

Item No.	Application No. and Parish	Proposal, Location and Applicant
(2)	13/02569/FULEXT Newbury Town Council.	Change of Use from offices (Class B1) to provide 17 dwellings (Class C3) 3 and 9 London Road, Newbury, Berkshire, RG14 1JL 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=13/02569/FULEXT>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to the completion of a Section 106 agreement and within two months of the date of the committee. Or within two months of the date of the 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 development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government advice and Policies CS5 and CS6 of the West Berkshire Core Strategy (2006-2026) as well as West Berkshire District Council's adopted Supplementary Planning Document – Delivering Investment from Sustainable Development.

Ward Member(s): Councillor David Allen
Councillor Roger Hunneman

Reason for Committee Determination: The application has been called in by Councillor Hunneman given concern from residents of No. 5, where the bicycle store and bin store could cause disturbance to residents. The position of the entrance is tucked away and this aspect of the design could be improved. There could be antisocial behaviour. Concerns about practicality of parking arrangements. Note comments from police. No listed building consent application.

Committee Site Visit: 3rd February 2014.

Contact Officer Details	
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1. Site History

13/00362/FULEXT: Change of Use from offices (Class B1) to provide 17 dwellings (Class C3).

Invalid 26.03.13

13/01959/FULEXT: Change of Use from offices (Class B1) to provide 17 dwellings (Class C3).

Invalid 26.09.13

13/02421/FULEXT: Change of Use from offices (Class B1) to provide 17 dwellings (Class C3).

Invalid 04.10.13

2. Publicity of Application

Site Notice Expired: 19/11/13.

Neighbour Notification Expired: 13/11/13

3. Consultations and Representations

Town Council:	Object. Lack of parking; lack of amenity; no application for Listed Building Consent. If approval, contribution requested towards medium term plans to improve nearby open spaces/playgrounds in the north and centre of the town. Amended plans: No change to previous comments. Members concerned with rapid deterioration to the front of the building.
Highways:	The parking layout is satisfactory (amended block plan received in November 2013). The prescriptive rights of way to the three remote spaces need to be checked. No contributions sought, as the current and proposed uses generate comparable trip rates. The cycle store is satisfactory.
Planning Policy	The NPPF gives significant weight on driving and supporting sustainable economic growth. Paragraph 22 sets out that where there is no reasonable prospect of a site being used for the allocated employment applications for alternative uses 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. Core Strategy CS9 seeks to locate office development within defined town and district centres. The loss of office floorspace will need to demonstrate that that proposal maintains the vitality of the existing centre and would be substantially prejudice the overall supply of office floorspace over the Core Strategy period of 2006 to 2026. The Council's Employment Land Assessment concluded that West Berkshire has sufficient employment land to meet future requirements. There are variations in supply and demand in the different employment classes, and the Council should therefore seek to retain its existing floorspace, particularly B1 uses.

Planning Policy continued

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 10,253 square metres of available office floorspace, with a further 18,251 square metres outside of the town centre. This information does lack detail in that it does not set out the individual properties that make up the 10,253 square metres.

The 2013 Thames Valley Office report notes that the availability of office units in Newbury has been in decline since 2010. The report highlights that several older office buildings are being marketed for residential development, which if sold will further reduce the supply of office stock. Availability is set to fall further, though applies to the wider Newbury area and not only the town centre.

The Disposal Advice report states that take-up of office units is low. This is acknowledged in the Thames Valley Office Report 2013. In respect of marketing of the unit, the applicants argue that because of marketing trends 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 assumed that there is no continued demand for the office use at the site.

In conclusion, on balance given that the loss of the unit (731 square metres) would reduce the amount of available office floorspace in Newbury town centre to 9,522 square metres 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.

Thames Valley Police

Initial comments: There needs to be access control to the gates off London Road to the inner landscaped courtyard as well as the communal entrance doors. This will help provide security;

A strategy needs to be formulated for how the waste will be collected;

A strategy needs to be formulated as to how post could be delivered.

Cycle parking: There is some parking along the walkway and not under cover, will be visible and are likely to attract thieves. The large cycle store incorporates a storage area, and access is difficult. The toilet area appears to serve no purpose and could provide a hiding area.

Car parking: There is little car parking and residents with cars will park elsewhere with no natural surveillance.

Amended plans and following site visit:

Function: Offices and residential accommodation function in different ways and have different security needs. Offices open during the day and are secured over night and at weekends, secured with an alarm. Dwellings need access during all hours of the day, evening, and overnight. Therefore, entrances and access to the accommodation, cycle stores, etc need to be planned so that the entrance does not become a fear factor for residents returning home in a dark evening. The entrance door to flats 5, 9, 10, 11, 15, 16 and 17 is tucked away with no natural surveillance from active rooms. The entrance from the alleyway off the inner courtyard is next to a bedroom window of an existing flat so likely to cause disturbance to that resident.

**Thames Valley Police
Continued**

Access: The gated entrance off London Road provides a weakness to the security as this will be a main entrance to the majority of residents. The gate is likely to be left open which could allow casual intrusion. This could then be exploited by offenders to break into flats, cause anti social behaviour or other activities. The location is near the town centre and nearby pubs, and the courtyard could be exploited as an area for doing drug dealing or become an informal urinal, etc.

The entrances to the blocks of flats should be off the main roadway. Residents approaching the communal entrance to their flats from the inner courtyard during the hours of darkness are likely to have a fear of crime.

Cycle store access: This is convoluted and narrow. The exterior alleyway entrance is narrow, and may make using this route difficult.

Bin store: This is shown outside a bathroom window of two existing flats, which means the residents will be unable to open their windows.

Affordable Housing

30% affordable housing is required which equates to 5 units. CS6 requires 70% social rent and 30% shared ownership. It would be preferable to have the affordable housing in one block with its own access. The shared ownership unit will also have to be accessed separately to the rented units. Preference is for smaller one and two bedroom properties, ideally two x 1 bedroom and two x 2 bedroom units for social rent. All affordable units should be developed to Lifetime Home standards and conform to the latest Design and Quality Standards published by the Homes and Communities Agency. The Code for Sustainable Homes is encouraged. Details of registered providers are provided.

Conservation Officer

A site visit was made on 3rd October 2013 to assess the potential impact of any works on the listed buildings. This inspection showed that the properties have had internal alterations and significant extensions, since the buildings were originally listed. Some works were quite significant.

Upon reading the Heritage Impact Assessment helps to explain the history of changes to the building, many of them quite recent historically. Further changes are fairly minimal in terms of the historic core/frontage building with the existing compartmentalisation retained. However, in the absence of an application for listed building consent, only 'without prejudice' comments can be made in terms of the building conservation aspects of the proposal. In effect the proposed development is likely to be physically achievable without significant impact on the historic and architectural character of the building. There will be an impact on the historic fabric and layout of the building because of the need for fire and sound proofing between units, insulation, new services and subdivision of several rooms, etc.

The works are likely to be achievable taking into account good building conservation practice and the changes which have already been made to the properties. The main concerns were the removal of a staircase at No. 3 and the alteration of a staircase at No. 9. It appears that the staircase at No. 3 is not original and that at No. 9, whilst intact at first and second floor, has been altered at ground floor level. Accordingly, the proposal to turn the ground floor staircase at No. 9 is acceptable in principle.

Conservation Officer continued	Without full details regarding these works it is impossible to assess the impact of the proposal on the significance of the buildings. No real changes, except repairs, are indicated at this stage which will affect the significance, character or appearance of the front elevations and their group value or value in terms of the character and appearance of the conservation area when seen from public viewpoints.
Archaeology	The heritage statement provides more information about the nationally designated heritage assets than was initially provided, however it falls short of that which would be expected in a heritage statement. The quality of the 1978 images is poor, and there are discrepancies between the 1983 listed building descriptions and what is present in 2013, and it would be useful for the surviving historic elements to be clearly indicated through the use of a phasing plan. This should investigate whether the early 19 th century attribution from the listed building description applies to all the historic fabric, or whether the refronting applied to an older building. More should be known about the former Phoenix Inn and the staircase mentioned in the listed building description.
	Historic photographs of the frontage would be helpful in understanding the changes to the windows and doors that may have already been carried out. There may have been many modern changes connected with the office use, and a return to residential may be beneficial, but the applicants need to clearly describe the significance and extent of the assets in order to ensure that the significance is not being harmed or lost.
Newbury Society	This application should be accompanied by a listed building consent application, and thus should not be considered until a LBC application is submitted. The principal entrances within a narrow courtyard will give rise to a security risk, and the design seems poor since both houses have a fully functioning front door onto London Road. The application is an overdevelopment. Grade II buildings should be occupied by residents able and willing to pay a service charge appropriate to its maintenance in the long term, which does not seem sufficiently in prospect in this case. The projected car parking of five is inadequate even for a central town location.
Tree Officer	No objection.
Public Protection.	No objection.
Ecology	There is a reasonable likelihood of swifts being present, and a small possibility of bats being present. It is therefore suggested a condition is appended to request a survey of such species including any necessary mitigation.
Waste Management	Initial comments that given the location of the proposed dwellings on London Road adjacent to the zebra crossing and its associated road markings, the collection vehicles would not be able to stop immediately in front of the access to the bin store via the undercroft and would have to stop further away and next to a dropped kerb for level access. We would therefore require smaller 240 litre bins to be provided to these properties, as the larger 1100 litre bulk bins cannot be safely manoeuvred more than 10 metres and where there is no dropped kerb. There may be a requirement for more bins for each property.
	Amended plans – the revised details are acceptable.

Environment	Low environmental risk.
Agency	
Ministry of Defence	No safeguarding objections.
Thames Water	No objection with regard to sewerage or water infrastructure capacity.
Berkshire Fire and Rescue Service	No additional fire hydrants required. Access requirements for Fire Fighting are to meet the functional requirements the Building Regulations 1991 and the relevant provisions of the Berkshire Act. It should be noted that any gates required for emergency access should provide a minimum of 3.1m clear opening. The layout plans have not been reviewed for fire safety provisions.
Developer Contributions	Transport: £0; Education: £26,134.94. Open space: £0. Libraries: £2,969; Adult Social Care: £9,565; Waste Management: £867.
Correspondence:	<p>3 letters of objection received. Concerns based upon lack of parking, and should not use conversion of No. 5 as a comparison/precedent. Lack of parking will cause difficulty for tenants of No. 5, and the opening of Aldi has added to parking difficulties. It is not possible to allocate or sell individual spaces as parking behind Bramer House is within ownership of No. 5.</p> <p>Access is past ground floor window which serves a bedroom, and would result in disturbance. No privacy to neighbouring flats.</p> <p>The side gates would be left unlocked and invite anti-social behaviour and thieves, and increase risk to neighbouring properties. Flats are likely to be let to young sharers who will not keep the side gate locked.</p> <p>The bicycle storage area would attract anti-social behaviour. The lift is likely to be vandalised.</p> <p>Bin storage is unacceptable, and result in problems to neighbouring flats.</p> <p>The buildings are becoming dilapidated and do not give a good impression of Newbury. The buildings should remain as offices, and further investment made. This would also enable controlled access to the yard.</p> <p>The change in planning laws destroys almost all the planning rules that have been developed over many years, and will produce inferior residential properties.</p>

4. Policy Considerations

- 4.1 The statutory development plan comprises the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP), and the West Berkshire Core Strategy 2006-2026.
- 4.2 Other material considerations include government guidance, in particular:
 - The National Planning Policy Framework (March 2012) (NPPF)
 - By Design: urban design in the planning system: towards better practice (DETR/CABE)
 - Manual for Streets (DCLG/DfT)
 - Secured by Design (Association of Chief Police Officers)
 - Safer Places – The Planning System and Crime Prevention (DCLG)
- 4.3 Paragraph 215 of the NPPF advises that, for the 12 months from the day of its publication, due weight should be given to relevant policies in existing plans according to their degree

of consistency with the framework. The following saved policies from the Local Plan are relevant to this application:

- HSG.1: The Identification of Settlements for Planning Purposes
- TRANS.1: Meeting the Transport Needs of New Development
- ECON5: Town Centre Commercial Areas

4.4 In addition, the following locally adopted policy documents are relevant to this application:

- SPG 4/02: House Extensions (July 2004)
- Supplementary Planning Document Quality Design (June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Part 3 Residential Character Framework
 - Part 4 Sustainable Design Techniques
 - Part 5 External Lighting
- Newbury Town Design Statement

4.5 The West Berkshire Core Strategy (2006-2016) July 2012 now forms part of the development plan and therefore its policies attract full weight. The following policies are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 1: Delivering New Homes and Retaining the Housing Stock
- CS 4: Housing Type and Mix
- CS 5: Infrastructure Requirements and Delivery
- CS 6: Provision of Affordable Housing
- CS 9: Location and Type of Business Development
- CS 13: Transport
- CS 14: Design Principles
- CS 19: Historic Environment and Landscape Character

5. Description of Development

5.1 The application seeks full planning permission to convert the existing offices at Nos. 3 and 9 London Road Newbury into 17 residential flats. The application forms highlight that there would be nine 1 bedroom flats and eight 2 bedroom flats. The plans were amended during the course of the application to change a 2 bedroom flat on the ground floor to a 1 bedroom flat, increasing the amount to ten 1 bedroom flats and seven 2 bedroom flats. Three 2 bedroom flats in 9 London Road have studies, which could be considered as a further bedroom, and have been for the purpose of calculating developer contributions. Ten car parking spaces are proposed, seven to the rear of No. 9 London Road and three accessed from Park Way.

6. Consideration of the Proposal

The main issues for consideration in the determination of this application are:

- Principle of the development and loss of office space
- Design
- The impact upon heritage assets
- The impact on neighbouring amenity
- The impact on highway safety
- Affordable Housing
- Impact on Ecology
- Developer Contributions
- The presumption in favour of sustainable development

6.1 Principle of the development

- 6.1.1 The site is located within the defined settlement boundary of Newbury, the Town Centre Commercial Area, in the Conservation Area, not in a Primary Shopping Frontage and not in a Protected Employment Area. The general principle of development is acceptable.
- 6.1.2 The buildings are lawfully in Class B1 use, as offices. It is of some merit that conversions from offices to residential are now classified as permitted development, provided the developer goes through the prior notification procedure, and subject to compliance with certain criteria. As Nos. 3 and 9 London Road are listed buildings the conversion would not be considered as permitted development, explaining the requirement of a full planning application.
- 6.1.3 The National Planning Policy Framework (NPPF) seeks to 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs', as one of the core planning principles. However, at paragraph 22 it also recognises that where there is no reasonable prospect of a site being used for the allocated employment use applications for alternative uses should be treated on their merits. Paragraph 51 also gives support for bringing empty buildings back into residential use. Permission should normally be permitted from commercial to residential where there is an identified need for additional housing and provided there are not strong reasons why such development would be inappropriate.
- 6.1.4 Policy CS9 of the Core Strategy seeks to retain existing office floorspace where possible over the Core Strategy period which is 2006 to 2026. Evidence shows that there is 10,253 square metres of available office floorspace in Newbury town centre, with a further 18,251 square metres available outside of the town centre. The evidence from the 'Focus Property Intelligence' website does not provide a break down of the individual available properties in Newbury town centre. The 2013 Thames Valley Office Report notes that the availability of office units has been in decline since 2010 and remains tight, though take-up is low. Marketing of office units for residential development further reduces the supply of office stock, and the permitted development rights introduced in May 2013 affect this further.
- 6.1.5 The applicants have not actively marketed the buildings for office use as their marketing exercise indicates that an office use would not create any demand. This is an assumption. However, planning policy officers have reviewed the application and associated documents, in association with evidence of employment land and office space availability, and consider that whilst the application would result in the reduction of available floorspace in Newbury town centre it would not substantially prejudice the overall supply of office floorspace over the Core Strategy period within Newbury town centre. As such it is considered that the loss of office space to residential is acceptable for this site.
- 6.1.6 In providing new homes there is a good mix of flats proposed, and whilst three units are described as two bedroom flats there is a study which could be considered as a bedroom. Affordable housing would also be expected to include on-site, with a concentration on the smaller units. Thus, the proposal would contribute positively to a balanced housing mix in the area.

6.2 Design

- 6.2.1 The conversion of the buildings will not involve alterations or extensions, and therefore would not impact upon the appearance of the area or the qualities of the Conservation Area. The buildings are in a poor condition at the front, and whilst it is the responsibility of the landowner to ensure that listed buildings are properly maintained, it must be put into the balance that bringing the buildings back into use would be beneficial to the character and appearance of the buildings and the character of the area and street scene. Nos. 5

and 7 London Road have been converted to residential uses, and thus the conversion of Nos. 3 and 9 would not be out of character with other uses in the area.

6.2.2 Little amenity space would be provided for the residents. In town centre locations this is acceptable, and there are nearby recreation grounds and facilities for resident use. It is not out of character for building conversions to residential in London Road to have little or no amenity space.

6.2.3 The access into the buildings is an area of concern, as evident in representations made. The issues regarding designing out crime are therefore quite balanced. The plans have been amended to show the access into the rear of No. 3 London Road would be away from habitable windows of No. 5. A large entrance foyer, providing access to the cycle store and lift, would provide access to the majority of flats in No. 5. The main access would be through a side gate, which also appears to serve a flat in No. 7. At present this is secured by a lock. Concern has been raised by the police, the Newbury Society, the Town Council and the neighbour with the potential anti-social behaviour which could be attracted to the courtyard, and thus potential for burglary of the converted and existing flats. As identified in the Government's document 'Safer Places – the Planning System and Crime Prevention' crime and anti-social behaviour are more likely to occur if pedestrian routes are poorly lit, indirect and away from traffic. The access from London Road would be overlooked by the residents of the proposed flats, and existing neighbouring flats. It is not a thoroughfare to access the area to the rear of London Road, located opposite a public house, and it is adjacent to a main road through Newbury and this assists in reducing the threat of crime and anti-social behaviour, and the additional measures identified below would assist in reducing this perception further.

6.2.4 As detailed in the police comments the function of offices and residential premises are different as offices are open during the day with security measures in place for out of hours events. Residential dwellings need access at all times. It is agreed that the present locked gate is unsatisfactory and there could be potential for access to be easily obtained if left open. Therefore, it is recommended that details of a more secure gate, including an access control system and a new type of gate, is requested by planning condition. The developers should use Secured by Design principles when considering the access system. The gate should be self-closing to reduce the possibility that the gate could be left open. Similarly, additional lighting and security measures like CCTV shall be provided as part of a planning condition. The area is poorly lit, especially at the rear, and additional lighting would be important to reduce the threat of a fear of crime and anti-social behaviour. This should be motion controlled to reduce an adverse impact to the living conditions of existing and proposed residents. If that flats are to be leasehold there may be a condition or clause in the lease for residents to be aware of security measures.

6.2.5 The cycle store is appropriate, and it is expected that the room will be properly secured to reduce theft or abuse of the space from other residents.

6.2.6 In consideration of the design, it is appreciated that there are concerns with safety and security, and as such the issues are quite balanced. However, when considering the aim of the NPPF and Core Strategy Policy CS14 to create safe and accessible environments, it is considered that the recommended conditions aid in creating a safer environment than that at present, and seek to keep the courtyard secure and parking area lit to the benefit of existing and future residents.

6.3 Impact on Heritage Assets

6.3.1 Nos. 3 and 9 London Road are Grade II listed buildings. The rear sections of the buildings are relatively modern extensions (approximately 30 years old), and the buildings were converted to offices in the 1980s. No application for listed building consent (LBC) has been made at this time. Whilst comments have been made as to whether the Council can

determine the full application without a LBC this is an acceptable approach. A Heritage Statement has been submitted, which is required for full applications in order to assess the heritage assets and an overview of the impact on these heritage assets. It will be for the LBC to go into greater detail on the impact of the proposed conversion and the works required to alter the building to make it habitable for 17 units, such as sound proofing, insulation, new services, etc. If the investigation shows that such works will affect the layout, number of units, or general means of conversion, a further full application may be required. If the LBC shows that the conversion works do significantly alter and affect the fabric and significance of the listed buildings then the Council may not be in a position to support a LBC application. This is not unusual, and the approach taken is purely at the applicant's/developer's risk.

- 6.3.2 The Council's Conservation Officer has reviewed the Heritage Statement, which explains the history of the changes to the buildings, and details that further changes are fairly minimal in terms of the historic core/frontage. The proposed development is likely to be physically achievable without significant impact on the historic fabric and architectural character of the building. The main concerns focused on the removal of a staircase in No. 3 and the alteration of a staircase in No. 9. It appears that the staircase at No. 3 is not original, and the staircase at No. 9 has been altered at ground floor but remains intact at first and second floor level. Thus, the proposal to turn the ground floor staircase at No. 9 is acceptable in principal.
- 6.3.3 Future owners of the flats will need to accept their responsibility being a custodian of part of a listed building, which is true for the owners of all listed buildings. If there is to be an overall lease agreement conditions or other clauses may be inserted to make occupiers aware of their responsibilities and any requirements.
- 6.3.4 Notwithstanding the above requirements, whilst it is considered that the supporting documents have shown that the buildings could be physically achievable, it will be for any future LBC application to outline the full works required to convert the buildings. This would need to take into account the comments of the Council's archaeological officer.

6.4 Impact on Neighbouring Amenity

- 6.4.1 Representations have been received from the tenant and the owner of the ground floor flat at No. 5, which were recently converted from offices to residential use. The representations express concern that the access will rise to a disturbance to their amenity and result in a lack of privacy. The location of the bin store is objected to due to impact of smell and vermin.
- 6.4.2 The access into units 5, 9, 10, 11, 15, 16 and 18 (in No. 3 London Road) was originally proposed from an existing access from the courtyard adjacent to No. 5. Officers were similarly concerned that the thoroughfare of residents, not only for those flats but other residents accessing the cycle store, would affect the amenity of residents in the ground floor flat at No. 5. The bedroom window is adjacent to this access. It should be noted that the buildings are used for offices, and a certain level of activity would be expected with this use. Theoretically there is nothing to prevent office workers from using the courtyard, including the section by No. 5, for rest breaks or informal meeting points, and such like. However, it is also recognised that the function of offices and residences is different where residences would be accessible at all times. Therefore, an amended plan was received to alter the location of the main access to move it to the rear of No. 3, in the originally proposed unit 5. Unit 5 has thus been amended from a two bedroom unit to a one bedroom unit. A large entrance lobby is proposed with access to the cycle store, staircase and lift. This is a more acceptable arrangement. The Council would recommend a condition that the access next to the lift onto the courtyard would be for emergency access only.

6.4.3 The location of the bin store is a concern as it lies adjacent to the windows of Nos. 5 and 7 London Road. Approved plans for the conversion of No. 7 show this as a living room. There is room in the courtyard for the bin store, or bin stores if needed, to be provided elsewhere in the site. The applicant has shown that a store of the required size can be provided and expressed that they would not object to a condition requiring details of the location. The size of the bin store is such as the waste officer comments that due to the location of the zebra crossing on London Road the collection vehicles would not be able to stop in front of the access. Smaller bins would therefore be required as the larger 1100 bulk bins could not be safely manoeuvred more than 10 metres without a dropped kerb.

6.4.4 There may be an element of overlooking between the units, though as this is a town centre location, to some extent this is to be expected.

6.5 Impact on Highway Safety

6.5.1 10 car parking spaces are provided, including 7 at the rear and 3 approximately 50 metres to the east accessed from Parkway. A plan was originally submitted to show four spaces to the rear of No. 9 angled from the approach road. Queries were raised from the Highway Authority as to whether vehicles could manoeuvre within the red line. The three tandem spaces to the side of No. 9 would also be blocked by the parking space. An amended plan has been received to show the four parking spaces in line with one another, accessed directly from the approach road. This also leaves space for the three tandem spaces to be accessed. This is acceptable to the Highways Authority, who have also taken into account the existing B1 office use.

6.5.2 The proposal does involve 10 spaces for 17 units, and whilst this does not represent one space per unit, this is a town centre location, highly accessible for key services and modes of transport. 25 spaces for cycles have been included to encourage residents to choose alternative modes of transport. Given this highly sustainable location the level of parking is acceptable, and residents of the flats will need to be aware of the situation before deciding whether to rent or buy. This is not unusual in town centre locations.

6.6 Affordable Housing

6.6.1 In accordance with Core Strategy Policy CS6 30% on-site provision of affordable housing would be sought, as the site is considered previously-developed land. Thus, 5 units would be required, at a 70% social rent and 30% shared ownership split. The housing officer has expressed that it would be preferable to have the affordable housing in one block with its own access. Preference will be given to smaller units. The affordable units will be secured through a Section 106 Agreement, and the applicants have been provided details of registered providers through the housing officer's consultation response.

6.7 Impact on Ecology

6.7.1 The Council's Ecologist considers there to be a reasonable likelihood of swifts being present, and a small possibility of bats being present. Therefore, a condition requiring a survey of swifts and bats are to be undertaken.

6.8 Developer Contributions

6.8.1 Developer contributions have been requested from education, libraries, adult social care and waste management to mitigate against the impact of additional population on local services. For the purposes of calculating the developer contributions, although three units in No. 9 London Road are marked as two bedroom units there is a study proposed, and which were highlighted as a third bedroom in previous invalid planning applications. Thus, contributions have been calculated on the basis that the study could be considered as a

third bedroom and is consistent with the advice in the Council's Supplementary Planning Document 'Delivering Investment from Sustainable Development'. No contributions have been requested for transport or open space as the existing B1 office already has an impact upon the highway network and open space. Contributions will be secured through a legal agreement.

6.9 Presumption in favour of sustainable development

- 6.9.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals.
- 6.9.2 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 6.9.3 In contributing to the economic role the right type of land is available in the right place in this case to support growth. Whilst the scheme would result in the loss of office floorspace over the Core Strategy period it is not considered that in this case the loss would be prejudicial to the overall supply of office floorspace within Newbury town centre. The scheme would provide short term benefits to the construction industry. Developer contributions would secure the provision of infrastructure to mitigate the impact of the additional residents.
- 6.9.4 In terms of the social role the creation of a high quality built environment is an objective, as is the provision and mix of housing required to meet the needs of the present and future generations. Newbury is a sustainable settlement and the proposal would aid in providing the 5400 homes envisaged in the Core Strategy period. Whilst balanced in terms of the perception of anti-social behaviour it is considered that appropriate conditions can be used to secure details of the access gate, security measures and lighting.
- 6.9.5 Contributing to protecting and enhancing the natural, built and historic environment is fundamental to fulfilling the environmental role of planning. Bringing listed buildings back into use is of benefit to the buildings and to the character of the area. The buildings can be physically converted without significant harm to the historic fabric, though it will be for an application for Listed Building Consent to detail all the works required to allow the conversion.
- 6.9.6 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.

7. Conclusion

- 7.1. Having taken account all of the relevant policy considerations and the other material considerations referred to above, it is considered that, although the issues are finely balanced the proposal the development proposed is considered to be acceptable and should be approved. Whilst objections have been received in reference to the potential for anti-social behaviour, lack of an application for listed building consent, lack of parking, and impact upon neighbour amenity, it is considered that the amended plans and recommended conditions would aid in alleviating concerns. The parking layout is acceptable. Overall, the scheme is considered to be in general accordance with the NPPF, the relevant policies in the Development Plan, and other material considerations.

8. Full Recommendation

DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1) and subject to the completion of a Section 106 agreement and by 31st March 2014.

OR, IF the Section 106 Legal Agreement to secure developer contributions and affordable housing is not completed by 31st March 2014, to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the reason set out in Section 8.2.

8.1 Schedule of conditions

1. Full planning permission time limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. Standard approved plans

The development hereby approved is carried out in accordance with drawing numbers 1140/02 received on 7th January 2014, 1140/07 received on 22nd November 2013, 1140/01, 1140/08, and 1140/09 received on 17th October 2013.

Any material change to the approved plans will require a formal planning application. Any non-material change to the approved plans will require a non-material amendment application prior to such a change being made.

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

3. Parking and turning in accordance with plans

The development shall not be brought into use until the vehicle parking and turning spaces have been provided in accordance with the approved plan (1140/02 received on 7th January 2014). The parking and turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with the National Planning Policy Framework March 2012, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, and Supplementary Planning Document Quality Design (June 2006).

4. Cycle Parking

No dwelling hereby permitted shall not be brought into use until the cycle parking has been provided in accordance with the approved drawing (1140/07 received on 22nd November 2013) and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To promote cycling by providing convenient and safe bicycle storage. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

5. **Communal Lighting**

No development shall commence until details of a system of lighting which shall include a scheme of illuminating pedestrian, cycle and car parking areas at the access with London Road, within the courtyard between 3 and 9 London Road, at the rear and side of number 9 London Road, and at the three car parking spaces accessed from Park Way when the buildings are occupied have 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 Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

6. **Access and security details**

No development shall commence until full details of the entrance gates from London Road and other appropriate security measures have been submitted to and approved in writing by the Local Planning Authority. Details of the type of gate shall be submitted, and should form a self-closing gate. Such measures will include an access control system and CCTV. This should be guided by Secured by Design principles. Thereafter, the entrance from London Road shall be implemented in accordance with the approved details prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interests of the amenity and safety of existing and future occupiers and to address crime prevention. 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).

7. **Bin storage**

Notwithstanding what is shown on the approved plans no development shall take place until details of the provision for the storage of refuse and recycling materials for the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. **Hours of work**

Demolition or construction works shall not take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework March 2012, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006).

9. **Access door**

The access into the side of number 3 London Road from the courtyard, located adjacent to the lift, shall only be used for emergency access and shall not be used as a main pedestrian access in and out of number 3 London Road.

Reason: In the interest of neighbour amenity and to reduce the potential impacts of increased pedestrian thoroughfare on the amenity of number 5 London Road. This condition is imposed in accordance with the National Planning Policy Framework March 2012, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006), and and Supplementary Planning Document Quality Design (June 2006)..

10

Ecology (swift and bats)

No development shall commence until a survey of swift and bat use of the buildings has been undertaken and the report submitted to and approved in writing by the Local Planning Authority. If either swifts or bats are found to be present, the submitted report shall include a detailed mitigation plan including detailed construction drawings. Thereafter, no dwelling shall be occupied until the approved mitigation works have been implemented in full. The measures shall thereafter be maintained.

Reason: To ensure the protection of bat and swift species, which are subject to statutory protection. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

Informatives:

1

Presumption in favour of sustainable development

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2

Consent to enter adjoining land

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

3

Legal agreement

This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the TBC. You are advised to ensure that you have all the necessary documents before development starts on site.

4

Informative – Construction / Demolition Noise

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

5

Listed Building Consent

No internal or external works (including the new security gates) shall be undertaken in connection with the approved scheme without the submission and approval of an application for Listed Building Consent.

OR

8.2 Reason for Refusal

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government advice and Policies CS5 and CS6 of the West Berkshire Core Strategy (2006-2026) as well as West Berkshire District Council's adopted Supplementary Planning Document – Delivering Investment from Sustainable Development.

DC