

Notice of Meeting

District Planning Committee

Wednesday 27th July 2016 at 6.30pm

**In the Council Chamber, Council Offices,
Market Street, Newbury**

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 19 July 2016

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: planapps@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Linda Pye on 01635 519052 or Email: linda.pye@westberks.gov.uk



Agenda - District Planning Committee to be held on Wednesday, 27 July 2016 (continued)

- To:** Councillors Pamela Bale, Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Vice-Chairman), Richard Crumly, Clive Hooker, Alan Law (Chairman), Alan Macro, Graham Pask, Anthony Pick and Garth Simpson
- Substitutes:** Councillors Lee Dillon, Billy Drummond, Paul Hewer, Marigold Jaques, Mollie Lock, Tim Metcalfe and Virginia von Celsing

Agenda

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|--|----------|
| 1. Apologies
To receive apologies for inability to attend the meeting (if any). | |
| 2. Minutes
To approve as a correct record the Minutes of the meetings of this Committee held on 8 July 2015 and 19 May 2016. | 3 – 20 |
| 3. Declarations of Interest
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' Code of Conduct . | |
| 4. Schedule of Planning Applications
<i>(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).</i> | |

- (1) **Application No. & Parish: 16/00924/OUTMAJ Land at 115 London Road, Newbury** 21 - 46

Proposal:	Demolition of existing buildings, erection of 35 flats and 1700m ² of office space. Associated parking and access.
Location:	Land at 115 London Road, Newbury
Applicant:	Ressance Land Limited
Recommendation:	That the District Planning Committee GRANT planning permission, subject to the first completion of the required s106 obligation to deliver the 10 affordable units on the site, with the conditions as noted on the agenda reports and update sheet.

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

DISTRICT PLANNING COMMITTEE MINUTES OF THE MEETING HELD ON WEDNESDAY, 8 JULY 2015

Councillors Present: Pamela Bale, Jeff Beck, Paul Bryant (Vice-Chairman), Keith Chopping, Hilary Cole, Paul Hewer, Alan Law (Chairman), Alan Macro, Graham Pask, Garth Simpson and Virginia von Celsing

Also Present: Jake Brown (Planning Officer), Liz Patient (Solicitor), David Pearson (Team Leader - Development Control), Gary Rayner (Development Control Manager), Councillor James Cole, Linda Pye (Principal Policy Officer) and Councillor Anthony Stansfeld

Absent: Councillor Richard Crumly

PART I

3. Minutes

The Minutes of the meetings held on 25th March 2015 and 19th May 2015 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

There were no declarations of interest received.

5. Schedule of Planning Applications

(1) Application No. & Parish: 15/00277/FUL, Hunters Way, Craven Road, Inkpen

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application No. 15/00277/FUL in respect of the demolition of an existing bungalow and detached garage and the replacement with a new house.

The Western Area Planning Committee on 10th June 2015 had considered the proposal for the demolition of an existing bungalow and detached garage and the erection of a new house. The site was within the village of Inkpen which did not have a defined settlement boundary and lay within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The Committee had determined that the application should be approved as the proposed design of the dwelling was attractive and it would improve the site and give further variation to the village architecture. The Committee considered that the proposal would be well accommodated within the site and that there would be no adverse impact on local wildlife in the area.

During the debate Members had been made aware that Officers considered that the proposal for the replacement dwelling would be contrary to the development plan and that a recent appeal for a similar scheme on the site had been dismissed by the Planning Inspectorate. The Western Area Planning Committee held on 10th June 2015 had resolved to approve the application, subject to conditions. However, as previously mentioned the application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026 and West Berkshire District Local Plan Saved Policies 2007 and it was therefore referred up to the District Planning Committee for consideration and resolution by the Development Control Manager.

Since the Western Area Planning Committee meeting, a consultation response had been received from the North Wessex Downs AONB and this was attached as an appendix to

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the report. The North Wessex Downs AONB had objected to the application and considered that the design and siting of the dwelling in this current application did not appear to have addressed the reasons for the Appeal on the last application which was dismissed by the Planning Inspector. The North Wessex Downs AONB also considered that the current scheme remained at odds with the surrounding pattern of development and failed to meet the aims of local plan policy, the AONB Management Plan or the AONB Position Statement on Housing.

A response had also been received from the Campaign to Protect Rural England (CPRE) since the Western Area Planning Committee on 10th June 2015. The CPRE objected to the proposal and considered that the size and volume of the development would have a negative visual impact on the public footpath and was contrary to the adopted AONB Management Plan 2009-2014.

A further representation objecting to the proposed development had been received noting that the Design and Access Statement submitted with the application confirmed that pre-application advice had taken place. In addition the representation sought to clarify that a neighbour had not provided a positive response during a face to face encounter with the applicant.

Since the Western Area Planning Committee comments had also been received from the Inkpen Rights of Way Committee objecting to the development proposed citing the detrimental impact on the footpath through the development of a dominant, overly large two storey gabled domestic building.

The additional consultation responses and representations received were considered to support the officer's recommendation as set out in the Western Area Planning Committee report of 10th June 2015.

Since production of the Western Area Planning Committee minutes of 10th June 2015, Inkpen Parish Council had requested that a condition restricting the installation of external lighting should be attached, if the application was approved, in recognition of the dark skies within the North Wessex Downs AONB. Officers agreed that a condition requiring details of external lighting to be submitted and agreed by the Local Planning Authority, should the application be approved, would be appropriate and had therefore included this with the other recommended draft conditions provided in the appendices.

The site was located outside of any defined settlement boundary. The principle of development was acceptable provided that the proposal complied with the development plan and in particular Local Plan Policy ENV23, and Core Strategy Policies CS14 and CS19. The site also lay within the North Wessex Downs AONB, which the National Planning Policy Framework (NPPF), and Policy CS19 of the Core Strategy afforded the highest level of protection.

Officers considered that whilst the design of the dwelling was not unattractive, the increase in floor area and volume of the proposed dwelling upon the existing dwelling of 130% and 75% respectively, would result in a dwelling that was disproportionate in size to the dwelling being replaced therefore harming the character of the area. The existing dwelling had already been extensively extended. The original dwelling was approximately 74sq.m. in floor area and as such the proposal would result in an increase in floor area of approximately 692% when compared to the original dwelling.

The proposed siting of the dwelling would extend the built form of this part of the village more clearly into the views from the footpath (INKP/17/1), to an extent that the dwelling would be a dominant and jarring feature that would result in an uncharacteristically hard edge to the settlement at this point. The siting of the proposed dwelling close to the rear boundary would increase the likelihood of garden paraphernalia being more visible from

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the footpath. The introduction of a strong boundary treatment to prevent such paraphernalia would further accentuate the hard settlement edge harmful to the character and appearance of the AONB. Furthermore, the design and massing of the building proposed, and the set back of the building beyond the general building line at an angle were considered to be inappropriate to the character of the area. The large gabled features on the front and rear elevations were also not considered to be sympathetic to the street scene and increased the dominance of the proposal. In addition, views into the site from the public road would be opened up as a result of the proposed new access arrangement thereby increasing the visual prominence and intrusion of the proposed replacement dwelling. Although a number of changes had been made to the southern and northern elevations the three gable features to the rear of the property remained and it was considered that the proposed development would still have a negative and over bearing impact on the surrounding area. The application was therefore recommended by Officers for refusal.

The Planning Officer made reference to the appeal decision for application number 13/03005/FUL which was attached to the report as an appendix. The Inspector considered the impact on the public footpath in paragraphs 10 and 11 which stated:

'10. Crucially, the proposed dwelling would be sited further back into the site than the existing bungalow, close to its rear boundary. As such, it would extend the built form of this part of the village more clearly into the views from the footpath referred to above, to an extent that the dwelling would be a dominant and jarring feature that would result in an uncharacteristically hard edge to the settlement at this point.

11. The dominance would be further increased due to the proposed three large gable features on the rear elevation. There would also be the added likelihood of garden paraphernalia being more visible from the footpath, through the utilisation of the lawn area outside of the site to the rear of the proposed dwelling, albeit that it is not lawfully residential land. This would be due to the limited space there would be between the rear of the proposed house and the site boundary. Even if that land outside of the site were to be segregated off with a strong boundary treatment, such a structure would further accentuate the hard settlement edge referred to above.'

The Planning Officer also noted that the Inspector in paragraph 5 of the appeal decision made reference to paragraph 115 of the National Planning Policy Framework which stated that with regard to AONBs great weight should be given to conserving the landscape and scenic beauty of these areas.

Councillor Paul Bryant noted that the percentage increase of volume was 75% and the floor area increase was 130% and he asked for clarification on this anomaly in figures. The Planning Officer advised that part of the development included a flat roof and this therefore reduced the increase in volume. Councillor Bryant also asked if coppice management was a material planning consideration. It was confirmed that it was not.

Councillor Alan Macro referred to pages 57 and 61 of the agenda where there appeared to be some anomaly around the building line. Page 57 of the report in the Reason for Refusal stated that 'the design and massing of the building proposed, and the set back of the building beyond the general building line ...'. Whereas on page 61, paragraph 12 of the appeal decision stated 'although the house would be set further back than other houses, the surrounding dwellings are well spaced without any distinct building line.'. Councillor Macro asked for clarification on this point. Councillor Alan Law felt that the issue around the building line was open to interpretation.

Councillor Graham Pask asked for clarification around the volume of the dwelling which was refused at appeal and the volume of the proposed development. The Planning

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Officer confirmed that the volume of the dwelling dismissed at appeal was 2,070 cubic metres whereas the volume of the proposed development was 1,853 cubic metres, a reduction of 11%. The Planning Officer clarified that the percentage increase in floor area was 130% and that these calculations did not include the detached garage.

In accordance with the Council's Constitution, Dr. D. Thomas, Parish Council representative, Mr. Barrington, objector, Mr. Andrew Rowles, supporter, and Mr. Andrew Spiller, applicant/agent, addressed the Committee on this application.

Dr. D. Thomas in addressing the Committee raised the following points:

- The current application was very similar to the previous one which had been refused at appeal and it was felt that the conclusions which had been reached by the Planning Inspector would still be valid for this application;
- Inkpen Parish Council were in agreement with Officers that the proposed development would be harmful to the North Wessex Downs AONB and was overbearing in nature;
- There had been inaccuracies in the minutes from the Western Area Planning Committee where it stated that The Oaks had been increased by 200% and also in relation to the number of bungalows in the road;
- Inkpen was an historic village which was famous for its wild crocus field and its close association with Combe Gibbet. It also consisted of a number of heritage sites;
- The development site was in open countryside and the erosion of the current bungalow on the site would harm the character and appearance of the area as the scale and height of the dwelling would not compliment the adjacent dwellings bordering the site;
- When the application was considered by the Western Area Planning Committee the focus had been on the dwelling rather than the impact of the development on the village itself;
- The Parish Council felt that the proposed development was too large and too intrusive, it dominated the street scene and did not comply with the Local Plan or the Inkpen Design Statement;
- The applicant had tried to include land outside the curtilage of the property and this included land from the AONB and the Site of Special Scientific Interest (SSSI);
- The applicant demonstrated that he had little concern for the countryside and he had been warned that close mowing should not be carried out in the SSSI but it had continued;
- Moving the proposed development would increase the harm to the AONB and the street scene;
- West Berkshire Council, the Council for the Protection of Rural England, the Parish Council and the Inkpen Rights of Way Committee were all recommending refusal of the application and he urged the District Planning Committee to agree with that recommendation.

Councillor Hilary Cole noted that Dr. Thomas had mentioned the SSSI, however, she felt that he was referring to the Local Designated Wildlife Site. The Planning Officer confirmed that that was correct.

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Councillor Virginia von Celsing stated that the design incorporated land outside the curtilage of the property and the plan gave the illusion that the development was situated in a large garden but this was not the case. The Parish Council felt that the applicant would absorb the Designated Wildlife Site within the development and the fact that the grass in this area had been closely mown gave the illusion that the land was part of the garden.

Councillor Graham Pask asked for clarification on the statement that there had been some inaccuracies in the minutes from the Western Area Planning Committee. Dr. Thomas confirmed that the existing bungalow sat in a row of five low level buildings and the minutes stated that there 'were a few on either side' which gave the impression that the number was not significant. The minutes also stated that the house at the end of Craven Road (The Oaks) had been extended by 200%. This was not true it had been extended by 70%.

Councillor Hilary Cole noted that Inkpen Parish Council had concerns that the proposed dwelling would be intrusive. However, Honeysuckle Cottage was a relatively new property on an elevated site, which in her opinion was even more intrusive, and she asked if the Parish Council had objected to that application. Dr. Thomas confirmed that the Parish Council had objected to that application on the grounds of siting and access.

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

- Mr. Barrington confirmed that he was speaking on behalf of 15 local residents who supported the Officer's recommendation to refuse the application;
- Mr. Barrington made reference to the Development Plan and to the AONB position which stated that replacement dwellings in the countryside should not be larger or higher than the existing dwelling;
- The Planning Inspector in his determination of the appeal for the previous planning application on the site gave significant weight to the Council's Supplementary Planning Document in relation to Replacement Dwellings and Extensions to Dwellings in the Countryside, the AONB Management Plan 2009-2014, Supplementary Planning Guidance and the Inkpen Village Design Statement;
- The proposed development also did not comply with the National Planning Policy Framework or the Local Plan and it therefore undermined a number of national and local policies;
- The proposed development would be harmful to the nature of the AONB due to the size and mass of the dwelling and would therefore have a negative environmental impact;
- The issue in relation to the footpath was important and it was felt that the dwelling would have a jarring effect on the footpath;
- Screening did not make a large scale development acceptable and it could set a precedent for similar applications in the area and across the district;
- Mr. Barrington felt that there had been a misrepresentation as the route of the footpath as indicated by the agent had been incorrect.

Councillor Graham Pask noted that at the recent site visit Members walked the footpath and he queried whether the route of the footpath was now shown correctly on the plan. Mr. Barrington confirmed that the route indicated by the agent had been incorrect but that the footpath as walked was correctly shown on the plan included in the agenda papers.

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

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- Mr. Rowles confirmed that he had called in the planning application in February 2015, whilst still a District Councillor, as it had been recommended for refusal by Officers under delegated powers;
- Mr. Rowles respected the views of Officers and other interested parties but on the whole he felt that this was a balanced application;
- The three main objections to the application were in relation to (i) that it was out of character with the street scene; (ii) there was a significant increase in the floor area; and (iii) it could be seen from the footpath;
- Other properties in Craven Road had been increased substantially and in particular The Oaks, although it might not have been increased by 200% it had been increased by over 50%. He felt that it was unfair that dwellings could only be increased by 50% in the countryside whereas in the towns it was possible to increase the size of a property by 100%;
- Craven Road was rural in nature and part of the character of the area was the diversity within it – there were Council houses at one end and a public house at the other with a range of cottages, bungalows and houses interspersed along the road. One cottage along the road had Dutch style windows;
- Mr. Rowles queried whether ribbon development was right for Inkpen;
- In regard to the issue of the footpath he questioned whether the proposed development would be seen from the footpath. Even if part of it could be seen from the footpath he could not see anything wrong with that as other properties were in sight along the footpath and he therefore did not understand the need to preserve the view;
- Mr. Rowles asked the Committee to approve the application.

Councillor Garth Simpson asked for clarification as to whether Vale Farm had originally been a bungalow. Mr. Rowles confirmed that it had been a bungalow and was now a two storey dwelling. He thought that the premises were currently used as an equestrian facility.

Councillor Alan Macro queried the statement in relation to the percentage increase in the countryside as opposed to the town and did not think that it was correct. Councillor Alan Law confirmed that there was no prescriptive rule around the percentage increase inside settlements but that it was around bulk and proportionality.

Councillor Alan Law asked for comments from Officers as to whether they considered that the decision on the application had been finely balanced as suggested by Mr. Rowles. The Planning Officer confirmed that there were clear reasons for refusal of the application.

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

- Mr. Spiller stated that Supplementary Planning Guidance noted that either volume or area comparisons could be used. Consequently a volume comparison had been used which indicated that the proposed dwelling was 75% bigger in volume than the existing bungalow but only 42% when the detached garage was included in the calculations. There was commentary to support the view that the garage could be included;
- In terms of the ridge height the proposed dwelling was only 1.2m higher than the existing bungalow and it was 1.5 storeys high and not 2 as had been stated and therefore the impact would be minimal;

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- Mr. Spiller referred to the previous scheme and the reasons for dismissal of the appeal. The main concern had been around the visual impact of the proposed dwelling from the footpath. In order to mitigate this, the size of the dwelling had been reduced by approximately 0.7m in height, 69sq.m. in floor area and 217 cubic metres in volume and it had been rotated so that the distance between the rear of the proposed dwelling and the rear residential boundary had been increased by 5m at the closest point. Photographs taken in January showed that it was not possible to see the current property from the footpath and it would not be possible to see the new one either;
- Another concern had been around the volume increase of 75% which it was felt was disproportionate. Mr. Spiller confirmed that the proposed dwelling would be lower on the site on sloping ground and therefore the impact would be minimal;
- Mr. Spiller stated that there did not appear to be a distinct building line along Craven Road. The new dwelling faced Craven Road but would be set back;
- There were other examples of dwellings with gables in the surrounding area.

Councillor Pamela Bale asked for clarification that the roof height was 1.2m higher than the existing dwelling but that the proposed dwelling would be set down lower in the site. Mr. Spiller confirmed that that was the case.

Councillor Keith Chopping referred to the comment made by Inkpen Parish Council that the applicant appeared to have little concern for the countryside. Councillor Chopping felt that the proposed dwelling had been designed sensitively, the impact on the site would be minimal and that it would not be visible from the footpath. There was an existing bank on the property which it was proposed would be extended round to the front of the site.

Councillor Graham Pask asked for comments on the relevance of including the garage when calculating the volume. He also asked whether the bungalow had been subject to any previous extension. Mr. Spiller responded that when calculating the additional volume this would not normally include any outbuildings but they could be considered on their own merit. This was a detached garage within a residential curtilage and the Council could include it in the calculations if it wished to do so. Councillor Pask noted that this would be quite a large house and he therefore questioned whether further applications would be likely to be made in the future for the construction of a garage. Mr. Spiller confirmed that the applicant used the current garage as a gym which was being accommodated within the proposed dwelling and he therefore would not have a need for a garage in the future. Mr. Spiller informed Members that the bungalow has last been extended in 1977. Councillor Pask queried whether the percentage calculations had been based on the bungalow as built or on the existing footprint. Mr. Spiller confirmed that they were based on its current form.

Councillor Hilary Cole raised concerns around the curtilage and in particular the incursion into the wildlife area. On the site visit she noticed that the green area of land had fruit trees on it and she queried if that had been an orchard at some stage. Mr. Spiller stated that he did not know the history of the site but he had been told that it was agricultural land. A few years ago a Certificate of Lawful Use had been applied for but there had been no evidence to prove that it had been used as a garden for 10 years or more.

Councillors Anthony Stansfeld and James Cole, as Ward Members, in addressing the Committee raised the following points:

- Councillor Anthony Stansfeld stated that it would be unusual to over-rule a clear recommendation from Officers and the Parish Council for refusal of the application;

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- The decision taken by the Western Area Planning Committee to approve the application went against the Inkpen Village Design Statement and a number of West Berkshire Council policies such as the Local Plan and the AONB Management Plan. There was no point in having these policies in place if they were routinely over-ruled;
- Approval of this application would open the door for the development of further large houses which would mean that the opportunity for people to downsize would be reduced;
- Councillor James Cole confirmed that the application was for a large house which he felt would need additional outbuildings for storage etc;
- The grassed area to the rear of the property had been cut quite low and it was obvious that the intent would be to include this within the garden area of the property;
- Councillor James Cole referred to the comments from the Tree Officer which had been included on the Update Sheet. One of the large pine trees on the site which would be adversely impacted by the proposed development and there was a possibility that it would go into decline or die as a result of damage to the crown and roots due to the close proximity of the proposed dwelling;
- Councillor James Cole was in agreement with the comments made by the Parish Council and stated that the number of medium to large houses built in Inkpen had increased dramatically recently and he was of the opinion that no value to the community would be achieved through this application.

Councillor Paul Bryant asked how this proposed development went against the Inkpen Village Design Statement (VDS). Councillor Stansfeld stated that the VDS was against small houses being developed into larger houses as this did not provide the sort of accommodation that young people could aspire to.

The Planning Officer referred to paragraph 6.1.5 of the report to the Western Area Planning Committee where it stated that criterion b) of Policy ENV23 specifically referred to the dwelling being replaced and not the original dwelling. As such it was the existing dwelling upon which the calculations had been based. Paragraph 6.1.12 went on to say that the existing dwelling had been extensively extended upon the original. The original dwelling was considered to have been approximately 74sq.m. in floor area and as such the proposal would result in an increase in floor area of approximately 692% upon the original dwelling.

David Pearson, the Development Control Team Leader, stated that there had been a number of comments on the various issues and that it was up to Members to determine the application and to decide whether the material circumstances warranted refusal of the application. It was necessary to consider the material circumstances, what those might be and the impact of any decision across the district as a whole. In the Inspector's appeal report there had been little comment around the disproportionality but more around the high quality of the design.

Councillor Alan Law asked for clarification from Officers as to whether the garage should be included in the calculations or not. The Planning Officer referred Councillor Law to paragraph 6.1.9 of the Western Area Planning Committee report which stated that 'The loss of an existing outbuilding is a material consideration that would weigh in favour of the proposal. However, as the outbuilding is located approximately 10 metres from the existing dwelling this outbuilding would not be included in the calculations for percentage increase, in accordance with the SPG 'Replacement Dwellings and Extensions to

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Dwellings in the Countryside'. Paragraph 9 of the appeal decision also stated that 'Whilst the existing garage would be removed, the volume of this, being noticeably detached from the main dwelling, does not have the same visual or massing effect as would be the case with that volume being consolidated in the one proposed building.'

In considering the above application Councillor Graham Pask referred to the policy around proportionality. Residents in the district had previously expressed concerns on this issue which was why the policy had been developed and adopted and whilst Councillor Pask had some sympathy with the applicant he was of the opinion that the rules on proportionality had been stretched too far in this instance. He confirmed that he had read through the appeal decision for the previous application and he was struggling to see the main differences between the two applications. The CPRE and the North Wessex Downs AONB were also against the proposed development.

Councillor Keith Chopping was troubled by the application. A whole range of percentages and calculations had been referred to during the discussion on the application. He confirmed that he had no problem with the replacement of the bungalow with a house in this instance. The issue with the right of way could be a red herring as the footpath to the right of the development site ran through two existing buildings. He felt that the dwelling would sit well on the site and was of a good design using high quality materials and that the view from existing properties would not be affected. Councillor Chopping referred to paragraph 115 of the National Planning Policy Framework as mentioned in the Inspector's report and he was of the opinion that this referred to sweeping downlands and therefore was not relevant in this instance. He did, however, feel that the dwelling was sited too far back on the site.

Councillor Garth Simpson had a number of issues such as the SSSI, the Wildlife Heritage Site, the hard edge, the building line and volumes. He was most concerned about the volumes and he felt that further out-buildings would be required on the site for storage of garden equipment and tools. The issue around the footpath seemed to be over emphasised as he felt that the proposed dwelling would be less intrusive as it would be built from high quality materials. He had concerns around the village of Inkpen losing existing dwellings and being replaced by large properties which no-one would be able to afford.

Councillor Hilary Cole confirmed that when this application had been considered at the Western Area Planning Committee on 10th June 2015 she had been Portfolio Holder. The determination of the application by the Western Area Planning Committee had been unanimous. She felt that the house would sit low in the site and would be sheltered. The AONB was a consideration but she referred to Honeysuckle Cottage which was sited on higher ground and therefore was more intrusive. The close boarded fence around the current property was unlawful and was not particularly attractive and she felt that it had been disappointing that the CPRE and Inkpen Public Rights of Way Committee had not responded in time when the application had been considered by the Western Area Planning Committee. In relation to the appeal decision she stated that at times the Planning Inspectorate did make decisions which were not reasonable and therefore too much emphasis should not be placed upon that although it was recognised that it was a material consideration. Councillor Cole confirmed that she was still minded to support the application.

Councillor Paul Bryant stated that the key issue was around the numbers and the size and mass of the dwelling. The design of the building was modern but it was attractive and there was a variety of building designs along that road. The site was fairly sheltered and therefore the dwelling would not be highly visible and he felt that the view from the footpath of an attractive house would not be intrusive. Councillor Bryant recognised that

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Inkpen was in need of more starter homes and the proposed dwelling did not fall into that category as it was a five-bedroomed house.

Councillor Virginia von Celsing concurred with the comments already made. The footpaths around Inkpen did already go through built up areas and therefore this was not an issue. If the application was approved she suggested that a condition be included to remove the spruces which were not natural to the downland area.

Councillor Pamela Bale noted that this was a proposal to replace a small dwelling with a large house and Members needed to be mindful of the comments from the Parish Council. Parish Council's had been asked to produce Village Design Statements and therefore they should be taken into account when determining planning applications.

Councillor Paul Hewer confirmed that he was struggling to support the Officer recommendation. He knew the site well and he felt that the proposed development would sit nicely in that area.

Councillor Alan Law noted that a number of Members had made reference to the percentage increases and the figures of 50% and 100% were only there for guidance. The key issue was around proportionality and Members would need to decide whether the proposed application was too large. Should Members be minded to approve the application then they would need to consider what the special circumstances were in order to over-rule the Officer recommendation.

Councillor Graham Pask liked the design of the dwelling and felt that it sat well on the site. However, the proposed application was against policy and he therefore proposed the Officer recommendation to refuse planning permission. This was seconded by Councillor Pamela Bale. The Chairman invited Members of the Committee to vote on the proposal to refuse planning permission but this was lost on the vote.

A counter proposal to go against the Officer recommendation and grant planning permission was proposed by Councillor Hilary Cole and was seconded by Councillor Paul Hewer. This would include the additional condition as set out in the Update Sheet around details of the finished floor levels. It was also noted that Permitted Development Rights would be removed. Again the Chairman invited Members of the Committee to vote on the proposal to grant planning permission and this was carried on the vote.

The special circumstances for allowing this planning application were in relation to:

- The impact of this development in relation to size and massing on the surrounding areas would not be as great as had been suggested;
- The Committee disagreed with the Planning Inspector in relation to the view of the proposed development from the footpath in open countryside.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions:

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 comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall be carried out in accordance with drawing title numbers P-21-001 Rev PL1, P-20-002 Rev PL1, P-20-001 Rev PL1, P-01-002 Rev PL1, P-00-002 Rev PL1 and E_00_001 Rev PL1 received on 2nd February 2015 and drawing title number P-01-001 Rev PL1 received on 6th May 2015.

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

3. No development shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the building hereby permitted, 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 materials. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV23 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Inkpen Village Design Statement (2002) and Supplementary Planning Document Quality Design (June 2006).

4. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site is submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority. The scheme of fencing must include a boundary treatment along the north-eastern boundary of the residential curtilage.

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. Furthermore a strong boundary treatment is required along the north-eastern boundary of the residential curtilage to ensure that a change of use of the amenity land to the north east does not occur. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies ENV22 and ENV23 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Inkpen Village Design Statement (2002) and Supplementary Planning Document Quality Design (June 2006).

5. No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved temporary parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives, visitors, and other persons working on the site during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of offsite parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing (to incorporate

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the use of a porous material to any hard surfaced areas) and materials to be used, a schedule 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 scheme within the first planting season following the completion of the development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition; 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 next planting season by plants of the same size and species; and
- c) details of the carrying out of any earth moving operations concurrently with the carrying out of the building and other works.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and hard surfacing in the interests of visual amenity. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14, CS16 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV23 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Inkpen Village Design Statement (2002) and Supplementary Planning Document Quality Design (June 2006).

7. No development or other operations (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, to be in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV23 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Inkpen Village Design Statement (2002) and Supplementary Planning Document Quality Design (June 2006).

8. No development or other operations shall take place until details of the proposed access, hard surfacing, drainage, soakaways and services providing for the protection of the root zones of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

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Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV23 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Inkpen Village Design Statement (2002) and Supplementary Planning Document Quality Design (June 2006).

9. No development, site clearance or other preparatory works shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV23 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Inkpen Village Design Statement (2002) and Supplementary Planning Document Quality Design (June 2006).

10. The dwelling hereby approved shall not be occupied until a detailed site management plan that maintains and enhances the designated Local Wildlife Site to the rear of the site, within the blue line area shown on drawing number E_00_001 Rev PL1 received on 2nd February 2015, has been submitted to and approved in writing by the Local Planning Authority. Such approved plan will be implemented in full.

Reason: To ensure a suitable plan for biodiversity opportunity within the designated Local Wildlife Site is achieved. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy (2006-2026).

11. The dwelling hereby approved shall not be occupied until the vehicle parking and turning space have been provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with 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.

12. The dwelling hereby permitted shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). The dwelling shall not be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

DISTRICT PLANNING COMMITTEE - 8 JULY 2015 - MINUTES

13. No demolition or construction works shall take place outside the following hours:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding AONB. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV23 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007 as well as Supplementary Planning Document Quality Design (June 2006).

15. No development shall commence until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the external lighting has been implemented in accordance with the approved details. No additional external lighting shall be installed on the site without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The site is located within the North Wessex Downs AONB and the area is unlit at night and benefits from dark skies. Inappropriate external lighting would harm the special rural character of the AONB. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV23 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Inkpen Village Design Statement (2002) and Supplementary Planning Document Quality Design (June 2006).

16. No development shall take place until details of the finished floor levels of the dwelling hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

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(The meeting commenced at 6.30pm and closed at 8.10pm)

CHAIRMAN

Date of Signature

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY, 19 MAY 2016

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

Apologies: Councillor Alan Law

PART I

1. Election of Chairman

RESOLVED that Councillor Alan Law be elected Chairman of the District Planning Committee for the 2016/17 Municipal Year.

2. Apologies for Absence

An apology for absence was for inability to attend the meeting was received on behalf of Councillor Alan Law. Councillor Paul Hewer acted as substitute for Councillor Alan Law.

3. Appointment of Vice-Chairman

RESOLVED that Councillor Hilary Cole be appointed as Vice-Chairman of the District Planning Committee for the 2016/17 Municipal Year.

(The meeting commenced at 8.08 pm and closed at 8.09 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item (1)	16/00924/OUTMAJ
Title of Report:	Land at 115 London Road, Newbury. Ressance Land Limited. Demolition of existing buildings, erection of 35 flats and 1700m2 of office space. Associated parking and access.
Report to be considered by:	District Planning Committee
Date of Meeting:	27 th July 2016.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00924/OUTMAJ>

Purpose of Report: **For the District Planning Committee to determine the application in question.**

Recommended Action: **The Western Area Planning Committee, at the meeting on 29th June 2016, recommended that the application be approved subject to the first completion of the required s106 planning obligation.**

Reason for decision to be taken: The application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026. Policy CS9 refers.

Key background documentation: Western Area Planning Committee on 29th June 2016 Agenda Report and minutes, plus update sheet.
Application file 16/00924/outmaj.

Key aims.

Focus development on the existing urban areas
Promote vibrant town centres and local economic growth.
Achieve sustainability in Council planning decisions.
Provide new housing on brown field sites.
Provide additional employment space in the town.

The proposals contained in this report have to be considered in order to help to achieve the above Council Strategy as set out in the 2013 to 2018 document.

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel. No.:	01635519111
E-mail Address:	Michael.butler@westberks.gov.uk

Implications

Policy:	Core Strategy Policies – ADPP1, CS5, CS6, CS9, CS16, CS19.
Financial:	If approved the Council will receive CIL payments via the scheme of circa £175,000, plus new homes bonus and additional rates / Council tax per annum - estimated to be in total circa £500,000.
Personnel:	N/A
Legal/Procurement:	N/A
Property:	N/A
Risk Management:	N/A
Equalities Impact Assessment:	N/A

EXECUTIVE SUMMARY

1 INTRODUCTION

- 1.1 The Western Area Planning Committee on 29th June 2016 considered an agenda report for the application as noted. This comprised the demolition of the existing office block on the site and the erection of 1700m² of office space, plus 35 flats, 10 of which will be affordable. In addition 84 parking spaces are to be provided on the site. Access will be via Kelvin Road to the east. The application is in outline form with just access to be considered at this stage by the Council.
- 1.2 Policy CS9 in the Core Strategy 2006 to 2026 is an employment protection designation on the land in question. This means that essentially non-employment generating developments, such as housing, will not be permitted, unless exceptional circumstances pertain. Clearly in this application, housing is being promoted by the Developer. Accordingly the application, if approved, would be contrary to policy CS9 and so comprise a departure from the Development Plan. The application has been advertised as such, in addition.
- 1.3 In this particular case, officers and indeed the Western Area Planning Committee are recommending to the District Planning Committee, that the application be approved. This is because within the application, not only is housing a component, but also office development, with an increase over and above the existing floorspace of 700m². If one assumes a density of 1 employee per 20m², this equates to potentially 35 more employees on the site, in addition to the 50 possible within the existing 1000m². The developer also makes the case that the new office build will be built to a far higher specification than that as existing, and will regenerate a tired sector of town which is a visual gateway to the town. It will also provide 10 affordable housing units via the proposed s106 obligation. If this application is approved, the subsequent reserved matters application will determine the scale, layout and appearance of the building in question.

2 CONCLUSION

- 2.1 Bullet point 1 of paragraph 17 in the NPPF [Core planning principles], notes that inter alia, planning should be genuinely plan led, and should be kept up to date. In addition, paragraph 22 of the same document notes that “planning policies should avoid the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose”. Clearly, these two points appear to conflict. In this instance, both officers and the Western Area Committee consider that the present application should be approved, given the benefits arising, identified above. That is, the harm to policy CS9 will be minimal, and it will not be undermined in regard to subsequent applications for housing on policy CS9 sites in the District. In addition, it is a long held tenet of planning advice, and indeed legislation, that every application must be treated on its own individual planning merits.

3 RECOMMENDATION

- 3.1 That the District Planning Committee **GRANT** planning permission to planning application 16/00924/OUTMAJ, subject to the first completion of the required s106 obligation to deliver the 10 affordable units on the site, with the conditions as noted on the agenda reports and update sheet.

APPENDICES

- 1 WAP Committee Report of 29th June 2016
- 2 Update report to WAP on 29th June 2016
- 3 Minutes of meeting held on 29TH June 2016.

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Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	16/00924/OUTMAJ Newbury Town Council		Demolition of existing building, erection of 35 flats with associated 1700m2 of office space and associated car parking and access. 115 London Road, Newbury. Ressance Land Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00924/OUTMAJ>

Recommendation Summary: **The Western Area Planning Committee resolve to recommend approval to the application to the District Planning Committee.**

Ward Member(s): Councillors Benneyworth and Fredrickson

Reason for Committee determination: The application, if approved would comprise a departure from extant planning policy CS9

Committee Site Visit: 23rd June 2016.

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel No:	(01635) 519111
E-mail Address:	mbutler@westberks.gov.uk

1. Site History

13/02803/PACOU. Change of use of offices to 14 flats. Not required. December 2013. Not implemented.

14/001524/OUTMAJ . Erection of 42 flats. Refused. Dismissed at appeal. July 2015.

14/02589/OUTMAJ. Erection of 37 flats. Refused. Dismissed at appeal. July 2015.

14/00952/PACOU. Prior approval of Merchants Court to the south. 28 flats. Implemented.

2. Publicity of Application

Site notice displayed on 19 April 2016. Expiry on 10 May 2016. Advertised as a departure.

3. Consultations and Representations

Newbury Town Council	Support/comment. It would comprise a landmark building on a prominent entrance point to Newbury. Help to regenerate the area. Concerns with regard to the appeal dismissal have been addressed.
Newbury Society	Welcomes the application. Good design but concerns about the shared parking situation.
Highways	Remaining concerns with the use of shared parking spaces of residential use and office use. Issue is still being considered. Now resolved via amended plans.
Environment Agency	No response received.
Archaeologist	No observations to make. Site of little archaeological importance.
BBOWT	Conditional permission. Landscape and ecological management plan.
Natural England.	No objections to the application.
Thames Water	Grampian condition to be applied re. drainage strategy on site.
Transport Policy.	Accept that the site is in a sustainable location with good cycling provision and improving links to the town centre. However concerned as highways with the cross over provision of parking on site. Now resolved.
Conservation Officer.	The new design of this scheme overcomes previous concerns regarding the impact on designated heritage assets including the town conservation area and listed buildings. On balance, acceptable.
Waste management.	Originally objected. Now notes that in the reserved matters application full details of bin stores as close as possible to the adopted highway needs to be addressed.
Tree Officer.	Conditional permission.
Planning Policy.	It is noted that the proposed residential use is clearly contrary to adopted policy CS9 in the CS. However it is also noted that the scheme adds 700m ² of B1 a space on site. Case officer needs to weigh policy issues in the balance. Flooding and sequential tests need to be addressed. If approved would be a departure.
Environmental Health	Conditional permission recommended.
Fire Service	No further hydrants required.
Housing	In accord with policy 30% of the units should be affordable i.e. 10 units via a s106 obligation.
SUDS	Conditional permission is recommended.

Defence Infrastructure Organisation.	No objections.
Education.	CIL will be sufficient to meet the Council education needs arising, i.e. no s106 obligation needed.
Representations.	No letters received from the public.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026. Policies ADPP1, CS5, CS6, CS9, CS16, CS19.

West Berkshire HSA DPD. Policy P1 - parking standards.

5. Description of Development

5.1 The application site is 0.39ha in extent and lies on the north-west quadrant of the London Road Industrial Area. It is presently a partially vacant two storey office block. The application is submitted in outline form with the access, layout and scale to be considered at this stage. The proposal is to demolish the present building entirely and erect in its place 35 flats [Two 1 bed, twenty 2 bed and three 3 bed]. 10 of the units will be for affordable purposes i.e. 30%. In addition, attached to the building to the north will be the offices of 1700m², an increase of 700m² over the existing space. Car parking was originally set out for 72 spaces on the ground floor an increase of 42 over the existing 30 spaces with 103 cycle spaces in addition. Via amended plans this number has now increased to 84 spaces in total. Access will be from Kelvin Road to the east. The building will be 4 storeys in total and, whilst appearance is reserved for future consideration, the illustrative drawings give an indication of considerable glazing and a contemporary approach in terms of design.

6.0 Consideration of the application.

The application should be considered under the following issues.

6.1 - The planning policy position.

6.2 - The mixed use parking issue.

6.3 - The conservation/design issues.

6.4 - Other issues.

6.1 Planning policy

6.1.1 Paragraph 22 of the NPPF notes that Local Planning Authorities should avoid the long term protection of employment sites, where there is no reasonable prospect of a site being used for that purpose. The application site comprises a policy CS9 site which allows for employment uses only to be permitted, unless an exceptional case can be made. In this instance, it is recognised that whilst housing is being provided, on site, the following is apposite:-

A - Policy ADPP1 sets out that Newbury will be the principal location for new housing in the District to 2026, and sustainable locations on previously developed land is encouraged.

B - It is noted that the scheme will increase offices by 700m² whilst retaining the present office space of 1000m². The schemes dismissed at appeal had no employment space associated with it. This could potentially provide employment for up to circa 85 employees.

C - The application, if permitted, will regenerate a tired part of the town in what is a prominent location so close to the Robin Hood roundabout. This will have economic and visual benefits, in accord with both the Vision for the LRIE, and the advice in the NPPF.

D - para 24 of the NPPF notes that applications for town centre uses [such as offices] where to be located in non town centre sites such as this one, should have the sequential test applied. In this case, given that there are offices already existing on the site, and it is possible that through the Local Plan review process the LRIE area may become part of Newbury Town Centre [in policy terms] in the future, officers have taken a pragmatic and flexible approach in not seeking this test be applied in this instance. This is consistent with the officer approach taken in past applications on the site.

E - part of the application site lies in flood zone 2 - mostly the access road. The Environment Agency did not object to the previous applications for dwellings on the site, so it is assumed they will not do so with this application.

6.1.2 Officers consider that the principal policy issue to be considered in this case corresponds to policy CS9 and protected employment areas. It is acknowledged that in past appeal decisions as on Faraday Plaza [12/00772/XOUTMAJ] the Inspector, allowed the appeal, notwithstanding the fact that housing formed a component of that scheme [160 units]. This was on a CS9 site as well. In addition a similar approach was taken by the Council in permitting the housing and offices at the Travis Perkins site also on a PEA, elsewhere in the town. [13/00835/fulext refers]. Given that not only will visual and regeneration benefits arise from the proposal, plus the provision of 10 affordable units and the additional 700m² of office space, the application, on balance is considered favourably by officers, although it does not comply with policy CS9 as such. Hence it comprises a departure. As the Inspector noted in his letter on Faraday Plaza, the Council should not take a short sighted approach to such matters, with a rigid approach to extant policy.

6.2 Parking provision.

6.2.1 The Council has recently published the HSADPD in November 2015 , now being considered by the Inspectorate .Within that document , the Council has issued new parking standards , inter alia, for new dwellings, including flats. Policy P1 notes that since the application site lies in parking zone number 1, a need for 53 spaces would be required. In addition, for the 1700m² of office space, a need for 49 spaces. Accordingly, if the plans had remained as originally 72 spaces, in theory only 23 spaces would have remained for the 35 flats, which is clearly inadequate. The Highways officer and Transport policy officer both had concerns over the approach advanced by the applicant that a mixed use of the parking would occur on site, over each working day – clearly at weekends the situation would not be a problem. In addition the very good level of cycling provision [103 spaces] and the highly sustainable location of the site would assist. Notwithstanding this, the applicant was requested to submit revised plans indicating a total of 84 spaces, which has been done. This figure is based on a figure of 35 spaces allocated to residential parking, so that each flat has one dedicated space. In addition 31 spaces would need to be allocated to the office use and 18 spaces being shared which will then avoid any additional parking pressures being placed on the surrounding road network within Faraday Road industrial area, which would be contrary to both policy and amenity, including local road safety. The revised layout plan will be conditioned such that the allocated spaces are so designated on the site and this can be “followed up” via any reserved matters application, should this outline application be approved. It is important for the Committee to note that access IS one of the matters to be examined at this outline stage. In conclusion it is accepted that the development as proposed is acceptable in terms of the parking provision on site having regard to the latest Council parking policies.

6.3 Conservation / Design issues.

6.3.1 It is necessary to note in this case that planning applications 14/01524 and 14/02589, as noted above were dismissed at appeal. One of the reasons for dismissing these two schemes was their massing, scale and location on the application site, having regard to the prominent corner location, and the position of designated heritage assets, being the listed public house to the north the listed Shaw Terrace crescent, and the town conservation area adjacent. The Inspector in particular recognised the height of the proposals at 5 storeys and the proximity to the highway edge, so creating a more dominant visual impact, on the street scene. He accordingly believed the

schemes would not enhance the local townscape, but rather have a detrimental impact on heritage assets and so not be in accord with advice in the NPPF and in policy CS19 in the Core Strategy.

6.3.2 The applicant, in this case, has attempted to resolve these design inadequacies. The following is apposite. It is important therefore that any new proposals for this site address the issues previously raised, and notwithstanding “appearance” remaining as a reserved matter, the applicants have demonstrated a much improved approach to the development of the site, addressing the Inspector’s (and this Council’s) concerns about scale and layout. In particular the complete redevelopment of this important corner site, rather than retention and extension of an existing building on the site, allows for a more unified design approach and a more considered “landmark” building (which it is noted that the Newbury Society and Newbury Town Council are content with in terms of design). The reduced height of the building and its set back are welcomed, and will allow replacement landscaping. The new building on the north elevation will be no more than 14.5m high, and 16m at its greatest, with a maximum set back of 8m from the highways edge which is acceptable. Reference is made to the use of traditional materials in the some of the supporting paper work, including reference to red/orange bricks, although the illustrative drawings and supporting text indicate a contemporary, glazed structure (with presumably limited brick work). “Appearance” is however a reserved matter, and therefore potentially subject of further consideration. This can be conditioned as appropriate.

6.3.3 Accordingly, given the above and the fact that the scheme is now taken to comply with policy CS19 in the CS, there will potentially be a substantial improvement to the local street scene by this new landmark building on this corner site, which is to be encouraged. On this issue the scheme is acceptable.

6.4 Other issues.

6.4.1 The application, if approved, will be liable for CIL charges. These cannot be calculated exactly at present given the fact that the application is in outline form. At present the net additional residential space is noted as being 3,273m² which @ £75/m² would be circa £175,000, when the affordable unit allowance is taken into account. In addition, should the application be approved, it will be subject to the first completion of a s106 planning obligation to ensure that the 10 affordable units are delivered. Next, it is anticipated that any ongoing concerns of waste colleagues can be addressed at the reserved matters stage, as identified above. Flooding and archaeological issues are not a barrier to approval, and environmental health colleagues have not raised any issues regarding the noise of living so close to the busy A339 or indeed air quality issues, which would merit rejection of the scheme. Although SUDS colleagues have not responded at the time of writing the report, it is noted that a drainage strategy condition will be applied as requested by Thames Water. Finally the Education Section have confirmed that no additional contributions are required via a s106 obligation, other than through CIL.

7.0 CONCLUSION

7.1.1 All planning applications are required to be determined in accord with the provisions of the NPPF in terms of the three tenets of sustainability. Firstly, in economic terms the application is to be encouraged. It will provide not only 1700m² of new office floor space, with up to c85 employees on site, but also the construction benefits during that phase. In addition, extra expenditure from the new residents and employees in the town will assist the local economy, with a new homes bonus, additional rates and the CIL charges being payable - estimated to be a total of some £500,000, excluding annual council tax. Secondly, in social terms the application has benefits in terms of the additional social housing, and having a regenerative impact on this sector of the town. Finally, in environmental terms, it is recognised by officers that the scheme, via reserved matters, will be of an acceptable impact in terms of design, location and scale. Parking and access issues have now been resolved satisfactorily.

7.1.2 It is the policy issue of CS9 which is the turning point on the application as a whole. For the reasons as set out above, whilst it is not disputed that the application, if approved would be in

conflict with that policy, officers believe the planning balance lies in favour of approval. Accordingly the application is duly recommended for approval, but first it must be considered at District Planning Committee.

8. RECOMMENDATION.

The Western Area Planning Committee resolve to recommend the application for approval to the District Planning Committee with a s106 obligation attached to achieve the 30% affordable housing and relevant conditions as noted below.

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:

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.

1. 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'.

2. 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 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.

3. 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.

4. 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:

5. 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.

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. 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 site ready for sale purposes.

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 ie 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;
- 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.

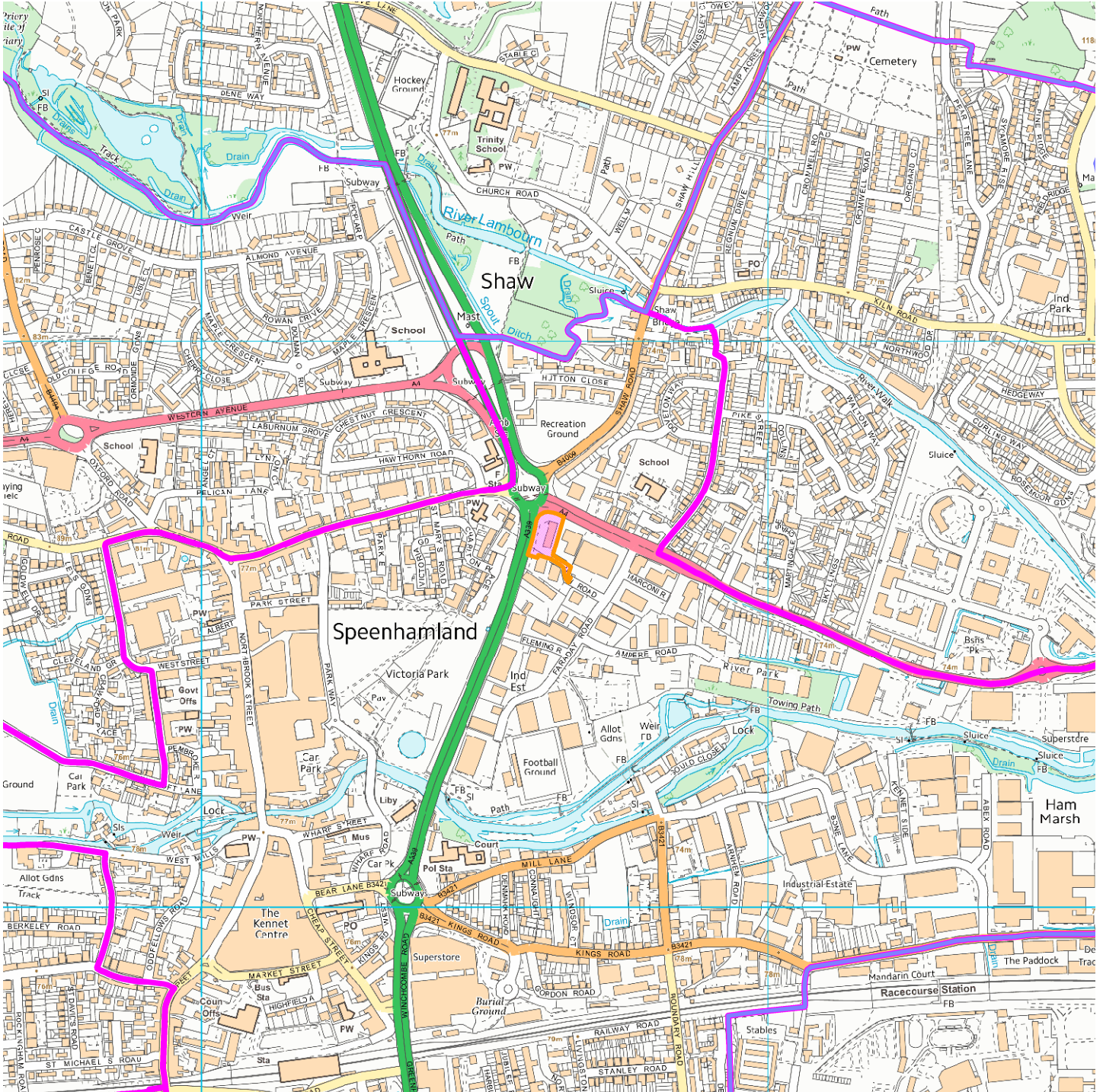
Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient 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).

INFORMATIVE:

- 1 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.

DC

115 London Road and part of Merchant Court, Kelvin Road, Newbury



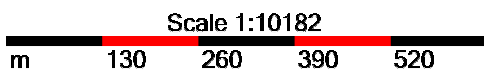
Map Centre Coordinates :

Scale : 1:10181

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Organisation	West Berkshire Council
Department	
Comments	
Date	15 June 2016
SLA Number	0100024151



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**WESTERN AREA PLANNING COMMITTEE
ON 29 JUNE 2016**

UPDATE REPORT

Item No: (3) **Application No:** 16/00924/OUTMAJ **Page No.** 49 - 60

Site: 115 London Road and part of Merchant Court, Kelvin Road, Newbury

Planning Officer Presenting: Michael Butler

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: N/A

Supporter(s) speaking: N/A

Applicant/Agent speaking: Mr Duncan Crook

Ward Member(s): Councillor Dennis Bennyworth
Councillor James Fredrickson

Update Information:

An amended plan has been submitted which notes the specific allocated parking spaces for each land use. This will be conditioned as in the agenda report. Highways officer now satisfied with the application as amended. Recommends the following conditions to be added.

1 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).

2 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).

3 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).

4 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).

DC

DRAFT

Extract of the minutes of the Western Area Planning Committee held on the 29 June 2016

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

(3) Application No. and Parish: 16/00924/OUTMAJ - 115 London Road, Newbury.

(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda item 4(3) by virtue of the fact they were members of Newbury Town Council and had been present when the application was discussed by the Town Council, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest, they determined to take part in the debate and vote on the matter.)

The committee considered a report (Agenda Item 4(3)) concerning Planning Application 16/00924/OUTMAJ in respect of the erection of 35 flats with associated office space at 115 London Road, Newbury.

Michael Butler introduced the report to Members, and in so doing took account of all the relevant policy considerations and other material considerations. He reminded Members that if they wished to approve the application, it would be forwarded to the District Planning Committee for further deliberation, as it was contrary to planning policy Core Strategy (CS) 9.

The application sought full permission for the demolition of the existing building and the erection of 35 flats with 1700 square metres of office space, together with car parking and access. The site history showed that two earlier planning applications had been dismissed at appeal as they were also contrary to planning policy CS9.

Newbury Town Council was supportive of the application and the concerns raised by Highways had been resolved. In addition, the Conservation Officer had stated that the application was acceptable, Environmental Health had not raised any objections and neither had Sustainable Drainage (SUDS). Even though the application was contrary to planning policy CS9, it did include 1700 square metres of B1 office space, which was an increase of 700 square metres over the existing space. Thirty percent of the residential dwellings would be affordable and a legal agreement would be entered into in respect of this.

Other benefits of the scheme included support of policy Area Delivery Plan Policy 1 (ADPP1), which set out that Newbury was the principal location for new housing and, unlike the previous schemes dismissed at appeal, it included employment space. The application would regenerate a neglected part of the town and officers had taken a flexible approach in not seeking that the sequential test should be applied. This was in relation to applications for offices being located in non-town centre sites such as this, as there were offices already on the site. In addition, the London Road Industrial Estate might become part of Newbury Town Centre in policy terms when the Local Plan review took place.

The site would include 84 parking spaces with 35 being for residential use, 31 for office use and the remaining 18 to be shared. This had been a point of contention with officers but had now been resolved.

There would be a Community Infrastructure Levy (CIL) charge for the residential units and if Members were minded to approve the application, the additional four conditions recommended by Highways on the update sheet would be included. Finally, it was a Brownfield site and there was a significant demand for new housing and on balance, Officers considered that the application was acceptable.

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Councillor Howard Bairstow questioned the number of flats detailed in section 5.1 as it mentioned there were 35 flats but the breakdown of this into 1 bed, 2 bed and 3 bed flats did not total 35. Michael Butler confirmed that there was a typographical error and there would definitely be 35 flats. Councillor Bairstow further enquired about the LRIE area. Michael Butler confirmed that LRIE did not form part of the development plan document at the moment and if it did, this application would not contravene CS9.

Councillor Jeanette Clifford asked how the parking requirement was calculated. Paul Goddard advised that officers had considered the parking standards in the District Planning Document (DPD) and this gave a provision of 92 spaces. However, as the site would be used for both residential and office use, officers had determined that 84 spaces would be sufficient, as there would be office parking during the day and residential parking at night.

Councillor Clifford then sought clarification about whether they should be taking the appearance and materials into account when making their decision. Michael Butler confirmed that as this was the outline planning stage, Members should only be considering the access.

Councillor Anthony Pick queried whether the applicant could therefore move the building to another part of the site at a later date if the access remained unchanged. Michael Butler assured him that outline permission was permission, so if the applicant amended the plans to include less office space, it would be necessary to submit a fresh outline application, which Members might decide to refuse. Therefore, although Members would not be approving the design of the building, if significant changes to the design were put forward, the application could be refused.

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

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

- The site benefited from permitted development rights which did not expire until 2019, therefore it would be possible to have a residential presence only on the site.
- They application would double the existing office space.
- The road junction being built would help travel sustainability.
- They had carried out a parking survey of residential developments in the town to assess the percentage of spaces required during the day and the average was 35%, which suggested that the parking rations were satisfactory.
- With regard to the design, this was a building that they wanted to build to help improve the gateway to Newbury.
- They had designed the neighbouring building, which had been well received and there was a strong demand for flats in this location.

Councillor Jeff Beck requesting clarification on the number of employees located in the current site, compared to the number that would be employed in the new development. Mr Crook advised that the ground floor was currently a warehouse with office accommodation above and there were currently about 20-25 people in the building. If downstairs was also office accommodation, this would increase the current employment capacity to 45 people compared to 85 employment spaces in the new development.

Councillor Pick enquired whether the development had taken into account the modern standard for office accommodation. Mr Crook responded that it would be a category A

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office and they believed there was a demand for this type of accommodation as developments of this type have not been built for a while

There were no comments from the Ward Members.

Councillor Benneyworth noted that this was an opportunity to make better use of the space and the development would improve the appearance of this end of town. Consequently, he was very supportive of the application.

Councillor Beck remarked that he knew it was an employment area and the development would not decrease this. If the development went ahead there would be a net gain in employment and he was happy to propose a recommendation for approval, which was seconded by Councillor Benneyworth.

Councillor Pick added that the development would increase the quality of office space as well as the number of employment spaces. A plan and a set of policies were required to encourage high quality offices of a modern design to be developed and so he was happy to support the application. Councillor Clifford agreed with this sentiment.

The Chairwoman invited the Committee to vote on the proposal of Councillor Beck, seconded by Councillor Benneyworth, to accept Officers' recommendation to refer the application for approval to the District Planning Committee, with a Section 106 obligation attached to achieve the 30% affordable housing and relevant conditions. At the vote this was carried.

RESOLVED that the Head of Planning and Countryside be authorised to make a recommendation to the District Planning Committee to approve the planning permission subject to the following conditions:

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"

WESTERN AREA PLANNING COMMITTEE - 29 JUNE 2016 - MINUTES

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:

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'.

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2. 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 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.

3. 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.

4. 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

WESTERN AREA PLANNING COMMITTEE - 29 JUNE 2016 - MINUTES

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.

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. 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 site ready for sale purposes.

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 ie 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;

WESTERN AREA PLANNING COMMITTEE - 29 JUNE 2016 - MINUTES

- 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;
- 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).

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.

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