

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 8 JUNE 2011

Councillors Present: Pamela Bale, Jeff Beck, Brian Bedwell, Paul Bryant, Hilary Cole, Richard Crumly (Substitute) (In place of Alan Law), Geoff Mayes (Substitute) (In place of Royce Longton), Irene Neill, Graham Pask, Anthony Stansfeld (Vice-Chairman) and Keith Woodhams (Substitute) (In place of Tony Vickers)

Also Present: Sharon Armour (Solicitor), Michael Butler (Principal Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Bryan Lyttle (Planning & Transport Policy Manager), Sarah McCullough (Senior Planning Officer), Gary Rayner (Development Control Manager), Councillor David Allen, Councillor Roger Hunneman and Linda Pye (Principal Policy Officer)

Apologies: Councillor Alan Law, Councillor Royce Longton and Councillor Tony Vickers

Absent: Councillor Alan Macro

PART I

4. Minutes

The Minutes of the meetings held on 25th January 2011 and 17th May 2011 were approved as a true and correct record and signed by the Chairman. Councillor Jeff Beck abstained from voting on the correctness of the minutes of 25th January 2011 as he was not in attendance at that meeting.

5. Declarations of Interest

Councillor Keith Woodhams declared an interest in Agenda Item 4(1), and reported that, as his interest was personal and prejudicial, he would be leaving the meeting during the course of consideration of the matter.

Councillors Anthony Stansfeld, Hilary Cole, Jeff Beck and Paul Bryant declared an interest in Agenda Items 4(1) and (2), but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

Councillor Pamela Bale declared an interest in Agenda Item 4(1) but reported that, as her interest was personal and not prejudicial, she determined to remain to take part in the debate and vote on the matter.

Councillor Jeff Beck declared an interest in Agenda Items 4(1) and (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.

6. Schedule of Planning Applications

6(1) Application No. & Parish: 11/00092/FULMAJ Former Travis Perkins site, Mill Lane, Newbury

(Councillor Keith Woodhams declared a personal and prejudicial interest in Agenda item 4(1) by virtue of the fact that his daughter worked for the applicant. As his interest was

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personal and prejudicial he left the meeting and took no part in the debate or voting on the matter).

Councillors Anthony Stansfeld, Hilary Cole, Jeff Beck and Paul Bryant stated that as members of Western Area Planning Committee, they had previously considered item 4[1] on this agenda. Any comments that had been made at previous meetings, were made on the basis of information that was available at that time. For the avoidance of doubt, they confirmed that they would be considering all the evidence presented in relation to this matter, and therefore they would be considering this application afresh. In accordance with the Council's Constitution they were permitted to take part in the debate and vote on the matter.

(Councillor Pamela Bale declared a personal interest in Agenda item 4(1) by virtue of the fact that she was Chair of the LSP and was acquainted with the Deputy Chair who was speaking as a supporter of the application. She was also a Member of the Newbury Town Centre Partnership and this application had been discussed at one of their meetings. Councillor Bale stated that any comments made on the application at that meeting had been made on the basis of information that was available at that time and she confirmed that she would listen to all evidence presented afresh before making a decision on the application. As her interest was personal and not prejudicial she was permitted to take part in the debate and vote on the matter).

Councillor Jeff Beck declared a personal interest in Agenda item 4(1) by virtue of the fact that he was a Member of Newbury Town Council but confirmed that he had taken no part in the discussion or decision of this item when it had been considered at the Town Council Planning meeting. He had also been lobbied on this item. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

Councillor Keith Woodhams left the meeting at 6.35pm.

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 11/00092/FULMAJ in respect of the erection of 54 dwellings including 23 live/work units with associated works.

In accordance with the Council's Constitution, Councillor David Allen, Town Council representative, Mr. Peter Atkinson (Thames Valley Chamber of Commerce), supporter, and Mr. Paul Crispin (Managing Director, David Wilson Homes), Mr. Guiseppe Zanre (Planning Director, David Wilson Homes) and Mr. Simon Kirk (Technical Director, David Wilson Homes), applicants, addressed the Committee on this application.

In introducing the report, Mr. Michael Butler, the Council's Principal Planning Officer, stated that this application had been considered at the Western Area Planning Committee on 13th April 2011. Since that meeting the applicant had submitted revised plans in respect of parking, storey height, revised street scenes and planning layout. The application now proposed 1.98 parking spaces per dwelling as opposed to 1.25 parking spaces per dwelling in the original application.

It was noted that the Western Area Planning Committee resolved to reject the application but only on three grounds – namely, the lack of a s106 planning obligation, a lack of on site parking and poor design, mass and scale. The reason for refusal proposed by Officers based on policy ECON1 had been deleted following discussion at that meeting. However, Officers felt that notwithstanding that removal, the extant policy still remained in place in the Local Plan 1991 to 2006 (saved September 2007), and therefore the District Planning Committee should still consider the policy ECON1 issue in their determination of the planning application.

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If the Committee were minded to approve the application it would first need to be referred to the National Planning Casework Unit for 21 days to determine if the Secretary of State wished to “call in” the application for his decision. If the application was not called in then it would require the completion of a s106 planning obligation prior to an approval decision being issued.

Councillor David Allen in addressing the Committee raised the following points:

- Councillor David Allen confirmed that he was a Town Councillor for the Victoria Ward of Newbury and was also a District Councillor who sat on the Western Area Planning Committee and was a substitute for the District Planning Committee;
- The Town Council supported the application;
- The revised plans were superior to anything else which had been proposed for the site;
- The Town Council liked the fact that the dwellings would have an area of garden land;
- It was felt that the revised parking provision was now adequate;
- The proposal for a residential development would help to alleviate any further Heavy Goods Vehicle (HGV) traffic along Mill Lane;
- The Town Council felt that the live/work units would work well in this area, however, there were concerns in respect of the long term viability of the live/work covenant.

Mr. Peter Atkinson in addressing the Committee raised the following points:

- Mr. Atkinson advised that the Chamber of Commerce had received a large number of planning applications for consideration recently;
- The Chamber of Commerce had a number of policies and set criteria against which each application was judged;
- The Chamber of Commerce was of the opinion that this application would make a positive contribution to the area;
- The 23 live/work units would enhance the environment and provide much need housing;
- The proposed development would support the Town Centre viability;
- The Chamber of Commerce felt that the development could be accommodated on the local transport network;
- As the majority of criteria had been met the Chamber of Commerce were supporting the application;
- The way in which people worked had changed since the Council’s policy had been put in place and there was a lot more emphasis on home based working over the last couple of years.

Councillor Paul Bryant felt that it would be difficult to condition the live/work units and he queried whether that was a concern for the Chamber of Commerce. Mr. Atkinson felt that the condition was achievable and that some mechanism to enforce that condition could be worked out by the Legal Officers.

Mr. Paul Crispin, Mr. Guiseppe Zanre and Mr. Simon Kirk in addressing the Committee raised the following points:

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- Mr. Crispin advised that this site had been vacant for four years;
- The original application had included apartments, however, the layout had been revised which meant that each dwelling would now have a garden area;
- The application site was a brownfield site in a sustainable location;
- The parking spaces ratio had been increased to 1.98 per dwelling;
- Mr. Crispin advised that he would be happy for Permitted Development Rights to be removed in order that residents would not be able to erect garage doors and that no objections would be made to this being conditioned;
- The revised plans had reduced the height and bulk of some of the dwellings and a number of dwellings had been moved further from the boundary following concerns in respect of overlooking which had been raised by some residents of Windsor Court;
- There was residential development on three sides of the proposed development site and Mr. Crispin therefore felt that residential development would sit better on this site rather than industrial units;
- The applicants had ownership of the site and could therefore commence work in a matter of weeks;
- Mr. Crispin advised that it was not possible to move any further forward with the s106 agreement until planning permission had been granted but an agreement in draft form was well advanced and would not take long to complete;
- The scheme was commended and it was felt that it would enhance the Town Centre.

Councillor Hilary Cole noted that it had been suggested that a covenant could be used to prevent residents from erecting garage doors but asked how the applicants proposed monitoring and enforcing that in future. Mr. Crispin responded that if Permitted Development Rights were removed then this would prevent garage doors being erected. A Management Company could also enforce this covenant in respect of the whole scheme. Councillor Cole was also concerned that the dwellings in the lower right hand corner of the scheme would have gardens which would be in shade for a considerable part of the day. Mr. Kirk advised that shadow modelling had been completed and it was accepted that the gardens in that part of the scheme would be in shade for part of the day but that this would mostly be in the evening. The amenity space provided was sufficient for the size of the dwellings. The Planning Officer referred to the site visit that had taken place at 4.30pm that day where it was noted that the amenity space in Windsor Court had been in the shade at that time of the day in the Summer and therefore there were still concerns in respect of shading.

Councillor Graham Pask queried whether any of the parking in the scheme would be garaged. It was confirmed that none of the units on the revised scheme would have garage doors but parking would either be under croft or in the central area. There was an expectation that car ownership in this location would be lower than in a less sustainable location. If additional car parking was required then this would be to the detriment to the amenity space within the scheme. The applicants had tried to keep a balance of green areas and car parking to enhance the scheme. It would be possible to get to a level in the region of 2.5 spaces per dwelling if the amenity space was compromised.

In response to a query Mr. Crispin confirmed that the ground floor space was the work element of the live/work dwellings with a stairway which would lead up to the living area.

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A covenant could be included which would prevent the ground floor from being used as a living area or it could be conditioned in the s106 agreement.

Councillor Roger Hunneman, as Ward Member, felt that this area should be used for a residential development as the surrounding areas all had residential dwellings. The proposed development would help to move HGV traffic away from Mill Lane. If the site was used within policy ECON1 then the traffic movement in Mill Lane would be worse than it would be for a residential development. Councillor Hunneman felt that the design had been improved considerably and he was happy to see that the height of the dwelling in plot 37 had been reduced. The increase in the parking spaces per dwelling was welcomed and he would prefer to see this maximised as parking was already tight in this location. Councillor Hunneman liked the use of undercroft parking and noted that a similar arrangement had been used in the nearby Greenham Mill and no-one had attempted to erect garage doors on this location and the removal of Permitted Development Rights would ensure that this could not happen on the proposed development. Councillor Hunneman therefore proposed support of the application.

Councillor Jeff Beck queried whether in Councillor Hunneman's view the amendments to the layout and the increase in parking spaces was sufficient to make the scheme acceptable. Councillor Hunneman confirmed that on balance the changes were acceptable although he would support any further increase in the number of parking spaces which could be provided. The Planning Officer confirmed that the ratio of parking spaces per dwelling on the Sterling Cable site was lower than this scheme but that proposal was for apartments rather than separate dwellings.

In considering the above application Members asked for clarification from Officers in respect of the ECON1 policy, when the requirement for employment land had last been reassessed and why this site was special in relation to the assessment.

Bryan Lyttle and Sarah McCullough advised that the site was an area of protected employment which had been designated by policy ECON1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). An Employment Land Assessment (ELA) had been undertaken in May 2007 which had examined the supply of and demand for employment land throughout the District up to 2026. The ELA aimed to ensure that appropriate provision for employment land was made through the Local Development Framework (LDF) over the next 20 years and provided a technical evidence base for future policy development. The Assessment revealed that West Berkshire had sufficient employment land to meet future requirements, however, there were variations in supply and demand across the different employment Use Classes. For instance demand for B2 space was expected to decline, however, there was insufficient floor space to meet the demand of B1 requirements and a potential shortfall of B8 space. It was therefore essential that the Council continued to safeguard the current supply of employment land to ensure that it had adequate provision for the future.

Whilst Officers recognised that there had been a change in economic circumstances and the take up of the site might be low at present, the LDF looked forward to 2026. There was a requirement for the local authority to retain employment land to provide work opportunities for the people who occupied the new houses which had to be accommodated in the area over the same period of time. In Planning Policy Statement 3 – Housing the document listed sites which would provide a deliverable supply of 2,708 units, equivalent to 5.3 years supply, which would meet the housing requirement from March 2011 to March 2016. There was currently, therefore, no requirement for a site which did not comply with current planning policy to come forward at this stage ahead of the LDF process.

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The Planning Officer also noted that if the Committee were minded to approve the application then that would undermine the authority in respect of any future applications or appeals throughout the district as a whole.

Members asked the Highways Officer for his view on the proposed parking provision as some of the spaces appeared to be relatively narrow. The Highways Officer confirmed that he did have concerns in respect of some of the two and three bedroomed town houses at the top and bottom of the scheme. Originally garages had been proposed but it was felt that one parking space was insufficient. In response, the garage doors had now been removed and the applicants had stated that it would be possible to park two cars by using undercroft parking. The applicants had suggested that conditions or covenants be provided to prevent the provision of garage doors that would prevent two vehicles being parked, however the Planning Officer has stated within the update report that that would not be appropriate. The ratio of 1.98 parking spaces per dwelling was only achievable if two spaces could be accommodated in the undercrofts. If only one car was parked in the undercrofts then the ratio dropped to 1.4. As far as the dimension of the parking was concerned it would be sufficient to enable residents to open car doors.

Councillor Hilary Cole confirmed that she was attracted to the proposal on the site as housing had developed on either side of the site over the years. However, she still had concerns in respect of shading and parking. Councillor Cole did not feel that there would be much take up of the site for commercial use and that the projected housing supply quoted by Officers could not be guaranteed. However, it was necessary to adhere to Council policies.

Councillor Jeff Beck recalled that there were good reasons why the Western Area Planning Committee had favoured the application. Although the site had initially been set aside for an industrial use the proposed scheme provided a natural progression of the urban area of Newbury. The demarcation for employment land should be on the eastern side of Boundary Road north. Councillor Beck recognised the importance of policies but felt that the live/work units would provide employment for more people than had been employed when Travis Perkins had operated from the site.

Bryan Lyttle reiterated that the level of employment land for the district was finely balanced and if the Council gave way on this site it could set a precedent and other sites in the area could also be lost. The application site was clearly defined in the Local Plan and it was not possible to redraw the boundary line of residential development without going through due process. It was essential to agree the Core Strategy and then the employment land sites could be reassessed on an holistic basis.

Michael Butler referred to a forthcoming Planning Inquiry for a hotel on land at Charnham Park, Hungerford. If the proposed application were to be approved then that decision could adversely affect the Officers' position at that Inquiry.

Members queried whether the demand for work/live units was rising. Bryan Lyttle responded that there had been a growth in the amount of people working from home such as the Timelord exercise used by this authority. However, in those instances the majority of people only worked from home for a day or two per week and came into the office for the remainder of the time.

Councillor Paul Bryant felt that the site needed to go through the LDF process prior to any change in the designation of the land. A large housing development was already proposed on the Racecourse site and he therefore felt that there was no further requirement for additional housing on the proposed site.

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Members were largely in agreement that the proposed application should be determined on the Council policies which were in place at the current time and it was therefore proposed to accept the Officer's recommendation.

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

1. The applicant has failed to enter into a s106 planning obligation which would mitigate the impact the new occupants of the housing would have upon the District's services, facilities and infrastructure, and provide planning gain in the form of affordable housing. Accordingly the application does not comply with policies OVS3 and HSG9 in the West Berkshire District Local Plan 1991 to 2006 [saved September 2007] policy CC7 in the South East Plan May 2009, the advice in Circular 5/2005 and the 2010 CIL regulations and the Council's SPG4/04 as amended. Accordingly the application is unacceptable.
2. The application site is for principally housing, notwithstanding the element of 23 live work units in the application scheme. The application site lies on a designated employment site as noted within policy ECON1 in the Councils Local Plan 1991 to 2006 [saved September 2007] . Within such sites , the protection of employment land for the future , to 2026 is required , particularly in such sustainable locations as this , as noted in PPS4 advice .Given also the emerging policy advice in CS10 in the West Berkshire Proposed Submission Core Strategy, and the advice in policy RE3 in the South East Plan of May 2009, the consequent loss of this protected employment site is considered currently unacceptable and premature to the Council's future site allocations DPD which will be considered over the coming years.
3. The application scheme comprises the erection of 54 dwellings. A number of the proposed units are to be constructed at a such a height , massing and overall scale that there will be not only a demonstrable and harmful impact upon adjoining residential amenity , by virtue of both overshadowing and overlooking, but given the small plot sizes and layout of the application scheme , the amenity of future occupants will be harmed by overlooking and overshadowing in addition, leading to overall loss of privacy and a poor living environment , contrary to policy OVS2 in the West Berkshire District Local Plan 1991 to 2006 [saved September 2007] . Furthermore, it is considered that the elevations and design of the proposed housing is poor giving rise to unattractive street scenes leading to a lack of coherent character and sense of place, contrary to the advice in PPS3 and the Council's own design guidance .The scheme is thus considered to be an unacceptable overdevelopment of the site contrary to well established policy as noted above.
4. The application provides only an average of 1.98 parking spaces per dwelling. Given the nature and scale of the housing proposed, and the nature of under croft parking in 31 of the dwellings, it is considered that there is a lack of parking which will lead to severe pressures for on street parking, not only within the site but also on the local highway network causing harm to local highway safety and local amenity .The application is thus contrary to the advice in PPG13 and policy OVS2 in the West Berkshire District Local Plan 1991 to 2006 [saved policies September 2007].

Councillor Jeff Beck abstained from voting on the application.

Councillor Keith Woodhams rejoined the meeting at 7.34pm.

6(2) Application No. & Parish: 11/00490/FUL Land adjacent Falkland Surgery. Monks Lane, Falkland, Newbury.

Councillors Anthony Stansfeld, Hilary Cole, Jeff Beck and Paul Bryant stated that as members of Western Area Planning Committee, they had previously considered item 4[2] on this agenda. Any comments that had been made at previous meetings, were made on the basis of information that was available at that time. For the avoidance of doubt, they confirmed that they would be considering all the evidence presented in relation to this matter, and therefore they would be considering this application afresh. In accordance with the Council's Constitution they were permitted to take part in the debate and vote on the matter.

Councillor Jeff Beck declared a personal interest in Agenda item 4(2) by virtue of the fact that he was a Member of Newbury Town Council but confirmed that he had taken no part in the discussion or decision of this item when it had been considered at the Town Council Planning meeting. He had also been lobbied on this item. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application No. 11/00490/FUL in respect of the erection of a 24 hour nursing care home for 24 patients.

In accordance with the Council's Constitution, Councillor David Allen, Town Council representative, Mr. Graham Smith, objector, and Mr. Peter Frampton and Mr. John Horseman, applicants, addressed the Committee on this application.

In introducing the report, Mr. Michael Butler, the Council's Principal Planning Officer, stated that this application had been considered at the Western Area Planning Committee on 25th May 2011. This application site was outside the settlement boundary of the town which corresponded to Monks Lane and the site had Greenfield status. Officers continued to recommend a balanced approval of the application given the exceptional health community need for such a facility. If the application were to be approved then three further conditions would be required which related to landscaping, means of enclosure and refuse storage together with an informative that external facing materials to be approved in conjunction with the Ward Members.

If the Committee were minded to approve the application it would first need to be referred to the National Planning Casework Unit for 21 days to determine if the Secretary of State wished to "call in" the application for his decision. If the application was not called in then it would require the completion of a s106 planning obligation prior to an approval decision being issued.

Councillor Jeff Beck asked for confirmation that fire suppression sprinklers would be included within the development. The Planning Officer responded that no written confirmation had been received from the applicant but that was a question which could be put to them during the course of the meeting.

Councillor David Allen in addressing the Committee raised the following points:

- Councillor David Allen confirmed that he was a Town Councillor for the Victoria Ward of Newbury and was also a District Councillor who sat on the Western Area Planning Committee and was a substitute for the District Planning Committee. He had not been in attendance at the Western Area Committee meeting in May 2011 due to illness;

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- The Town Council were of the opinion that the need for the facility outweighed the concerns and they had voted to support the application on 18th May 2011;
- The applicants had been searching for a long time for a suitable site and this location was close to the town, on a bus route and near to the local shops.

Mr. Graham Smith in addressing the Committee raised the following points:

- Mr. Smith confirmed that he was a local resident who lived in Monks Lane and that he was also speaking on behalf of a number of his neighbours;
- Residents were concerned that Monks Lane was the last road out of Newbury before getting into the open countryside and that should be preserved;
- The proposed use of the facility was not a concern to local residents;
- Residents had attended a recent meeting where it had been stated that patients were keen to integrate into the local community. However, Mr. Smith was not sure why these patients were being brought to the Newbury area when they had previously resided near Reading. There would be no benefit to the local community;
- Mr. Smith raised concerns about the level of traffic along Monks Lane which linked the Andover Road to the local retail park. This would be exacerbated with the use of the road for staff and visitors to the facility;
- The approval of this application could set a precedent.

Councillor Keith Woodhams referred Mr. Smith to page 63 of the agenda, paragraph 6.2.2 which stated that patients would transfer from a ward which was closing down in Prospect Park, Reading, to be nearer to their local family networks in the Newbury area.

Mr. Peter Frampton and Mr. John Horseman in addressing the Committee raised the following points:

- Mr. Frampton did not believe that this proposal would set a precedent. There were exceptional planning merits which justified a deviation from Council policies;
- All the proposed patients moving to this facility would have an association with the Newbury area and this coincided with a recent Government initiative to move mental health patients nearer to their families wherever possible;
- There was a clear need for such a facility in this area;
- The site did have Greenfield status but was not currently in use and the sale of the land would provide funding for an all-weather pitch on the nearby Rugby Football Club;
- The Council's proposed Core Strategy proposed a large urban development at nearby Sandford Park;
- The applicant confirmed that consideration had been given to a number of alternative sites but none had been deemed suitable by the applicants;
- Mr. Frampton referred to a recent letter from Mr. Carter in which he felt a number of the points were ill conceived. During the consultation process not all points could be resolved to the satisfaction of the correspondent;
- Mr. Frampton referred to the point made by Mr. Smith in respect of an increase in traffic. Patients would not be car owners and following a Transport Assessment of

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the proposed development it was confirmed that it would amount to only two additional trips per day and therefore the impact would be minimal;

- A parking area would be provided on the site with 2 disabled spaces and 12 normal parking spaces for staff and visitors.

Councillor Paul Bryant asked the applicant whether this development would satisfy the total need for Newbury. The applicant confirmed that the proposed facility would accommodate those patients who had been transferred out of the area previously and was sufficient to cover current demand.

Councillor Jeff Beck queried whether the applicant would consider installing fire suppression sprinklers and the applicant confirmed that they would install sprinklers.

Councillor Anthony Stansfeld asked for assurance that the facility could be filled with those people who had a close association with the Newbury area and that the patients would pose no threat to the local community. The applicant confirmed that all patients would have a close association with the area and would not pose a threat to the local community.

In considering the above application Councillor Pamela Bale stated her support for such a facility. However, given the use of a Greenfield site she asked how it could be conditioned that the building could only be used for an exceptional use, such as a mental health facility, rather than for residential development. Gary Rayner confirmed that the whole unit would fall within Class C2 of the 2004 Use Classes Order which covered a range of uses. However, a condition could be included to restrict use to the proposed use only if Members so wished.

Councillor Hilary Cole stated that she was concerned about the proposed new development at Sandlesford Park. If that came to fruition then there would be a need to extend the doctor's surgery in Monks Lane. Although this should not be taken into account it was a concern. The Planning Officer confirmed that there was land to the south of the surgery for which an planning application could be submitted at some stage to extend the surgery if necessary.

Councillor Paul Bryant felt that this was a difficult application which also went against Council policy. It was a Greenfield site and therefore exceptional circumstances needed to be in place in order to approve the application. Bryan Lyttle referred Members to the update sheet which considered the planning policy issue and Officers had given their response. It was considered that whilst the development proposal was contrary to the West Berkshire Local Plan Saved Policies 2007, RSS Policy S2 and Policy CS4 of the Submitted West Berkshire Core Strategy together with the identified critical infrastructure needs in West Berkshire were sufficient material considerations for no Planning Policy Objection to this application. The Berkshire West Primary Care Trust also stated there was a need for such a facility and this was an additional reason to support the application.

Michael Butler confirmed that the recommendation was one of balanced approval and it was up to Members of the Committee to make a decision. Officers had discussed the application at length and were confident that there was a justification for the need to override policy.

Councillor Keith Woodhams agreed that each application had to be considered on its own merits. However, there was already a doctor's surgery in the adjacent area and therefore a precedent had already been set.

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Councillor Graham Pask felt that the Council's policies were sufficiently flexible enough to permit such an application on its own merits. Officers advised that the provision of a fire suppression system could not be conditioned but that the Committee had been given an assurance by the applicant that they would be provided.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the first completion of a s106 planning obligation within three months of the date of that Committee, i.e. 8th September 2011.

If for any reason the obligation is not completed by the above date, the application be refused, where considered expedient, for the following reason:-

"Notwithstanding the Council's acceptance in principle of the application, the applicant has failed to enter into a s106 obligation which would mitigate the impact the increased traffic generation will have upon the Council's roads and health infrastructure. Accordingly the application is contrary to policy OVS3 in the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007], the advice in Circular 5/2005 and the Council's SPG4/04 as updated plus the CIL Regulations dated 2010. The application is thus unacceptable."

Conditions:

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

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 [Saved Policies 2007] should it not be started within a reasonable time.

2. Prior to the commencement of development, samples of the materials to be used in the proposed development shall be 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 the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 [Saved Policies 2007].

3. Prior to the commencement of development details of the external lighting to be used in the areas around the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no building shall be occupied until the external lighting has been installed in accordance with the approved details.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006[Saved Policies 2007].

4. All plant, machinery and equipment (including fans, ducting and external openings) to be used by reason of the granting of this permission shall be so installed, maintained and operated to prevent the transmission of noise and vibration into any premises either attached to, or in the vicinity of the premises to which the application refers.

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Reason: To ensure that unacceptable levels of noise and vibration do not emanate from the building and to protect local residents from unreasonable disturbance caused by the use permitted in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007].

5. No development shall take place until details of the air ventilation systems have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity. In accordance with policy OVS2 in the West Berkshire District Local Plan 199 to 2006 [Saved Policies 2007].

6. Before development commences the applicants shall submit to the Local planning authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers in accord with policy OVS2 in the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007].

7. 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 accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007].

8. Prior to the development being brought into use the vehicle parking spaces shall be surfaced, marked out and properly provided in accordance with the approved drawing(s). The spaces shall, thereafter, be kept available for parking (of private motor cars and/or light goods vehicles) at all times. Vehicles shall only be parked within those marked spaces.

Reason: To regularise the use of the available parking area and to reduce the likelihood of roadside parking, which would be a danger to road users in accordance with Policies TRANS 1 and OVS 2 of the West Berkshire District Local Plan 1991-2006 [Saved Policies 2007].

9. Prior to the commencement of development, details of the cycle parking and storage space to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking and storage space shall be provided prior to the development being brought into use in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 [Saved Policies 2007].

10. Prior to the commencement of development, details to show a temporary parking area and turning space to be provided and maintained concurrently with the development of the site, shall be submitted to and approved in writing by the Local

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Planning Authority. Such approved parking area and turning space shall at the commencement of development be provided and thereafter retained in accordance with the approved details until the development has been completed and shall during that time be used for parking by all employees, contractors and operatives or other visitors during all periods that they are working at or visiting the site.

Reason: In accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006 [Saved Policies 2007] to ensure the development is provided with adequate parking facilities during the construction period, in order to minimise the incidence of off site parking in the locality which could cause danger to other road users or long term inconvenience to local residents especially on Monks Lane.

- 11. The scheme must be built out in accord with the amended plans received on 5th May 2011 - site plan - amended red line.

Reason: In order to clarify the planning permission.

- 12. Landscaping.
- 13. Means of enclosure.
- 14. Refuse storage.
- 15. Restriction on Use Class.
- 16. Finished floor levels.

Informative:

- 1. External facing materials to be approved in conjunction with Ward Members.

Councillor Paul Bryant abstained from voting on this application.

(The meeting commenced at 6.30pm and closed at 8.25pm)

CHAIRMAN

Date of Signature