



Appeal Decision

Site visit made on 3 July 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2017

Appeal Ref: APP/W0340/W/17/3169321

1 Northbrook Street, Newbury RG14 1DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sean Connell, Delaport Investments Limited against the decision of West Berkshire Council.
 - The application Ref 16/01821/FULD, dated 29 June 2016 on the decision notice, was refused by notice dated 21 November 2016.
 - The development proposed is the change of use from B2 office space, to C3 residential dwellings. Internal alterations to create 5 no. studio style flats.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from B2 office space, to C3 residential dwellings. Internal alterations to create 5 no. studio style flats at 1 Northbrook Street, Newbury RG14 1DJ in accordance with the terms of the application, Ref 16/01821/FULD, registered by the Council on 29 June 2016, subject to the conditions set out at the end of my decision.

Preliminary Matters and Main Issue

2. No 1 Northbrook Street is a red brick Grade II listed building set in the heart of Newbury. The imposing late 18th century/early 19th century 3 storied with attic property is set directly adjacent to the River Kennett, and has distinctive and attractive detailing, including sash windows set under flat brick arches, with the first floor windows set further in arched recesses to Northbrook Street. A splayed corner faces the river bridge to the south. Inside, the property has little indication of its listed status (aside from the sash windows), with internal partitions and modern suspended ceilings at first and second floor level. The building lies within the Newbury Conservation Area.
3. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The proposal seeks to change the use of the upper floors of the property from commercial offices to 5 studio style flats. Listed building consent for the same works has been granted by the Council. Based on all that I have seen and read I agree with the Council and consider that the proposed change of use and creation of the flats would preserve the listed building and would not harm the

special interest of the building, which can be simply defined as its position and setting at the heart of the town right on the river, and the quality of its architecture. For the same reasons the proposal would also preserve the historic character and appearance of the Conservation Area to which the building makes an important contribution.

5. The application that was the subject of this appeal was refused on one ground, relating to the lack of an appropriate scheme of works or mitigation measures to accommodate the impact of the proposal on affordable housing and vehicle parking. The main issue in this case therefore is whether the proposal makes adequate provision for affordable housing and vehicle parking.

Reasons

6. Policy CS6 of the Core Strategy¹ states that a proportion of affordable homes will be sought from residential development. On development sites of 5-9 dwellings a 20% provision of affordable housing will be sought. The Planning Obligations SPD² sets out that full on site provision of affordable housing will be required unless there are exceptional reasons why this is not appropriate. The 5 unit proposal does not provide an affordable housing provision and hence is contrary to Policy CS6 and the SPD.
7. On 1 December 2014 the Government published a written ministerial statement stating that due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10 units or less, and which have a combined gross floor space of under 1,000m², affordable housing contributions should not be sought. Planning Practice Guidance confirms this policy. The proposed flats would have a floorspace considerably less than 1,000m².
8. It is clear therefore that Government policy is not to seek affordable housing contributions from schemes such as the one before me. I also note that the proposal in this case is seeking 5 dwellings, at the bottom end of the scale of development described in Policy CS6 where affordable housing contributions are sought, and that the size of the proposed units are small, and hence that while they would be flats sold on the open market, their price would likely be at the lower end of the market. It would also be relatively simple for the developer to reduce the number of units to 4, merely by providing 1 flat on the 1st or the 2nd floor, thereby removing it from Policy CS6 altogether.
9. When combining all these factors together, I consider that such considerations outweigh the conflict of the proposal with the development plan and the SPD, and that consequently given the circumstances no provision for affordable housing is adequate in this instance.
10. Policy CS5 and CS13 of the Core Strategy states that the council will work with infrastructure providers to identify requirements for infrastructure provisions and services for new development, and that development which generates transport should improve travel choices and facilitate sustainable transport, particularly within main urban areas. The boundaries of the appeal site are drawn tightly around the building of No 1 Northbrook Street and there is therefore no opportunity to provide car parking for the future occupiers of the

¹ West Berkshire Local Plan West Berkshire Core Strategy (2006-2026), July 2012

² Planning Obligations Supplementary Planning Document, West Berkshire Council December 2014

proposed flats. Policy P1 of the recently adopted Housing Site Allocations DPD³ states that in the area of the appeal site 0.75 parking spaces should be provided for each 1 bed flat. The policy states that there may be exceptional circumstances where there is a case for providing parking that does not accord with these levels.

11. The site, being located in the middle of the town is close to a wide range of services and facilities, with bus stops close by and the town train station being in walking distance. A unilateral undertaking has been submitted with the proposal which provides a sum of £4,550 towards the cost of mitigating the impact of the development's lack of parking provision. Such a sum, index linked, would be paid to the Council prior to the occupation of any of the proposed flats. The Council's Principal Transport Policy Officer confirms that the sum would be used to pay for membership of the Newbury Car Club for the future residents of the proposal, providing access to a pool electric car located nearby, and that the site circumstances and such a contribution would constitute exceptional circumstances in the context of Policy P1.
12. I agree with such an assessment. The highly sustainable location of the appeal site and the nature of the contribution to the Newbury Car Club would together ensure that the proposal would comply with Policy P1. The unilateral undertaking would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
13. I therefore conclude that the proposal makes adequate provision for affordable housing and vehicle parking. The proposal would comply with policies CS5 and CS13 of the Core Strategy and Policy P1 of the Housing Site Allocations DPD, and while the scheme would be contrary to Policy CS6 of the Core Strategy, I consider that sufficient considerations combine to outweigh this conflict.

Conditions and Conclusion

14. I have imposed a condition relating to the approved plans, in the interests of certainty. For reasons of sustainable transport, I have also imposed a condition relating to the provision of cycle parking. As described above, the site lies in a busy, constricted part of Newbury. The adjacent River Kennet is also a Site of Special Scientific Interest. I have therefore imposed conditions to ensure that construction and site delivery do not impact adversely upon the SSSI, the amenity of neighbouring uses, and to ensure that highway safety is maintained.
15. A condition is also imposed concerning details of the waste and recycling storage for the proposed flats, as well as a condition concerning sound insulation measures for between the flats and from external noise. Both such conditions are necessary to protect the living conditions of the future residents of the proposal.
16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley INSPECTOR

³ West Berkshire Council Housing Site Allocations Development Plan Document 2006-2026, May 2017.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-2032-001, 16-2032-201, 16-2032-202-D, 16-2032-205, 16-2032-206 and 16-2032-211, Design, Access and Heritage Statement, arc@RC Limited.
- 3) No development shall commence until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and shall be retained for this purpose at all times.
- 4) No development shall commence until details of the Delivery Management Plan (DMP), including temporary parking and turning details, to be maintained concurrently with the development of the site, have been submitted to and approved in writing by the Local Planning Authority. The approved DMP shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed.
- 5) During all construction works relevant controls must be put in place in order to ensure that there will be no impact on the adjacent sites from construction activities. This should include dust management and control, and polluted runoff control.
- 6) No materials, machinery or works shall encroach onto the Site of Special Scientific Interest during the construction works.
- 7) No development shall commence until details of the provision for the storage of refuse and recycling materials for the dwellings 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.
- 8) No development shall commence until a scheme of sound insulation for both between the dwellings, and for protection against external noise, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented in full.