

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 27 JULY 2016

Councillors Present: Pamela Bale, Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Vice-Chairman), Richard Crumly, Lee Dillon (Substitute) (In place of Alan Macro), Clive Hooker, Alan Law (Chairman), Graham Pask, Anthony Pick and Garth Simpson

Also Present: Michael Butler (Principal Planning Officer) and Derek Carnegie (Team Leader - Development Control), Linda Pye (Principal Policy Officer)

Apologies: Councillor Alan Macro

PART I

4. Minutes

The Minutes of the meetings held on 8th July 2015 and 19th May 2016 were approved as a true and correct record and signed by the Chairman.

5. Declarations of Interest

Councillors Anthony Pick and Jeff Beck declared an interest in Agenda Item 4(1), but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

6. Schedule of Planning Applications

(1) Application No. & Parish: 16/00924/OUTMAJ Land at 115 London Road, Newbury

(Councillors Anthony Pick and Jeff Beck declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were also Members of Newbury Town Council and had been present when this item had been discussed at their Planning meeting. They confirmed that they would consider any new information presented at this meeting and take this into account when determining the application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/00924/OUTMAJ in respect of the demolition of existing buildings and the erection of 35 flats and 1700m² of office space together with associated parking and access.

Michael Butler, the Planning Officer, in introducing this item stated that the application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026 and in particular Policy CS9. If approved, the Council would receive CIL payments via the scheme of around £175k, plus new homes bonus and additional rates/Council Tax per annum which was estimated to be in total around £500k.

The report had been considered at the Western Area Planning Committee on 29th June 2016 who were recommending to the District Planning Committee that the application should be approved. Policy CS9 in the Core Strategy 2006 to 2026 was an employment protection designation on the land in question which meant that non-employment generating developments, such as housing, would not be permitted unless there were exceptional circumstances. However, Officers were also recommending that the

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

application should be approved as, whilst there was housing proposed on the site, there would also be an office development with an increase over and above the existing floorspace of 700m². It was also proposed that the current occupier of the site would also be relocated by the applicant. Ten affordable housing units would be provided through the s106 obligation. The Planning Officer confirmed that this was a sustainable location on a brownfield site and the new development would be a considerable improvement on the existing on what was a prominent site.

Paragraph 2.1 of the report on page 23 of the agenda noted that bullet point 1 of paragraph 17 of the NPPF [Core planning principles], noted that inter alia, planning should be genuinely plan led, and should be kept up to date. In addition, paragraph 22 of the same document noted that “planning policies should avoid the long term protection of sites allocated for employment use, where there was no reasonable prospect of a site being used for that purpose”.

The Planning Officer referred the Committee to page 33 of the report and in particular Condition 9 which stated that *‘The office development hereby permitted must be completed to shell stage ready for office fit out on or prior to the same date as the completion of the final dwelling on the site ready for sale purposes’*. This was to ensure that the office development would be built out after the housing was completed. Although these statements appeared to conflict it was felt that the harm to CS9 would be minimal given the benefits arising from the development and that it would not be undermined in regard to subsequent applications for housing on policy CS9 sites in the district.

The Planning Officer also referred the Committee to the District Planning Committee Update Sheet and confirmed that the matters to be considered at this outline stage corresponded to access, layout and scale and not just access. Consequently, the subsequent reserved matters would consider only landscaping and appearance and not scale and layout as stated in line 12 of paragraph 1.3.

Councillor Keith Chopping queried whether condition 9 was tight enough and confirmed that he would consider what alternative wording could be used. He was also puzzled in relation to policy CS9 as the proposed new office development was bigger than the existing and therefore there would be no extinguishment of employment land. The Planning Officer confirmed that following advice from Planning Policy any form of housing would automatically be a departure of employment policy.

Councillor Paul Bryant asked what measures were in place to stop the office block being converted into housing at a later stage. The Planning Officer confirmed that a condition to that effect could be included.

Councillor Lee Dillon referred to page 29 of the agenda, paragraph 7.1.1 made reference to ‘social housing’ whereas elsewhere in the agenda the term ‘affordable housing’ was used and he asked if there could be some consistency in the terms used. The Planning Officer confirmed that the term ‘affordable housing’ was the correct one and apologised for any inconsistency.

Councillor Dillon also referred to the lack of amenity space within the development and he assumed that that would not be a requirement due to the close proximity of Victoria Park. The Planning Officer confirmed that that was the case and that it had been raised when the application had been discussed at the Western Area Planning Committee.

In accordance with the Council’s Constitution, Mr. Duncan Crook, applicant, addressed the Committee on this application.

Mr. Crook in addressing the Committee raised the following points:

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

- Mr. Crook referred to the permitted development rights and confirmed that he would have no objection to a condition being included which prevented a change from office use to residential;
- In relation to Condition 9 he confirmed that as it would be a mixed use building it would not be possible to build out the residential units without the shell of the office accommodation and therefore there was some element of self protection within the scheme. However, the sale of the residential units would assist in making the office accommodation viable and therefore if the condition became too restrictive there might be an issue around cash viability;
- Mr. Crook confirmed that his company intended to occupy part of the office accommodation themselves;
- This was a building that he, as a developer, wanted to build and consequently he was committed to a good design in what would be a landmark building.

Councillor Paul Bryant noted the location of the site which was close to the Robin Hood roundabout and he therefore had concerns in relation to air quality. Mr. Crook confirmed that he was intending to use mechanical ventilation and there would also be standards around noise which would have to be adhered to. The Planning Officer also referred Councillor Bryant to Condition No.7 within the report which stated that no development would commence until an air quality assessment had been undertaken which would also detail any mitigation required. Councillor Bryant also enquired whether sprinklers would be included within the development. Mr. Crook was not sure in relation to the residential units but confirmed that they would be provided within the office accommodation. He would however build to the standards required.

Councillor Keith Chopping came back to his concerns around Condition No.9 and suggested an amendment to the condition. The Planning Officer reminded Members that according to NPPF advice an unreasonable burden should not be placed on developments and he felt that the amendment suggested by Councillor Chopping would present an unreasonable burden. He made reference to the recent development on the Travis Perkins site where a similar condition had been included and he felt that the figure of 90% which had been suggested was too high. Mr. Crook confirmed that he had hoped to avoid the need for a section 73 application but that that might be the best way to resolve the issue. An application could be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. A discussion took place on the number of flats which should be completed in parallel with the office completion and it was agreed that Condition No.9 should be reworded to state that no more than 30 of the flats (including the affordable dwellings) should be completed in parallel.

Councillor Chopping asked if an assurance could be given that would guarantee the affordable housing element of the scheme. Mr. Crook gave his assurance with the only caveat being around Brexit as if house prices fell by 10% or more then this might have to be revisited.

It was noted that none of the Ward Members were in attendance at the meeting to comment on the application.

In considering the above application Councillor Pamela Bale noted that no mention had been made in respect of the analysis of traffic movement. The Planning Officer confirmed that the Highways Officer had been content with the traffic generation and that the effect of the new junction on the A339 had been taken into account. It was felt that the junction onto the London Road would not be exacerbated by this development. Mr. Crook confirmed that a Traffic Statement had been submitted as part of this application.

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

Councillor Hilary Cole also confirmed that the Highways Officer had given a detailed report on this issue at the Western Area Planning Committee meeting and that the A339 access had been taken into account.

Councillor Anthony Pick was supportive of the application as he felt that there were an insufficient number of new offices in Newbury and this development should therefore be welcomed as it would provide an improvement on the site. He therefore proposed that the Officer recommendation of approval should be put to the vote. This was seconded by Councillor Graham Pask who was also of the opinion that this was an excellent scheme for an important gateway into the town.

The application was put to the vote and was carried unanimously.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the removal of permitted development rights for any change from offices to residential and rewording of Condition No. 9 to ensure that no more than 30 of the flats (including the affordable dwellings) were completed in parallel with the office completion and subject to first completion of the required s106 obligation together with the conditions set out in the report and the update sheet as follows:

Conditions:

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-
 - 3 years from the date of this decision; or
 - the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: To clarify the permission in accord with the advice in the DMPO of 2015.

2. Full details of the external appearance of the building and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with the advice in the DMPO of 2015.

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. 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.

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 accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

4. 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:

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

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 CS14 in the West Berkshire Core Strategy 2006 to 2026.

5. No development shall commence until details of a scheme of works for protecting the occupiers of the development from externally generated noise, has been submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed before any dwelling is first occupied.

Reason: In order to protect the amenities of proposed residents/ occupiers of the development in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accord with the advice in the NPPF.

7. No development shall commence until an air quality assessment has been undertaken to assess the exposure of future receptors (residents and visitors) to existing air pollution and detail any mitigation required. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. It shall then be implemented to the satisfaction of the LPA on completion of the development hereby permitted.

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

Reason: In order to protect the amenities of proposed residents/ occupiers of the development in accord with the advice in the NPPF of 2012.

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

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

9. No more than 30 of the flats (including the affordable dwellings) to be completed in parallel with the office completion.

Reason: To ensure that the employment aspect of the development is built out, in accord with policy CS9 in the West Berkshire Core Strategy 2006 to 2026.

10. The development must be carried out in strict accord with the following revised plans received on the 16 June 2016. Plan numbers RL14/P2/04a, 09a, 08a, 05a, 07, and 06 . In addition the 84 car parking spaces noted on plan number RL14/P2/04a shall have the following designations in terms of allocated parking spaces, to be agreed at the reserved matters stage i.e. 35 spaces for the flats, 18 spaces as shared and 31 spaces allocated to the offices.

Reason. To clarify the permission in accord with the advice in the DMPO of 2015, and to ensure sufficient car parking on site in accord with policy CS13 in the West Berkshire Core Strategy of 2006 to 2026.

11. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- (a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and other local and national standards;
- (b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- (c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- (d) Include a drainage strategy for surface water run-off from the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority;
- (e) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- (f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- (g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- (j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

- (k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- (n) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- (o) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (Flood Zone 2 and 3) or developments larger than 1 hectare;
- (p) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

12. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design should be to a standard that is adoptable as public highway. In addition a swept path diagram indicating the tracking of an 11.3m waste vehicle shall be submitted and approved in writing prior to any development commencing on site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic, and waste disposal. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

13. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking and storage space has been provided 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

DISTRICT PLANNING COMMITTEE - 27 JULY 2016 - MINUTES

14. No development shall take place until details of the motorcycle parking space and anchor point have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the motorcycle parking space and anchor point has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate motorcycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026).

15. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. **Permitted Development Rights** – 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 property shall be built or ancillary buildings or structures erected within the 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 safeguard the amenities of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

Informative:

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development which improves the economic, social and environmental conditions of the area.

(The meeting commenced at 6.30pm and closed at 7.05pm)

CHAIRMAN
Date of Signature