

Item No.	Application No. and Parish	Proposal, Location and Applicant
(3)	13/01937/FULMAJ Newbury Town Council.	Proposed Change of Use of offices (Class B1) to provide 10 Dwellings (Class C3) Phoenix House, 50 And 52 Bartholomew Street, Newbury. J Curtis And Sons

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01937/FULMAJ>

**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, where expedient.

**Ward Member(s):**

Cllr Dr A. Vickers and Cllr G. Mason

**Reason for Committee Determination:**

At the request of Cllr Vickers. Discussion would focus on [a] loss of employment land [b] parking provision. Even if applicant does satisfy requirement for both proof of marketing and evidence that loss of office space will not harm local economy, there is still the issue of parking – where it may be that our policy is the problem not anything that the applicant can do.

**Committee Site Visit:**

3rd February 2014.

<b>Contact Officer Details</b>	
<b>Name:</b>	Mrs Isabel Johnson
<b>Job Title:</b>	Senior Planning Officer.
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## 1. Site History

82/117801 Extension of existing second floor offices mezzanine floor and general office refurbishment. Approved 08.09.1982

82/117800 LBC. Extension of existing second floor offices mezzanine floor and general office refurbishment. Approved 03.03.1983

13/00363/FULMAJ Proposed change of use of offices (Class B1) to provide 11 Dwellings (Class C3). Withdrawn 3.6.13.

## 2. Publicity of Application

Site Notice Expired: 18.09.13.

## 3. Consultations and Representations

### Newbury Town Council:

Members have not seen an application for Listed Building Consent so feel they cannot comment on these plans as incomplete (no information showing layout / internal changes to be made). If the development were to proceed, a £3,000 S106 contribution is requested towards improvements to open spaces in the Town Centre (e.g. Lock Island, Victoria Park).

### Highways:

This application follows the withdrawal of the previous 13/00363. The proposals are for a town centre change of use from office to residential with zero parking provision and no residents parking entitlement. This lack of residents parking entitlement would lead to residents of the flats parking on the few unrestricted bays on St.Michaels Road, perhaps the streets leading off St Michaels Road, and at the 32-space Pay & Display car park ("Newbury Eight Bells") on the other side of Bartholomew Street. Overnight, I believe Bartholomew Street, within the vicinity of the site, has a few unrestricted bays, although some of the bays to the north have been converted to taxis only after 1800.

At the time of the previous application, Highways conducted evening site visits on the surrounding streets and identified some spare capacity for on-street parking that the future residents of Phoenix House may be able to utilise. Adequate cycle parking has been proposed.

### Thames Water

No objections.

### Waste Management

A suitable bin store has been included on the proposed plans and we have no concerns regarding the collection and storage of refuse and recycling.

### S106 Contributions

Education: £7,896, Libraries: £1362, Adult Social Care: £5297, Waste - £461

Highways: no contributions, Public Open Space: no contributions

### Affordable Housing

I would like to see 3 units for affordable housing with separate entrances. Preference would be for 2 units of social rented and 1 unit of shared ownership. The shared ownership dwelling would need to have a separate entrance from the social rented dwellings. I would like to see two 1 bed flats for social rent and one 2 bed flat for shared ownership.

<b>Fire and Rescue</b>	No additional hydrants required. Any gates should provide a minimum 3.1m clear opening.
<b>Public Protection.</b>	<p>The application states that there will be no parking spaces for the proposed flats. EH would have concerns that unless properly managed during construction / development stage vehicles from contractors and deliveries to site could cause a disturbance to neighbouring properties</p> <p>The proposed development is also quite large and it is important that the site is managed with permitted working hours for any construction or noisy works.</p> <p>EH would also want to ensure that there is sufficient insulation between the converted flats in the interest of potential future residents of the development.</p>
	Hours of work and sound insulation conditions recommended.
<b>Conservation Officer</b>	<p>The amendments to the proposed layout showing a reduction in the number of units and submitted Heritage Statement are welcomed. Further to our site meeting, the amended plans and the Heritage Statement, I am content that the building can accommodate 10 units without harming the significance of the building. I therefore have no objections to this application.</p>
<b>Archaeology Officer</b>	<p>Listed building consent will obviously be required, which should provide full details of the proposed works. An informative should be attached to any consent advising of the need for LBC.</p> <p>The submission of a revised Heritage Statement has been submitted which is welcome. Detailed comments on the content of this document have been made which will be a useful reference with the submission of further information within an application for Listed Building Consent.</p>
	<p>This proposal to convert Phoenix House to 11 dwellings is in substance the same as the previous withdrawn application 13/00363, but with provision for bin and cycle stores. It is not accompanied by a listed building consent application. The 11 dwellings comprise four two-bedroom flats, six one-bedroom flats, and a one-room "studio". The "studio" contains no kitchen, and so cannot be described as accommodation. No parking provision is envisaged. On a matter of terminology, the site includes 50, 51, and 52 Bartholomew Street.</p>
<b>Newbury Society</b>	<p>Phoenix House is an important landmark building in Newbury of whose attraction we are all aware, Grade II listed of early 18th century date. It is therefore essential that any application to convert it both respects its character and fabric, and is capable of sustaining it for the long term. It is not yet evident that these conditions are fulfilled. There are three major problems:</p> <ol style="list-style-type: none"> <li>1. The application cannot be considered in the absence of an LBC application which reviews the present state of the building's historic fabric and examines the effect of the development on it. In the absence of such information, the Society considers the building to be potentially at risk.</li> <li>2. It is not yet evident that the service agreements that the owners of 10 or 11 small dwellings could be induced to sign and pay for will be sufficient to preserve the building's historic fabric. On first consideration, some at least of the residents may be transient or indifferent.</li> </ol>

3. Although there is a view that flats in the centre of Newbury require no parking, we are concerned that this will in fact not be the case for all the residents. Given the absence of local on-street parking, the complete absence of dedicated parking may not be sensible.

A further and lesser point is that the bedroom and bathroom of one of the proposed flats are in the basement. It is not shown that this would provide acceptable accommodation.

We recognise that none of the above problems are of the applicant's making or admit of a quick solution. Given the importance of this exceptional building, we urge that the necessary close attention is given, jointly with the applicant, to finding a commercially and architecturally viable solution.

#### **Planning Policy**

The applicant has submitted information to indicate that there is a supply of available office space in the town centre (10,253 sq.m); however this information does not provide detail on the vacant buildings which make up this total. The 2013 Thames Valley Office Report indicates that availability as a whole in Newbury is declining and set to fall further, and availability is tight but take-up is low. There is no doubt that the loss of this unit would contribute to the decline of available floorspace within Newbury as a whole.

Whilst take-up is identified as being low, the applicants have made no attempt to market the unit, and it is unknown if there is a continued demand for the office use at Phoenix House.

On balance, given that the loss of the unit (1,156 sq.m) would reduce the amount of available office floorspace in Newbury town centre to 9,097 sq.m; it is considered that *on this occasion*, the loss of floorspace would not substantially prejudice the overall supply of office floorspace over the Core Strategy period within Newbury town centre.

No objection is raised to the proposals.

#### **Correspondence:**

No letters of representation received.

### **4. Policy 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).
- Circular 11/95 - The use of conditions in planning permissions.
- Supplementary Planning Document "Quality Design" (adopted June 2006).
- National Planning Practice Guidance (Draft)
- Newbury Town Design Statement

## **5. Description of Development**

5.1 Permission is sought for the conversion of Nos. 50 and 52 Bartholomew Street from B1 office use (last used several years ago) to C3 residential flats. The building is at the end of a terrace of historical structures fronting Bartholomew Street and is Grade II Listed. Access to the rear of the site is from a wide gap between Nos. 49 and 50 which serves as access to No. 50b (a small electrical shop) and the converted residential units of Nos. 1 to 7 Phoenix Brewery.

5.1.1 The building consists of what would have been the original two dwellings with a large 2 1/2 floor extension to the rear which originally formed part of the works for Phoenix Brewery. Internally, the whole site is divided into separate offices with wall partitions, lowered ceilings to accommodate office lighting and appropriate fire safety facilities.

5.1.2 The original proposal was for 11 separate units. However, following an internal inspection with the Conservation Officer, key features of the Listed Building were identified and concerns raised over the proposed living conditions for some units. The total number of flats was therefore reduced to ten in order to overcome these issues, maintain the main fabric of the building and preserve its historical significance.

5.1.3 The application and proposed developer contributions are therefore now based on 2 studio flats, 6 one bedroom flats and 2 two bedroom units, one of which has a bedroom on the second floor. No vehicle parking is proposed for the scheme however, a covered cycle store able to accommodate approximately 14 cycles is proposed. A further 6 visitor cycle store and sufficient bin storage for the whole development is also proposed on the external space to the rear of unit 3.

## **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 Impact on neighbouring amenity
- 6.5 Highway Matters
- 6.6 Other Matters

## **6.1 Principle of Development**

6.1.1 The key principle of the change of use in this case lies in the conversion from office use to residential and the policy implications for such a new use. The proposal site lies within the Newbury town centre commercial area and a Conservation Area (Newbury). The proposal seeks the change of use of a vacant Grade II Listed office of 1156 sqm into 10 units. The site is in a highly sustainable location, and development would represent an efficient use of previously developed land.

6.1.2 The National Planning Policy Framework (NPPF) places significant weight on driving and supporting sustainable economic growth and taking account of market signals in plans (Core Planning Principles: bullet point 3, paragraph 17), in addition to securing economic growth (paragraph 18). Nonetheless, paragraph 22 sets out that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their own merits having regard to market signals. Paragraph 51 gives support to change of use applications from commercial to residential if there is an additional need for housing in an area subject to there being no strong economic reasons that would make development inappropriate.

6.1.3 Core Strategy policy CS9 seeks to locate office development within defined town and district centres. Proposals for non town centre uses which seek the loss of office floorspace will need to demonstrate that the proposal maintains the vitality of the existing centre and would not substantially prejudice the overall supply of office floorspace over the Core Strategy period (2006-2026) in that centre. Residential does not fall within the NPPFs definition of 'main town centre uses', however the NPPF does set out that residential development can play an important role in ensuring the vitality of centres.

6.1.4 The Council's Employment Land Assessment (2007) concluded that West Berkshire has sufficient employment land to meet future requirements. However there are variations in supply and demand across the different employment (B-use) classes. The Council should therefore seek to retain its existing employment floorspace, particularly B1 uses. A more comprehensive and focused employment land review will take place as part of work on the Sites and Allocations Development Plan Document.

6.1.5 The applicants have submitted a 'Disposal Advice' report with the application to justify the loss of office floorspace within Newbury town centre. Using data derived from the 'Focus Property Intelligence' website, the Report indicates that within Newbury Town Centre at present there is 110,367 sq.ft (10,253 sq.m) of available office floorspace, with a further 196,455 sq.ft (18,251sq.m) outside of the town centre. This information, however, does lack detail in that it does not set out the individual properties that make up the 110,367 sq.ft.

6.1.6 The 2013 Thames Valley Office Report is referred to by the applicants refer in their supporting statement notes that the availability of office units in Newbury has been in decline since 2010 and remains tight. The report goes on to highlight that several older office buildings in Newbury are being marketed for residential development, which if sold will further reduce the supply of office stock in the market. Furthermore, the report states that availability is set to fall further. However, the report applies to the wider Newbury area not the town centre.

6.1.7 The 'Disposal Advice' report states that take-up of office units is low. This is also acknowledged in the Thames Valley Office Report 2013; however in both cases this is for the wider Newbury area and not just Newbury town centre. In respect of the marketing of the unit, the applicants argue that because of the marketing trends (which is not discussed in any detail), the availability of office floorspace in the town centre, low take-up and low

demand, there was not the need to undertake marketing. It is therefore only *assumed* that there is no continued demand for the office use at Phoenix House.

- 6.1.8 The loss of the contribution of this unit to the decline of available floorspace within Newbury as a whole is balanced against a number of factors, detailed in further sections of the report.
- 6.1.9 The loss of the unit (1,156 sq.m) would reduce the amount of available office floorspace in Newbury town centre to 9,097 sq.m. Policy have concluded that on a case by case basis, on this occasion the loss of floorspace would not substantially prejudice the overall supply of office floorspace over the Core Strategy period within Newbury town centre.

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

- 6.2.1 The application seeks to retain the appearance of the building from Bartholomew Street with repairs and replacement windows as appropriate. Currently the building is shuttered all round. There would be an individual entrance to one of the flats from the street and a main door accessing most of the other units.
- 6.2.2 From the rear, the courtyard area would be enhanced, cycle parking provided and the outlook enhanced with domestic windows rather than a commercial access. Bin storage would be within a purpose built structure. Within the same courtyard, there are the 7 Phoenix Brewery residential units and the area has a quiet atmosphere off the street.
- 6.2.3 At this stage, the main impact on the Conservation Area would be the introduction of footfall movements from the residential use and the enhancement of the Listed Building. 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.
- 6.2.4 The proposed conversion to residential use will not detract from the distinctive character of the Westfields area as 19th Century Victorian housing 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 structures along Newbury's streets will not be affected.
- 6.2.5 The conversion of the former Phoenix Brewery buildings directly west of Phoenix House is a key factor in the character of the area and the proposal is considered would also improve the appearance of the courtyard area to the rear of the site enhancing the heritage asset and its setting.
- 6.2.6 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 alter few external features of the building and would bring back original features of the Listed Building which have been compromised in the past by the previous uses.
- 6.3.2 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.

- 6.3.3 The NPPF highlights the contribution of heritage assets to the economic vitality of an area and to sustainable communities. The addition of new residential units to this location will help sustain the community rather than retain a small office unit that may struggle to survive financially. This is considered to weigh in favour of the proposal.
- 6.3.4 Internally, the layout will be altered to subdivide the offices into ten residences. The Conservation Officer is satisfied that the proposed alterations will provide opportunities for the enhancement of the original features of the historical building and whilst a Listed Building application will be required, there are sufficient details submitted with this application to provide a recommendation.
- 6.3.5 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 properties directly east across Bartholomew Street, no new opening are proposed on the front elevation of Phoenix House and there will be few changes 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 views into the courtyard looking west from Phoenix House, no new openings are proposed upon those that already exist that would enable overlooking for the properties known as Phoenix Brewery or result in significant overlooking towards the commercial property at No. 50b Bartholomew Street.
- 6.4.3 External lights around the building may be required around the building at entrance points into the building. However, these could be conditioned to maintain the privacy of potential residents and the existing use within the courtyard.
- 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. Highways have commented that the proposals are for a town centre change of use from office to residential with zero parking provision and no residents parking entitlement. This lack of residents parking entitlement would lead to residents of the flats parking on the few unrestricted bays on St.Michaels Road, perhaps the streets leading off St Michaels Road, and at the 32 space Pay & Display car park ("Newbury Eight Bells") on the other side of Bartholomew Street. Overnight, Bartholomew Street, near the site, has a few unrestricted bays, although some of the bays to the north have been converted to taxis only after 1800pm.
- 6.5.2 At the time of the previous application, Highways conducted evening site visits on the surrounding streets and identified some spare capacity for on-street parking that future residents of Phoenix House could take advantage of. For a site close to the town centre with good access to services and public transport this is considered to be acceptable.

- 6.5.3 Adequate cycle parking has been proposed and there are no objections to the location, size or layout of the proposed bin store. Further details of the design of the cycle and bin store would be required in relation to the setting of the Listed Building.
- 6.5.4 The maintenance of the existing 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 District Local Plan 1991-2006 Saved Policies 2007.
- 6.5.5 However, the query of over the right of access over third party land outside the red line area of the site has been raised with the agent and a further answer by the date of committee is expected.

## **6.6 Other Matters**

### **Developer Contributions**

- 6.6.1 Developer contributions are sought to mitigate the impact of the development on local infrastructure and services and are detailed above. Highways and Public Open Space have not requested contributions as the activity of the former use of the site outweighs the proposed usage. The applicant has indicated that an appropriate legal agreement to secure these contributions would be acceptable.
- 6.6.2 Affordable Housing has requested 3 units within the site which would need to have separate entrances. Some negotiation has already taken place which would also be secured through a legal agreement linked to developer contributions.

### **National Planning Policy Framework**

- 6.6.3 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**

- 6.6.4 A biodiversity survey assessment has not been submitted with the application which could identify the roosting of swifts in the local area and if there are any bats using the roof voids of the building. In this particular case, as the building is Listed, the most reasonable way forward is the attachment of appropriate conditions.

## **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 balanced, the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.
- 7.2 The building has been empty and boarded up for some time and office take up has been shown to be low. 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 building may well be enhanced by a sympathetic conversion and the external form and architectural character will be preserved on the street front and enhanced to the rear by the removal of office accoutrements. 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 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 informatives 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 1140/06 (amended), 1140/07 (amended), dated 05/01/14.

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 confirming any upgrade 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.

## **Temporary Parking Area**

6. 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 has 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.

## **Communal Lighting**

7. No development shall take place until details of a system of lighting which shall include a scheme of illuminating pedestrian and cycle parking areas when the building is occupied has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of security and safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

## **Cycle parking and bin storage**

8. No dwelling hereby permitted shall be occupied until the cycle parking and bin storage has been provided in accordance with the approved floor plans and elevations to be approved 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**

9. 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.

## **Ecology**

10. Prior to works commencing on site, a survey of swift and bat use of the buildings will be undertaken and a report shall be submitted to the Local Planning Authority for approval. If either swifts or bats are found to be present, then the submitted report shall include a detailed mitigation plan including detailed construction drawings. Such approved mitigation works will be implemented in full and the measures maintained thereafter.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### **8.3 Informatics**

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. It will be necessary to submit a separate Listed Building Consent. No work shall take place before Listed Building Consent is obtained.
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. 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.
6. 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.
7. 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.
8. 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 Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPD Delivering Investment from Sustainable Development.

DC