

# **EASTERN AREA PLANNING COMMITTEE**

(Note: These Minutes have been amended.

Please see Minutes of meeting on 18 January 2012 for amendments)

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 21 DECEMBER 2011**

**Councillors Present:** Peter Argyle, Pamela Bale, Brian Bedwell (Vice-Chairman), Richard Crumly, Alan Law, Mollie Lock (Substitute) (In place of Alan Macro), Royce Longton, Geoff Mayes, Tim Metcalfe, Irene Neill, Graham Pask (Chairman) and Quentin Webb

**Also Present:** Sharon Armour (Solicitor), Emma Fuller (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), David Pearson (Team Leader - Development Control) and Stephen Chard (Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Alan Macro

### **PART I**

#### **38. Minutes**

The Minutes of the meeting held on 7 December 2011 were approved as a true and correct record and signed by the Chairman subject to the following amendments that reflected the decision made:

**11/00985/FUL – Whitchurch Bridge – Page 13, Condition 15:**

No development shall commence until a traffic management scheme based on a more **full and comprehensive** origin and destination survey, (and in co-operation with Oxfordshire County Council and Reading Borough Council) has been submitted to and approved in writing by the Local Planning Authority.

**11/00984/LBC and 11/00985/FUL – Whitchurch Bridge – Page 7, eighth bullet point raised by Councillor Pamela Bale:**

The development would likely have an impact on the business of the Dolphin Centre, this was a particular concern following the disruption already experienced as part of its substantial rebuild.

Councillor Bale referred to two points within the minutes that required additional or enhanced conditions. These related to the inclusion of a condition on diverted bus routes (referenced on page 6, paragraph 2) and an enhancement to condition eight to mitigate against the noise impact in relation to piling works (referenced on page 8, paragraph 7).

#### **39. Declarations of Interest**

Councillor Geoff Mayes declared an interest in Agenda Item 4(2), but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

#### **40. Schedule of Planning Applications**

**40(1) Application No. & Parish: 11/01345/FULMAJ, Burghfield**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 11/01345/FULMAJ in respect of the demolition of existing buildings and erection of 14 residential dwellings.

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In introducing the report, David Pearson referred to the recommendation summary and pointed out that this should have an alternative recommendation for refusal in the event that the S106 Agreement was not completed on time.

In accordance with the Council's Constitution, Mr S James, Parish Council representative, Mrs Mandy Wimbush, Mr Martyn Henderson and Mrs Jackie Lewis, objectors, addressed the Committee on this application.

Mr James in addressing the Committee raised the following points:

- The Parish objected to the application in its current form. Development of the site was welcomed, however this needed to be reasonable and this was not the case as the site would be overdeveloped.
- The design of the development was not of a high standard and this would have a negative impact on the neighbouring amenity. This was contrary to Council Policy.
- The proposed dwellings would have a higher density than the existing properties in Bunces Lane. Again this was contrary to Council Policy.
- There was no sustainable travel associated with the development and the level of open/green space was lacking.
- Highway safety was a concern due to the existing blind spot on Reading Road. This would be exacerbated by the additional access point. In addition, access to Reading Road was often blocked by commercial traffic. Construction traffic was a concern and this needed to be conditioned.
- The proposed rumble strip would generate noise and this should be avoided.
- The existing footpath was well used as commented by the Rights of Way Officer. The fencing needed to be replaced, however careful consideration was needed to ensure this did not create a tunnelling effect. Street lighting also needed consideration alongside the points made in relation to crime prevention and a need to consider light pollution.
- He was pleased to note that a condition had been added that would mitigate against the risk of flooding.

In response to Member questions, Mr James advised that:

- The Parish Council was of the view that a slightly smaller development for 12 dwellings would be more suitable. In particular, a reduced density of the plot adjacent to Three Trees would help resolve some issues.
- The number of traffic movements generated by the engineering works was minimal.
- No approach had been made to the parish regarding how developer contributions should be used. This should be followed up if Members were minded to approve the application.
- The footpath would benefit from some maintenance and needed to be resurfaced with tarmac.

Mrs Wimbush in addressing the Committee raised the following points:

- The existing screening would be removed as part of the development. This would lead to the Three Trees property, which would be in close proximity to plots 13 and 14, overlooking a brick wall. Landscaping therefore needed more consideration should approval be granted, but the development would dominate the garden of Three Trees as it stretched beyond the existing building line at the rear.

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- She was pleased to note that the window in plot 14, which would overlook the Three Trees property, would be fixed shut.
- There were a number of concerns which needed closer consideration. These included the proposed density and lack of amenity space, the noise that would be generated from the proposed rumble strip, and street lighting/light pollution. The car parking spaces proposed for plots 13 and 14 were a further concern due to their distance from the dwellings. It was likely that residents would seek to park more closely as would their visitors.

Mr Henderson in addressing the Committee raised the following points:

- Tree screening around the site would disappear, with a particular impact on Three Trees.
- A recent development in Clayhill Road, Burghfield for nine properties on a similar sized plot to this application had been approved. This was of a smaller density, had additional garden space and additional car parking spaces which was more suitable.
- It would be beneficial for the developer to state their intention with regard to land drainage. There were flooding issues locally due to run off from the site.
- The land survey work that had been conducted did not consider the flooding impact to gardens and samples were not taken. The footpath had no drainage in place.
- The rumble strip would cause too much noise.
- Plots 5, 6 and 7 had no means of escape from the rear which created a fire risk.
- Street lighting would be out of context in this area.
- Tree root protection was needed.
- Some parking was remote from houses and would not be used.

In response to a Member question, Mrs Wimbush confirmed that some trees would be removed. These were detailed within the tree survey conducted by the developer.

Councillor Carol Jackson-Doerge, speaking as Ward Member, made the following points:

- The lack of screening proposed for plot 14 was a concern as was the traffic blind spot on Reading Road, this was particularly so as this was a route used by families walking to and from school.
- There was a lack of outdoor space or a recreation area for families.
- The Clayhill Road development already referred to was more in keeping with the character of Burghfield.

Councillor Royce Longton, speaking as Ward Member, made the following points:

- He acknowledged that the site needed to be redeveloped for housing.
- The proposed relocation of the electricity sub-station to be distanced from residential properties was welcomed.
- He agreed with the concerns raised in relation to the footpath and, should approval be granted, then street lighting would need to be sympathetic. In addition, a footpath would be needed on both sides of Bunces Lane to ensure pedestrian safety.
- The noise generated by the rumble strip was another concern.

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- The proposed dwellings would have an overbearing impact on existing properties, although overdevelopment was slight and a reduced number of dwellings would be preferable. However, the existing proposal was still an improvement on a return to industrial use.

In considering the above application Members had concerns with regard to the proposed rumble strip which it was felt would have an unfair impact on existing and potential new residents. Paul Goddard responded to this point by advising that he was not of the view that the rumble strip was necessary and this element of the application could be removed.

In response to a question from Councillor Mollie Lock on the road width to the development, Paul Goddard advised that this would be the standard width of 4.8 metres which was wide enough for refuse vehicles and allowed for turning space.

It was confirmed that the fixed window already referred to in plot 14 was a bathroom window and having it fixed was a condition of approval.

Further clarification was sought by Councillor Peter Argyle with regard to the trees to be removed and replacement screening. David Pearson offered to circulate the tree survey to Members to help clarify this point. In addition, a landscaping scheme was a condition of approval and Officers were of the view that the replacement screening would be an improvement on what was existing. Residents were also able to enhance planting on their side of the fence.

Councillor Brian Bedwell agreed with the comment made that the parking arrangements proposed for plots 13 and 14 were not appropriate. In terms of the concerns raised with respect to footpath lighting, Councillor Bedwell felt that the Parish Council would be best placed to take a view on this.

Members commented that the proposed density of 14 dwellings was too high and overly urban. It was felt that a scheme for 12 dwellings would be more appropriate. Councillor Alan Law supported these views, but questioned the grounds on which the application could be refused.

On the subject of density, David Pearson referred to previous Government guidance which gave a minimum overall density of 30 dwellings per hectare (this application would amount to 29 dwellings per hectare). This was a material planning consideration. However, guidance in PPS3 no longer specified a minimum limit relating to density but it did state that "the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development could lead to a more efficient use of land without compromising the quality of the environment". The Government were also seeking utilisation of brownfield sites. Officers were of the view that the proposed density was relatively low by urban standards and refusal on the grounds of overdevelopment would be difficult to defend at appeal.

In terms of design and layout, David Pearson commented that this application met Supplementary Planning Guidance in all but one respect. While the concern with regard to the view of plot 14 from Three Trees was understood, the angle was within guidelines and would again be difficult to defend at appeal. A side by side relationship between buildings was felt to be appropriate.

Councillor Quentin Webb proposed that the decision be deferred to allow time to negotiate a redesigned proposal with Bewley Homes that would address the concerns raised, in particular with regard to density. This was seconded by Councillor Lock.

Councillor Richard Crumly was of the view that as there were no realistic grounds for refusal, he would be content to propose Officers' recommendation to grant planning

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permission. In addition, the density was moderate and a residential development would be an improvement from the industrial site.

In returning to the proposal for deferment, Councillor Longton asked that, should this approach be accepted, negotiations include the removal of the rumble strip (already accepted by Highways Officers), consideration of footpath lighting and the incorporation of a footpath on both sides of Bunces Lane. Councillor Webb was content to add these points to his proposal to defer a decision on the application.

David Pearson then gave his view that deferment would be acceptable and should Members take this decision then a meeting would be arranged as a matter of urgency with the developer to negotiate the proposal prior to a further period of consultation.

David Pearson also added that the developer did have the option to lodge an appeal on non determination, but he was hopeful that improvements could be made as the issues raised were not insurmountable.

**RESOLVED** that the application would be deferred pending negotiations with the developer to seek to address issues raised in relation to density, removal of the rumble strip, consideration of footpath lighting and the incorporation of a footpath on both sides of Bunces Lane.

### **40(2) Application No. & Parish: 11/01564/FULMAJ, land adjacent to Kennet and Avon Canal**

*(Councillor Geoff Mayes declared a personal interest in Agenda item 4(2) by virtue of the fact that he was a member of English Heritage, he had a registered interest as a member of the Kennet and Avon Canal Trust and he was a water engineer although he had no connections with H2O Urban. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 11/01564/FULMAJ in respect of the erection of 11 no. 4 x 2 bed, 2 x 3 bed and 5 x 4 bedroom dwellings, together with access, car parking, landscaping and associated works (including demolition of attached garages and garden walls, and the relocation of existing Visitor Centre car parking and pumping station).

In introducing the report, Emma Fuller referred to the recommendation summary and advised that the deadline for the Legal Agreement had been extended to 1 February 2012. If the Agreement was not completed by this date then an alternative recommendation for refusal was detailed within the update report.

Emma Fuller also pointed out that Mr Rob Ebrey, who was due to address the Committee as an objector, was in fact unable to attend. As a result the update report contained correspondence from Mr Ebrey. The points raised in this correspondence were addressed within the report.

In accordance with the Council's Constitution, Mr David Clark, Parish Council representative, Mr Mike Rodd, supporter, and Mr Dominic Eaton, Mr Aiden Johnson-Hugill and Mr Steven Smallman, applicant/agent, addressed the Committee on this application.

Mr Clark in addressing the Committee raised the following points:

- More objectors would have been present had the Committee meeting not coincided with the annual parish carol concert.
- He questioned whether the objections raised as part of the previous invalid application (approximately 20) remained valid.

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- The Parish Council was not against the principle of the development, but was opposed to the negative impact this proposal would have on the quality of the environment as it would be out of keeping with the surrounding street scene. They were also totally opposed to the materials proposed to be used as their appearance would differ considerably from existing dwellings. These issues had not been sufficiently addressed from the previous invalid application.
- An insufficient number of public car parking spaces were proposed for the visitor centre and there were no barriers between these spaces and resident spaces. This could create conflict particularly during the busy summer months. Overspill from school parking would also contribute to this issue.

In response to the question in relation to the objections raised as part of the previous invalid application, Emma Fuller advised that these were considered as separate to this application and were not carried forward. However, the objections raised for this application were summarised within the report. Mr Clark raised a concern in relation to this practice as some residents did not feel they needed to repeat their concerns.

Councillor Brian Bedwell queried whether the Parish Council had a Parish Plan and whether this covered the appearance of new houses as this was an important area to cover. Mr Clark advised that while a Parish Plan was in place, a Village Design Statement needed to be produced that would cover this aspect.

Councillor Quentin Webb referred to the comment made by the Parish within the report that the building fronting the A340 was 2.5 storeys in height and this was inappropriate. However, an existing building on the opposite side of the river was 2.5 storeys in height. In response, Mr Clark advised that this was a view of the Parish, but was not his own personal view and was not particularly important in his opinion.

Mr Clark was asked for this view on having slate roofs and he acknowledged this was an improvement. However, the proposal for timber cladding was the main concern as it was out of keeping with existing properties.

A request was then made by a member of the public in attendance at the meeting to speak in the absence of Mr Ebrey, who was registered to speak as an objector. The request was put to the vote and Members voted to not allow this in the interest of fairness to other speakers. Councillor Webb added his view that as Mr Ebrey's letter was included in the update report and the information had been considered then this was sufficient.

Mr Rodd in addressing the Committee raised the following points:

- He was the Chairman of the Kennet and Avon Canal Trust and was speaking on behalf of the Trustees, but not the many Trust members.
- The Trust had been actively engaged in discussions with H2O Urban and heritage advisors with respect to this application and this had helped alleviate their concerns. The Trust was of the view that this was an appealing development which was sympathetically designed.
- The Trust had also worked closely with British Waterways to maintain the existing original buildings as much as possible. Aldermaston Wharf was an important site but it did need attention. Both H2O Urban and British Waterways had offered assistance with the Trust's restoration work.
- The Trust was very supportive of the application as it would add value to the site and attract more visitors.

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In response to Member questions, Mr Rodd advised that:

- He did not feel the design was particularly modern in comparison to existing buildings and felt it was sympathetic to the site.
- It was important that visitor car parking be maintained as it was well used and Mr Rodd acknowledged that some controls were needed to ensure this was achieved. However, the number of spaces assigned to visitors was not proposed to be changed. In addition, he did not feel that resident parking was a particular issue.
- The reduced curtilage for the Visitor Centre was not felt to be a concern as this only related to the rear and the side of the building.
- A solid agreement was not in place with regard to a financial commitment to restoration work and British Waterways would cease to exist from April 2012. However, the responsibilities of British Waterways would be taken on by the Canal Rivers Trust and letters of commitment had been received from that body.

Mr Eaton in addressing the Committee raised the following points:

- This was an opportunity to provide 11 quality homes across three terraces. This would enhance the existing site.
- Amendments were made during the planning process to reduce the application to 11 dwellings which allowed for additional resident parking and the retention of existing visitor parking. Issues of overlooking were also addressed and it was felt that the scheme was sympathetic to the area.
- Local materials were proposed to be used. The timber cladding would be untreated cedar which would weather over time and be maintenance free.
- Efforts had been made to avoid a sea of parking, but maintain visitor spaces.

Mr Smallman in addressing the Committee raised the following points:

- The application had been produced following a lengthy consultation process which involved West Berkshire Council, the Kennet and Avon Canal Trust and the wider community by way of a public exhibition. Efforts had been made to address the concerns raised through this process and the majority of the original concerns raised by the Parish Council had been addressed. This included the reduced number of units, a reduced height of the buildings to address the concern of overdevelopment and efforts to alleviate the concern in respect of the listed building. Mr Eaton added that the most significant design change which arose from the consultation process was to have slate roof tiles.
- The scheme had been commended by Officers of the Council and this included a very supportive assessment by the Conservation Officer who stated that the modern design and materials would reflect the nature of the Wharf buildings without having any dominant style.
- Resident parking was in line with Council standards. Existing visitor parking was unchanged and was separate from resident parking. The parking arrangements would be actively managed.

Councillor Mollie Lock asked what measures were in place to separate the resident parking from visitor parking and how this could be enforced. Mr Eaton advised that access to resident parking would be managed by the installation of bollards. It would also be made clear by a different surface for resident parking and the erection of a roof.

Mr Johnson-Hugill made it clear that a principle objective of the scheme was to attract visitors and there was no wish to see a loss of amenity for visitors. As such efforts would

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be made to manage parking and discussions had been held with the Area Manager for British Rail. This had led to an offer from British Rail to manage the car park for visitors to the Wharf as part of existing arrangements for the railway car park. This would involve a minimal charge for short term parking which would become more expensive over time as a way of deterring longer term parking. This would be managed on a daily basis, but evening parking would be unrestricted and this would provide additional parking for residents and their visitors.

Mr Smallman made a further point in relation to parking by stating that the scheme had been designed with an intention to contain resident parking and not create pressure on visitor parking. He felt that all possible action had been/would be taken on this issue which was understandably a concern.

Councillor Webb suggested that evening parking could be restricted between certain times by use of a resident permit or agreement.

Councillor Tim Metcalfe felt that a condition of approval should be for the timber cladding to be made of cedar. He then queried the level of investment from the applicant on the two visitor centre buildings and whether any guarantees could be given. Mr Johnson-Hugill explained that the commitments given in this regard by British Waterways would be continued by its successor the Canal Rivers Trust. H2O Urban was also committed to these restoration works as part of the development agreement. The amount of funding could not legally be released at this stage but a sum of money had been agreed.

Councillor Geoff Mayes, speaking as Ward Member, made the following points:

- He did feel that a car parking pressure would be created due to a lack of overspill parking. He then questioned where the temporary parking would be located during the construction period.

Paul Goddard explained that the need for this detail to be submitted and approved was covered within the conditions. It was likely that the location of the temporary parking would be moved over the course of the development.

Councillor Lock, speaking as Ward Member, made the following points:

- She was disappointed at the loss of cartilage to the listed building.
- The site was positioned on a straight section of the canal and was highly prominent in views from the surrounding area. This was of concern due to the very close proximity of one of the proposed buildings to the listed building.
- The fact that the garden and amenity space serving 14 and 15 Wharfside would be reduced was a concern. She felt that the removal of one of the proposed dwellings would benefit the issue of amenity space.
- A barrier system was essential to ensure that resident and visitor parking remained separate.

Councillor Webb felt that there was a need to accept that the car parking provision was sufficient and it would be managed over time. He was content with the design of the buildings which he felt were in keeping with existing properties and was therefore supportive of the application. He did however refer to the fact that no objections had been raised by the archaeologist and questioned why an archaeology survey was not proposed prior to the works due to the age of the existing buildings. Emma Fuller explained that the archaeologist did not feel that a condition in this regard was necessary due to the distance of the development from the older buildings and significant archaeology finds would not be expected. Councillor Webb felt that the developer should bring any finds to the attention of appropriate Officers.



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Councillor Alan Law referred to condition 18 which stated that the site was within an Area of Outstanding Natural Beauty and asked for clarification on this point. Emma Fuller acknowledged that this was incorrect and the condition would be reworded.

Councillor Law then went on to say that he was impressed by the design of the new dwellings including the timber cladding and although parking had been raised as a concern, it was in line with Council policy. He therefore proposed to accept Officers' recommendation to grant planning permission. This was seconded by Councillor Webb.

Councillor Metcalfe questioned why a condition of approval was to restrict site clearance to the months of August and September when this would be a popular time for visitors. Emma Fuller explained that this was at the request of the Council's Ecologist, but she was unaware of the particulars. She did suggest that, subject to approval, the potential to amend this condition could be discussed. Sharon Armour suggested that this could be covered from a legal perspective by the Committee delegating to Officers to investigate this condition in conjunction with Ward Members. Councillor Law accepted this as part of his proposal.

**RESOLVED that** the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions, including Members delegation to Officers to revise condition 14 if necessary, and completion of a legal agreement no later than the 1 February 2012:

### Conditions

1. The development hereby permitted 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 to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning Band Compulsory Purchase Act 2004) should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with the approved plans:

Location Plan drawing number 30892\_P001 Rev.C received 21<sup>st</sup> July 2011

Proposed Site Plan drawing number 30892\_P090 Rec.C received 30<sup>th</sup> November 2011

Block A Proposed Plans, Sections & Elevations drawing number 30892\_P101 Rev.C received 21<sup>st</sup> July 2011 – to include amendment (removal of first floor side window serving plot 4).

Block B Proposed Plans, Sections & Elevations drawing number 30892\_P102 Rev.B received 21<sup>st</sup> July 2011

Block C Proposed Plans, Sections & Elevations drawing number 30892\_P103 Rev.C received 21<sup>st</sup> July 2011

Proposed Context Elevations drawing number 30892\_P104 Rev.C received 21<sup>st</sup> July 2011

Context Elevations and Proposed Materials drawing number 30892\_P105 Rev.C received 21<sup>st</sup> July 2011

Visibility Splays and Refuse Collection Strategy drawing number 30892\_P114 Rev.B received 30<sup>th</sup> November 2011.

Reason: To ensure the development is carried out in accordance with national planning guidance and the relevant policies within the South East Plan Regional

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Spatial Strategy, May 2009 and the relevant Policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

3. No development shall commence on site until samples of the external materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application. 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 Policy CC6 of the South East Plan 2009 Regional Spatial Strategy and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

4. No development shall commence on site until details of all fencing and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. 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 a schedule of materials and drawings demonstrating the layout of the means of enclosure and details of the acoustic fencing in relation to number 14 Wharfside. The dwellings hereby approved shall not be first occupied until the fencing and other means of enclosure have been erected in accordance with the approved details.

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 Policy OVS.2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

5. No development shall commence on site until details of the external hard surfaced areas of the development have been submitted to and approved in writing by the Local Planning Authority. 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 a schedule of materials, means of treatment, and drawings demonstrating the layout of these areas. The dwellings hereby approved shall not be first occupied until the hard surfaced areas have been constructed in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy CC6 of the South East Plan and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

6. No development shall commence on site until details of the floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy CC6 of the South East Plan and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

7. No development shall commence on site (including site clearance and any other preparatory works) until a detailed scheme of landscaping for the site has been

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submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants, noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development, and
  - b) any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.
  - c) The inclusion of a number, to be agreed, of small trees along the edge of the canal to the south of building C.
  - d) Details of screening around the water pumping station.
  - e) Details of pedestrian deterrent fencing to show its location and appearance.
- Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policies CC6 of the South East Plan and Policies OVS2 (a, b) and OVS3 (b) of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. With respect to criteria c) of Policy OVS.2 planting is required to help retain the canal as a dark corridor and minimise light pollution from the houses in accordance with the guidance contained within PPS9.

8. No development shall commence on site (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be carried out in accordance with the approved details. Such a scheme shall include protective fencing, all in accordance with BS5837:2005. No development works shall take place until the approved fencing has been erected and at least 2 working days notice has been given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or such a time as agreed in writing by the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protection areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified in Chapter 9 and detailed in Figure 2 of BS5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CC6 of the South East Plan 2009 Regional Spatial Strategy and Policy OVS2(b) of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

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9. No development or other operations shall commence on site until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site in accordance with Policy OVS2 (b) of the West Berkshire District Local Plan 1991 – 2006, Saved Policies 2007.

10. No development shall commence on site (including site clearance and any other preparatory works) until details of the proposed foundations providing for the protection of the root zones of trees to be retained have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CC6 of the South East Plan 2009 Regional Spatial Strategy and Policy OVS2(b) of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

11. No site works, demolition or development shall take place within the application area until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted by the applicant and approved in writing by the Planning Authority. Thereafter all works must be carried out in full in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site in accordance with Policy OVS.2 of the West Berkshire District Local Plan 1991– 2006, Saved Policies 2007.

12. No development shall commence until details of the design of the cycle storage has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be brought into use until the cycle storage is provided in accordance with the approved plans and shall thereafter be retained.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policy OVS3 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

13. No external flood lighting is allowed on the south (canal) side of buildings B & C or any other external lighting that shines onto the canal.

Reason: To ensure the canal habitat is maintained in accordance with Planning Policy Statement 9.

14. Site clearance will only be undertaken in the months of August to September in any year.

Reason: To ensure the protection of wildlife in accordance with Planning Policy Statement 9.

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15. No development shall commence until detailed construction drawings showing how 5 swift boxes will be incorporated in the western elevation of building B close to its apex and how 2 bat tubes are to be incorporated in the western elevation of building C close to its apex have been submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be constructed in full in accordance with the approved details and the swift boxes and bat tubes thereafter retained.

Reason: To ensure the protection of wildlife in accordance with Planning Policy Statement 9.

16. No development shall commence until a drainage strategy detailing any on and off site drainage works has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Thereafter the development shall be carried out in full in accordance with the approved details and shall thereafter be retained.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with the guidance contained within Planning Policy Statement 25.

17. 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:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. 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 OVS.2 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

18. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within their curtilage, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the overdevelopment of the site and to protect the amenity of neighbouring occupiers in accordance with Policy CC6 of the South East Plan 2009 and Policy OVS2 and HSG1 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

19. The bathroom and en-suite windows at first floor level in the rear elevation of Building A shall be fitted with obscure glass before the dwellings hereby approved are occupied and the obscure glazing shall thereafter be retained in position to the satisfaction of the Local Planning Authority. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision) these windows shall be fitted with top hung opening fanlights only and no additional openings shall be inserted at a first floor level or above in the rear (east facing) or south facing elevations of building A without a formal planning application made to the Local Planning Authority for that purpose.

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Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CC6 of the South East Plan 2009 Regional Spatial Strategy and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

20. The bathroom and en-suite windows at first floor level in the rear elevation of Building B shall be fitted with obscure glass before the dwellings hereby approved are occupied and the obscure glazing shall thereafter be retained in position to the satisfaction of the Local Planning Authority. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision) no additional openings shall be inserted at a first floor level or above in the rear (north facing) or west and east facing elevations of building B or the east facing elevation of Building C without a formal planning application made to the Local Planning Authority for that purpose.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CC6 of the South East Plan 2009 Regional Spatial Strategy and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

21. No development shall commence until details of a temporary parking area to serve the visitor centre while the existing car park is closed, is submitted to and approved in writing by the Local Planning Authority. On the closure of the existing visitor car park, the temporary parking area shall be made available in accordance with the approved plans and shall thereafter be retained until the car park hereby approved is available for visitor parking.

Reason: To ensure that there is suitable car parking for visitors while works are undertaken to the existing car park and to ensure there is no obstruction to the highway and in the interest of highways safety in accordance with Policy OVS.2 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

22. No development shall commence until details of the design and materials for the parking canopy to cover the five residents car parking spaces serving building B have been submitted to and approved in writing by the Local Planning Authority. Thereafter the dwellings in building B shall not be first occupied until the canopy has been constructed in accordance with the approved plans.

Reason: The design and appearance of this structure is important to the overall design of the scheme in accordance with Policy OVS.2 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

23. No development shall commence until details of the vehicle parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. The vehicle parking and turning areas shall subsequently be provided in accordance with the approved details. No dwelling hereby approved shall be brought into use until the residents parking has been provided in accordance with the approved plans. The visitor centre car park shall not be brought into use until the visitor parking has been provided in accordance with the approved plans.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic in accordance with Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

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24. No development shall commence with respect to the building or other operations on site until the vehicular and pedestrian accesses and associated engineering operations have been constructed in full in accordance with the approved drawings.

Reason: In the interest of highway safety and to accord with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 and in the interest of highway safety.

25. No dwelling hereby approved, or the car parking for the visitor centre shall be brought into use until the visibility splays at the accesses have been provided in accordance with the approved drawing, number 30892\_P114 Rev.B received 30<sup>th</sup> November 2011. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: In the interest of road safety in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.

### Informatives:

1. The Highways (Planning) Manager, West Berkshire District Council, Highways and Engineering, Council Offices, Market Street, Newbury RG14 2AF, 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.
2. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
3. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority.
5. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Highways (Planning) Manager, West Berkshire Council, Highways and Engineering, Council Offices, Market Street, Newbury, RG14 2AF, before any development is commenced
6. Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in

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liaison with West Berkshire Council's Street Works Section. This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

7. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
8. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.

Or

Should the legal agreement not be completed by 1 February 2012 to delegate to the Head of Planning and 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 government advice, Policy CC7 of the South East Plan: The Regional Spatial Strategy for South East England 2006 - 2026 May 2009 and Policy OVS3 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.

### **40(3) Application No. & Parish: 11/02234/FULD, Thatcham**

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 11/02234/FULD in respect of a courtyard development of 5 no. detached houses with garages and home offices similar to the refused application 11/01060/FULD on the site of the previously approved layout for 3 no. detached houses with detached garages and home offices 06/02377/FULD, 07/02497/FULD and 09/00932/FULD.

In introducing the report, Emma Fuller informed Members that the Development Control Manager had taken the view that should the Committee be minded to grant planning permission, then the application would be referenced up to the District Planning Committee

In accordance with the Council's Constitution, Mr Mark Norgate and Mr Stuart Goodwill, applicant/agent, addressed the Committee on this application.

Mr Norgate in addressing the Committee raised the following points:

- The application was very similar to that recently refused under delegated powers with the only change being the proposed installation of velux windows in the garages serving plots 3 and 4.



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- It was hoped that the application would be called-in to Committee to enable a debate. This was the intention of the recently refused application, but the deadline date was missed for doing so. The application had been amended slightly in order that it might be called in by the Ward Member.
- The site was well screened on all sides and no trees would be removed.
- Permission was already in place for three large dwellings and garages on the site. The industrial unit had been removed as approved and the site had been decontaminated.
- It was felt that the proposed development better suited the current market conditions. It was considered to be more attractive and would create a farmstead type layout.
- The courtyard concept was given particular weight by the Planning Inspector when allowing an appeal for houses on a nearby farm. This was similar to the application before the Committee and approval was given for a higher number of dwellings.
- An extension to the existing footpath on Thornford Road was an element of the scheme. This would make the nearest bus stop, local shops and employment area accessible on foot. Buses ran every hour from before and after standard working hours.
- He did not feel that the density was overly extensive. Approval would allow for an enhanced use of this brownfield site and would provide sustainable benefits for the wider area.
- No objections had been raised by the Parish Council and letters of support had been received by local residents.
- The reason why only plot 1 had a chimney stack, whereas the other plots were proposed to have wood burners, was due to a need to maximise space.

Councillor Quentin Webb understood why the developer would wish to maximise the use of this site, but was of the view that the already approved application for three detached houses was more appropriate. The proposal for five dwellings would create a poorer view of the site. He was therefore in support of Officers' recommendation to refuse planning permission.

Councillor Alan Law commented that the merits of the site were subjective and this was also the case for Planning Inspectors. He then referred to the first proposed reason for refusal. Councillor Law accepted that ENV20 Criterion B, which related to layout and form of the development, was an appropriate reason for refusal. He did however question whether ENV20 Criterion A, which related to the bulk of the design, was appropriate due to the extant permission for three dwellings. Emma Fuller responded to this point by advising that the purpose of Criterion A was to ensure that the impact of a development was not significantly greater than what was existing. The floor area of the extant permission was 550 square metres whereas the proposal for five houses would amount to 822 square metres. This constituted a significant increase in built form on the site. In addition, there was a link between Criterion A and B as they both related to the visual impact on the surrounding area. They were both therefore valid reasons for refusal.

Councillor Irene Neill agreed with the comment that the application was subjective as in her view the proposal was similar to a farmyard setting although it was of a large scale. She referred to the neighbouring Foxhill Farm, this had a very large built form which could be considered to have set a precedent. However, this was related to a commercial operation.

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David Pearson then added to the comments made in relation to ENV20 by stating that this policy did intend to create a challenge for developers. It was in line with Government guidance and had remained in subsequent versions of the Local Plan post a number of reviews. ENV20 was important in offering no incentives to replace buildings and/or add further extensions which would have a cumulative impact. It was for this reason that the Development Control Manager had stated that the application would be referenced up to the District Planning Committee if it was approved. The purpose of Policy ENV20 was an important strategic consideration for Members when determining this application.

Councillor Brian Bedwell then proposed to accept Officers' recommendation to refuse planning permission. This was seconded by Councillor Law.

Councillor Royce Longton queried whether there would be issues of setting a precedent should the application be approved. David Pearson stated that Members would need to carefully consider the strategic implications of going against Council Policy. This would have a potential impact elsewhere as a decision made by Committee on this basis was likely to be referred to as part of future applications.

Councillor Richard Crumly commented that this was a brownfield site, approval had already been granted for three dwellings and he was of the view that the proposal for five dwellings was appropriate. The points made in relation to overdevelopment were subjective and he supported the applicant.

**RESOLVED that** the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

1. Elizabeth Farm is located outside of the defined settlement boundary. There is sporadic residential development within the vicinity of the site and properties are typically contained within large plots. Located within the countryside the site is currently used for the storage of equipment and materials. Much of the present visual impact of the employment site results from the presence of vehicles and equipment, which are transient in nature, and will vary depending on the intensity of the business use taking place. For this reason little weight has been placed on the presence of such items.

The site is well contained and benefits from screening on all boundaries. In the absence of any permanent buildings on site the proposal seeks to introduce five detached dwellings. It is considered that the scale, bulk and overall appearance of the new housing significantly increases the level of built form within the site and would add to the impact of the development on the site. Furthermore the layout and form of the development fails to reflect the features which define rural residential development, presenting a layout more akin to a suburban environment. The development is of a scale which will create its own character and by reason of the site coverage will significantly reduce the openness seen within the site. While views outside of the site are restricted, planning policy seeks to protect the character of the countryside for its own value.

For these reasons the proposal fails to comply with the design guidance contained in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing and Planning Policy Statement 7: Sustainable Development in Rural Areas which seeks to protect the intrinsic nature of the countryside. The scheme further fails to comply with Policies CC1, CC6 and C4 of the South East Plan, Regional Spatial Strategy, May 2009 and Policies OVS.2, ENV.1, ENV.18 and ENV.20 of the West Berkshire District Local Plan 1991-1006, Saved Policies 2007.

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2. 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 government advice and Policy CC7 of the South East Plan Regional Spatial Strategy, May 2009 and Policy OVS3 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.

**41. Appeal Decisions relating to Eastern Area Planning**

Members noted the outcome of appeal decisions relating to the Eastern Area.

Councillor Brian Bedwell commented that the appeals record evidenced the good work undertaken and advice provided by Officers.

**42. Site Visits**

A date of 11 January 2012 at 9.30am was agreed for site visits if necessary.

**43. Any Other Business**

Councillor Royce Longton referred to a point made as part of Agenda item 4(2) which related to letters of objection for a previous application and asked whether it would be reasonable to take these forward to subsequent applications or advise objectors that they would need to again make contact. David Pearson explained that people were expected to comment on each application and there was not the available resource to enable follow up in the way described. Applications were publicised via orange notices and direct neighbours were notified. If in any doubt residents were encouraged to make contact. Councillor Quentin Webb made a suggestion that a statement could be added to orange notices to make it clear that any previous objections etc would need to be resubmitted.

Councillor Alan Law commented that this was the first example he had experienced of this issue.

*(The meeting commenced at 6.30pm and closed at 8.55pm)*

**CHAIRMAN** .....

**Date of Signature** .....