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- NPPF Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 5: Infrastructure Requirements and Delivery
- CS 13: Transport

- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

4.2 The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development
- OVS5: Environmental Nuisance and Pollution Control

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010.
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Guidance SPG 19 Public Houses.
- Supplementary Planning Document "Quality Design" (adopted June 2006).
- National Planning Practice Guidance (Draft).
- Newbury Town Design Statement.

## 5. Description of Development

5.1 This application seeks permission for the change of use and conversion of a public house known as The Wellington Arms to 4 residential units comprising 1 no. one bed unit and 3 no. two bed units. To accommodate the conversion the existing single storey toilet block to the rear of the public house is to be demolished. The toilet block was given approval in 1986 (ref: 126921).

5.2 The application site is located within the settlement boundary of Newbury and within the designated Conservation Area.

5.3 The site is a Grade II listed, early 19<sup>th</sup> century public house. The list entry describes the site as a pair of semi-detached houses that were later modified into a single property, however no historical or archaeological evidence has been found to support this. The site abuts No. 6 Andover Road to the south-west which does have evidence that it was previously two houses.

5.4 The street front elevation of the public house faces south-east and the east corner forms a curved bow. The property has been extended with a single storey to the north-west and another to the west which links the public house to adjacent rectangular and irregular plan buildings. A small yard to the rear of the public house provides access to these adjacent buildings and two additional buildings contained within the site.

## 6. Consideration of the Proposal

The main issues to consider are:-

6.1 The principle of the development  
 6.2 The impact on the character and appearance of the Conservation area

6.3 The impact on the Listed Building

6.4 The impact on neighbouring amenity in terms of:-

- sunlight
- daylight
- overlooking / privacy
- noise and disturbance
- overbearing

6.5 Highway Matters

6.6 Other Matters

## **6.1 Principle of Development**

6.1.1 Supplementary Planning Guidance: Public Houses SPG 19 (adopted 25 September 2000) sets out the guidance against which to assess an application that seeks the loss of a public house. The guidance recognises that 'public houses serve important social, community and economic functions in maintaining the viability of rural villages'. The aim of the guidance is to 'safeguard the public house as a focus of community life' and as such the loss of a public house must be fully justified. The guidance sets out in paragraph 6.1 the criteria against which to assess such an application as a means to determine if the loss of such a use is justified. The criteria established within SPG19 are as follows:

- (ii) whether the proposal would have an adverse effect on the local character, diversity and amenity of the area;
- (ii) whether it can be demonstrated that alternative acceptable public house exists (defined in terms of location, size, range of facilities and quality of provision) or can be made available in the local area/community;
- (iii) whether evidence exists that the loss of the public house would comprise an unacceptable decline in the standard of community services for locals and visitors;
- (iv) whether it can be demonstrated that the public house is no longer economically viable and that all reasonable attempts have been made to sell or let the building as a public house at a realistic price for no less than 6 months.

6.1.2 The SPG goes on to state that 'a commercial viability study should accompany any application for redevelopment or change of use.'

6.1.3 As part of the application submission a viability report produced by Dunster and Morton was provided. The report assesses the viability of The Wellington Arms in its current use and comments on the suitability for its current purpose having regard to its location, the arrangements of the accommodation provided, its trading potential and also the competition in the general vicinity.

6.1.4 The assessment identifies 18 public houses within 1 mile of the application site and assesses the suitability of the building for continued use as a public house as well as the competition in the area and an assessment of fair maintainable trade and profit for the trading potential as a public house. The report also includes an assessment of the marketing of the public house in all relevant trade publications and concludes that the public house no longer constitutes a viable business for any potential operator. The report notes that the building requires comprehensive repair and refurbishment and the cost of purchase coupled with the expenditure on repair and refurbishment means that it does not provide a viable proposition.

6.1.5 The viability of the public house together with the report from Dunster and Morton was assessed by an independent commercial valuer, Davis Coffer Lyons. The valuer concurred with the conclusions drawn by Dunster and Morton and considers that The Wellington Arms is not a viable business.

- 6.1.6 In respect of criterion (i) of the SPG the proposal is not considered to have an adverse effect on the local character, diversity and amenity of the area. This is discussed in detail in the next section.
- 6.1.7 In respect of criterion (ii) the evidence submitted demonstrates that alternative acceptable public houses exist in the local area.
- 6.1.8 With regard to criterion (iii) it is not considered that the loss of this particular public house would comprise an unacceptable decline in the standard of community services for locals and visitors as a number of other community services exist in the local area.
- 6.1.9 In respect of criterion (iv) it is considered that sufficient assessment of the public house has been undertaken to demonstrate that the business is no longer economically viable and that the public house has been appropriately marketed for more than 6 months.
- 6.1.10 It is recognised that the loss of the pub is not desirable and would result in the loss of a local facility. However SPG19 states (paragraph 6.3) that it must be accepted that planning authorities cannot control the closure of businesses which are not economically viable.
- 6.1.11 As such, it is considered that the application has sufficiently demonstrated that the business is no longer economically viable and therefore the principle of the development is considered acceptable in accordance with Supplementary Planning Guidance: Public Houses and the NPPF.

## **6.2 The impact on the character and appearance of the Conservation Area**

- 6.2.1 The application proposes to remove the existing wall facing onto Derby Road as well as an existing single storey outbuilding and single storey extension to the main building to open up the courtyard area to the rear of the property. In addition the proposal would reduce the existing boundary wall between the application site and the neighbouring property to the north-west Nos. 1 - 15 Derby Road. Within the courtyard area the existing external staircase is to be removed and the opening turned into a juliette balcony serving unit 3. In addition a small glass porch canopy is to be installed to the rear of the main building.
- 6.2.2 A detached existing single storey building abutting the north-west boundary would be replaced with a bin and cycle store.
- 6.2.3 The application seeks to retain the appearance of the building from Andover Road.
- 6.2.4 It is proposed that three off road parking spaces would be accommodated within the site with access from Derby Road.
- 6.2.5 During the application process amended plans were received relocating the proposed bin store and cycle store. However due to concerns in respect of the impact on the listed building further amended plans were received, reverting the bin and cycle store to that originally proposed and the reduction of on site parking from four spaces to three spaces.
- 6.2.6 The proposal will open up the rear courtyard area to views from Derby Road which will impact on the character and appearance of the Conservation area. The West Berkshire Core Strategy Policy CS19 states that regard will be given to the conservation and, where appropriate, the enhancement of heritage assets and their setting in response to the distinctive character areas and key characteristics identified in Historic Environment Character Zone and Historic Character studies.

6.2.7 The proposed conversion to residential use will not detract from the distinctive character of the 'St Bartholomew and the City' area as a garden suburb with low intensity development. The proposal involves conversion rather than new development that might conflict with existing structures in terms of scale, design and location. Therefore the variety of 18th and 19th century structures along Newbury's streets will not be affected. Subsidiary yard buildings will either be converted to residential units or removed to accommodate off road parking. The 20th century single-storey extension to the rear of the public house will be removed and this area and part of the yard will be infilled with a decked terrace and planting area. The link structure between the public house and the south-west yard building will be removed which will involve opening previously blocked window openings and converting existing door openings into windows. Similarly the closed down door opening in the former stable will be reopened and both it and the hayloft door above will be converted to windows. This re-instatement of former openings will better reveal the form and character of the original buildings. This creation of private spaces and planting areas is in keeping with the surrounding terraces and villa properties that have their own garden spaces. This is considered to weigh in favour of the proposal.

6.2.8 Whilst the opening up of the courtyard area may be at odds with other parts of the Conservation Area, where the built form generally abuts the highway, it is considered, on balance, that the proposal would reflect the open nature of the property to the north-west and other plots within the immediate area. The proposal would also improve the appearance of the courtyard area to the rear of the site enhancing the heritage asset and its setting.

6.2.9 As the main frontage of the building is to be retained and for the reasons detailed above it is considered, on balance, that the proposal would not result in a detrimental impact on the character and appearance of the Conservation area in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, the NPPF, Supplementary Planning Guidance: Public Houses and the Newbury Town Design Statement.

### **6.3 The impact on the Listed Building**

6.3.1 In respect of the impact on the listed building the proposal would remove some modern single storey elements within the courtyard. To the rear of the property, the linking structure and external metal staircase will be removed to create a private open space. The south-west building will have original windows reopened on the ground floor and floor length windows inserted within existing door openings on the first floor. Internally, new partitions will create a bathroom, bedroom and kitchen/dining room on the ground floor and an ensuite bathroom, storeroom, bedroom and living room on the first floor. The existing roof light will be retained whereas a new staircase will be fitted to replace the current spiral stair.

6.3.2 Pub fixtures and fittings will be removed from the public house building. On the south-east elevation the southern door will be fixed shut rather than removed to maintain the appearance of the Andover Road façade. The existing staircase between the public house ground and first floor will be removed and a new stairwell located further north-west on the site of the current toilets. This will alter access and circulation through the building. Currently the corridor forms the long central spine of the first floor from which all first floor rooms are accessed. Proposed access to the first floor corridor will be in the middle rather than the end of the corridor which will effectively divide the first floor into a northern and southern half.

6.3.3 Partitions will be added in the current bar area to form a bedroom and contiguous living/dining/kitchen space. On the first floor, the east side of the corridor will be removed to create a larger living/dining and kitchen area. The internal curved wall will be retained within the living/dining room circulation space whereas the existing stairwell will be converted to an ensuite bathroom to the south-west room (bedroom) and a seating alcove within the living/dining room. The north rooms are currently similar in size each with a blocked corner hearth. New partitions within the west room will create more storage space and decrease the size of the bathroom, disrupting the plan-form symmetry of this end of the building. Proposals indicate the blocked corner hearths will exist entirely within the east room bedroom and storage space rather than in separate rooms.

6.3.4 The former stable's south-east elevation will have the blocked opening to the north of the existing door reopened and converted to an almost floor length window. Similarly the hayloft dormer will be converted from door to window to light the upper floor. The northwest and north-east elevations will remain blind. Internally, a staircase will be added to the north-west corner and new partitions will create a bathroom in the ground floor southwest corner. The east half of the ground floor will become a living/dining and kitchen space. The upper storey will have its floor truncated on the east side to form a void overlooking the ground floor. This means the first floor bedroom will gain additional natural light via the ground floor windows.

6.3.5 The north-east boundary wall and former coach house will be removed to create parking spaces and the pavement modified to create a dropped kerb onto Derby Road. The toilet block will be replaced with a bin and cycle store, existing planters adjacent to the former stable will be removed but new planters added elsewhere. The yard will form a constricted space between the decking and cycle store but opens out to private gardens to the south and parking to the north.

6.3.6 The Wellington Arms is located south of three nearby listed buildings and features prominently in views looking south-west from the Church and more obliquely or partially when viewed from the others. The setting of these listed buildings will be impacted by the planned development as they will face towards the public house structure's street front elevations with parking spaces and cycle store in the foreground and planted areas behind as opposed to the current view of street front elevations and plain boundary wall.

6.3.7 The National Planning Policy Framework emphasizes the desirability of sustaining and enhancing the significance of heritage assets and the necessity of maintaining listed buildings in viable use for the purposes of conservation, rather than leave them neglected to fall into ruin. The conversion to residential use will keep the building occupied, the better for its conservation and maintenance which is considered to weigh in favour of the proposal.

6.3.8 The NPPF highlights the contribution of heritage assets to the economic vitality of an area and to sustainable communities. Since the mid-20th century, the site area has evolved from a prosperous commercial and social junction to a residential locus, as indicated by the demolition of two of the three public houses based here. The site's communal value and economic viability as a public house has decreased over time. The addition of new residential units to the suburb will help sustain the community rather than retain a public house that may struggle to survive financially. This is considered to weigh in favour of the proposal.

6.3.9 Internally, the layout will be altered to subdivide the single property into four residences. This will involve the relocation of the stairwell between ground and first floors and the removal and creation of a number of internal partition walls within the public house. Although the bar area currently comprises a single L-shaped space, the presence of two

original doors and the location of chimney stacks above indicate the room was originally subdivided in two. Although the internal sub-division at ground floor will not reinstate the original form, the scale of spaces created will not be inappropriate. On the other hand, the interior will lose the remaining fixtures and fittings relating to its original commercial function.

6.3.10 The relocation of the stairwell changes the circulation through the building particularly at first floor level where removal and instatement of dividing walls increases the proportions of the eastern rooms and obscures the original layout. The removal of the existing staircase will result in a loss of historic fabric, evidential and aesthetic values. This change weighs against the proposal as it will have a negative impact on the heritage significance of the property; however it is considered that the staircase is typical for the age and scale of the property and similar examples are commonplace. Therefore, its loss is partially mitigated and of less consequence when considered in relation to the retention of the external form and character of the building, and the enhancement of its condition and contribution to the Conservation area.

6.3.11 In the yard, the earliest parts of the property comprising the northern boundary wall and the majority of the former coach house will be removed; the coach house walls which currently form the eastern extent of the property will be retained. These features are probably the surviving remnants of the Bull and Dog public house which previously occupied the Andover – Derby Road junction. Overall, the proposals will decrease the site's evidential value as regards its commercial use and chronological development. This weighs against the proposal as it will have a negative impact on the heritage significance of the property.

6.3.12 Overall the site's historical value will be moderately affected by the proposed development which is considered to result in a neutral impact. The demolition of parts of the site increases the importance of historical sources to inform heritage research. The site is well documented through directory and cartographic sources but lacks photographic evidence and is poorly represented in local history studies.

6.3.13 The site's aesthetic value will be enhanced by increasing the yard area which is currently a narrow enclosed concrete space, converting it to landscaped shared and private gardens. These gardens will be partially visible from the street which is an improvement over the plain wall that currently forms the north-east site boundary. The public house building exterior will retain its architectural style and fenestration and therefore continue to compliment the adjacent property 6 Andover Road as contemporary structures. This is considered to weigh in favour of the proposal.

6.3.14 The architectural style and scale of the existing buildings will be maintained; the majority of alteration is internal or to the rear of the property, therefore the street front setting will only be moderately impacted. The road traffic of the junction will always be detraction to the setting of the listed buildings surrounding it. Therefore the three off-road parking spaces proposed is considered to be a relatively neutral addition to the setting of the all the nearby listed buildings. On balance it is considered that the proposal will have a positive impact on the site, its setting and that of nearby heritage assets.

6.3.15 Overall, the site will lose some of its evidential value due to the loss of historic fabric, particularly that relating to the late 18th century Bull and Dog property. However, this will be counterbalanced by the enhancement of its aesthetic and communal value and the continued occupation of the property to better ensure its protection and conservation. The original layout of the interior of the public house structure will be partially lost at ground floor and more extensively at first floor but the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of later single storey elements. Similarly, the exterior of the former stable and south-west yard building

will be enhanced by reopening blocked features. This will better reveal the character of the retained properties, and their physical and functional relationship within the site and its setting.

6.3.16 As such it is considered, on balance, that the impact on the listed building, its setting and the setting of the Conservation Area and nearby listed buildings would be acceptable.

#### **6.4 The impact on neighbouring amenity**

6.4.1 In respect of the neighbouring properties to the south-west no new opening are proposed and there will be no change in the appearance of this elevation. As such it is not considered that the proposal will result in any significant impact on the amenities of these properties.

6.4.2 With regard to the property at No. 6 Andover Road the proposed works to convert the public house and its outbuildings are not considered to introduce any significant impact on the amenity of this neighbouring property. The use of the public house and outbuildings for residential purposes is not considered to introduce any significant impacts on the amenity of No.6 Andover Road upon its current authorised use.

6.4.3 No new openings are proposed upon those that already exist that would enable overlooking for the neighbouring properties to the north-west, Nos. 1 - 15 Derby Road. Again the use of the public house and outbuildings for residential purposes is not considered to introduce any significant impacts on the amenity of this neighbouring property upon its current authorised use.

6.4.4 The application is therefore not considered to result in any significant detrimental impact on the amenities of neighbouring properties in accordance with the National Planning Policy Framework as well as Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document – Quality Design.

#### **6.5 Highways Matters**

6.5.1. The amended plans reduced the on-site parking provision to three parking spaces only. For a site close to the town centre with good access to services and public transport this is considered to be acceptable.

6.5.2 The parking layout would enable each space to be adequately accessed whilst maintaining a clear access to the dwellings particularly for those with pushchairs, wheelchairs or for example when taking bicycles or waste in and out of the site.

6.5.3 An existing BT cabinet and highways sign will need to be relocated to accommodate the new access into the site. This can be controlled by condition.

6.5.4 The proposed access arrangements are considered to be acceptable and not introduce any significant concerns in respect of highway safety in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 as well as Policy TRANS1 of the WBDLP of the West Berkshire Distract Local Plan 1991-2006 Saved Policies 2007.

#### **6.6 Other Matters**

##### **Developer Contributions**

6.6.1 The following developer contributions are sought to mitigate the impact of the development on local infrastructure and services:

◆ Education	£4,612.40
◆ Open Space	£1,970
◆ Libraries	£635
◆ Adult Social Care	£1797
◆ Waste Services	£224.80

## National Planning Policy Framework

6.6.2 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location and would not adversely impact upon the environmental and social sustainability for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have been found acceptable the development is considered to constitute sustainable development in accordance with the NPPF.

## Ecology Matters

6.6.3 A biodiversity survey assessment has been submitted with the application which identified the roosting of swifts in the local area. As such four swift boxes are proposed to be attached to the north-east elevation of the building and the implementation of these can be controlled by condition.

## 7. Conclusion

7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, although the considerations are finely balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.

7.2 It has been demonstrated that the public house has been appropriately marketed for sale and that the business is not considered to be economically viable. The proposal is not considered to have an adverse affect on the character and appearance of the Conservation area and street scene, the amenities of neighbours or on highway safety. Whilst the site will lose some of its evidential value due to the loss of historic fabric, this is weighed against the enhancement of its aesthetic and communal value and the continued occupation of the property to better ensure its protection and conservation. The original layout of the interior of the public house structure will be partially lost at ground floor and more extensively at first floor but the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of later single storey elements. Similarly, the exterior of the former stable and south-west yard building will be enhanced by reopening blocked features. This will better reveal the character of the retained properties, and their physical and functional relationship within the site and its setting.

7.3 As such the application is considered to accord with National and Local Planning Policies as well as Supplementary Planning Guidance SPG 19 "Public Houses", Supplementary Planning Document "Quality Design" and the Newbury Town Design Statement.

## **8. Full Recommendation**

8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions and informatics and the completion of a Section 106 legal agreement within two months of the date of Committee:

### **8.2 Schedule of conditions**

#### **Time limit**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

#### **Approved plans**

2. The development hereby approved shall be carried out in accordance with drawing title numbers 3805 PL06 E, 3805 PL07 C, 3805 PL08 D, 3805 PL10 D, 3805 PL11 D and 3805 PL13 C received on 22<sup>nd</sup> November 2013 and drawing title number PL01 received on 19<sup>th</sup> August 2013.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

#### **Samples of materials**

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### **Fencing and enclosures**

4. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

## **Hard surfaces**

5. No development shall commence on site until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

## **Landscaping**

6. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:
  - a) Completion of the approved landscape scheme within the first planting season following completion of development.
  - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

The landscaping shall be carried out in accordance with the approved scheme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 – 2026.

## **Temporary Parking Area**

7. No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives, visitors, and other persons working on the site during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

## **Parking in accord with plans**

8. No dwelling hereby permitted shall be occupied until the vehicle parking spaces have been surfaced and properly provided in accordance with the approved plans. The parking

spaces shall thereafter be kept available for parking (of private motor vehicles and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy 2006 - 2026.

#### **Cycle parking and bin storage**

9. No dwelling hereby permitted shall be occupied until the cycle parking and bin storage has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles and storage of bins at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles as well as suitable provision of bin storage in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 - 2026.

#### **Hours of work**

10. The hours of work for all contractors for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays 8.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

#### **Ecological mitigation**

11. The mitigation measures detailed in the Biodiversity Survey Assessment Report produced by Louise Lowans, dated 7 August 2013 and received on 19<sup>th</sup> August 2013 shall be implemented in full. The four Swift boxes erected shall be made of woodcrete.

Reason: To ensure the protection of species protected by law in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

#### **Ecological Review**

12. No dwelling shall be occupied until a report from a qualified ecologist which confirms that the approved mitigation measures have been implemented in full has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of species protected by law in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

## **Relocation of BT Cabinet, Street Name Plate and 'No Loading' sign**

13. No development within the application site shall commence until the BT cabinet and 'no loading' sign has been relocated at the expense of the owner of the site in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: The relocation of the BT cabinet and highway sign is necessary to enable access into the site for construction purposes and for future occupants of the development hereby permitted. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy 2006 - 2026.

### **8.3 Informatives**

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority.
6. Any temporary signing required as part of this development is to be agreed in writing with the Highway Authority, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD.
7. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
8. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
9. 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 worked proactively with

the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

**OR**

8.4 If the legal agreement is not completed within two months of the date of Committee to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reason:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to the National Planning Policy Framework and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.

**DC**