

Notice of Meeting

Western Area Planning Committee

Wednesday 18 January 2017 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, 10 January 2017

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 Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 18 January 2017
(continued)

- To:** Councillors Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, Billy Drummond, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing
- Substitutes:** Councillors Jeanette Clifford, James Cole, James Fredrickson and Mike Johnston
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Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 42
To approve as a correct record the Minutes of the meeting of this Committee held on 23 November 2016.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(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).
- (1) **Application No. and Parish: 16/00669/OUTMAJ, Land to the north of Pinchington Lane, Newbury** 43 - 60
Proposal: New public open space and wildlife area.
157 dwellings with new road accesses.
Location: Land to the north of Pinchington Lane, Newbury
Applicant: Rivar Limited.
Recommendation: The Head of Planning and Countryside be authorised to **GRANT** conditional planning permission, subject to the first completion of a s106 planning obligation.

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 61 - 72
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.



Agenda - Western Area Planning Committee to be held on Wednesday, 18 January 2017
(continued)

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

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.



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Agenda Item 2.

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 NOVEMBER 2016

Councillors Present: Jeff Beck, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Adrian Edwards, James Fredrickson, Paul Hewer, Clive Hooker (Chairman), Anthony Pick and Virginia von Celsing

Also Present: Michael Butler (Principal Planning Officer), Rachel Craggs (Principal Policy Officer (Equalities)), Paul Goddard (Team Leader - Highways Development Control), Debra Inston (Principal Conservation & Design Officer), Gary Rayner (Development Control Manager), Jo Reeves (Principal Policy Officer), Shiraz Sheikh (Principal Solicitor) and Peta Stoddart-Crompton (Public Relations Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Councillor Billy Drummond and Councillor Garth Simpson

Councillor Absent: Councillor Howard Bairstow

PART I

33. Minutes

It was noted that the minutes of the meeting held on 2 November 2016 had been reissued following publication of the agenda as a result of the identification of some typographical errors. The revised minutes were approved as a true and correct record and signed by the Chairman.

34. Declarations of Interest

Councillor Hilary Cole declared an interest in all Agenda Items, but reported that, although her interest was a personal registrable interest, and not a disclosable pecuniary interest, she determined to remain to take part in the debate but not vote on the matter.

Councillor Hewer declared a personal interest in all Agenda Items but reported that, as his interest was a personal interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Pick, Beck, Edwards declared an interest in Agenda Item 6 and 7, but reported that, as their interest was a personal or a other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Fredrickson declared that he might have predetermined Agenda Items 6 and 7 and therefore he determined to address the Committee in his capacity as Ward Member but would not take part in the debate or vote on this matter. He also gave his apologies for Item 6 and only joined the Committee for its public session.

Councillors Pick, Beck and von Celsing declared that they had been lobbied regarding Agenda Items 6 and 7.

Councillors Pick, Hilary Cole, Beck, James Cole and Edwards declared that they had been lobbied regarding Agenda Item 8.

35. Schedule of Planning Applications

36. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution](#) also refers.

37. Application No. & Parish: 16/00547/FULEXT Land at Market Street, Newbury

The Committee received a confidential briefing in respect of Application 16/00547/FULEXT Land at Market Street, Newbury.

38. Application No. and Parish: 16/00547/FULEXT Market Street, Newbury

(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Item 7 by virtue of the fact that they were Members of Newbury Town Council Highways Committee. As their interest was personal or a other registrable, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter

Councillor Paul Hewer declared a personal interest in Agenda Item 7 by virtue of the fact that he worked for a local housing provider. As his interest was personal or a other registrable but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter

Councillor James Frederickson declared a personal and prejudicial interest in Agenda Item 7 by virtue of the fact that he had spoken publically in support of the application. As he could be deemed to have predetermined the application, he would be joining the public gallery during the course of consideration of the matter and would take no part in the debate or voting on the matter but would address the Committee as the Ward Member.

Councillor Hilary Cole declared a personal or a other registrable interest in Agenda Item 7 by virtue of the fact that she was Portfolio Holder for Highways and Transport and Chair of the District Planning Committee. As her interest was personal or a other registrable and not a disclosable pecuniary interest, she would be taking part in consideration of the matter and the debate but would not be voting on the matter.

Councillors Jeff Beck and Virginia Von Celsing declared that they had been lobbied on the matter.)

1. The Committee considered a report (Agenda Item 7) concerning Planning Application 16/00547/FULEXT in respect of Market Street, Newbury.
2. In accordance with the Council's Constitution, Mrs Elizabeth O'Keefe, Parish Council representative, Mr Tony Vickers, objector, Mr David Walters, applicant, Mr Dominic Chapman, Agent and Councillor James Frederickson, Ward Member addressed the Committee on this application.
3. Debra Inston introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. Permission was sought to clear the site and erect 232 dwellings with associated car parking, residents' hub and management office, 816m² of flexible commercial floor space and a multi-storey car park.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

4. The Update Report provided clarification regarding the residents' hub, parking numbers and waste collection, which had resulted in the objection being withdrawn by the Waste Officer. The Update Report also included amendments to the wording in the conditions and that the development should meet the BREEAM Very Good standard.
5. The layout of the development was designed to integrate with the town centre with the provision of a north south route, which would be both pedestrian and cycle friendly and provide access to the train station.
6. All public spaces would be overlooked by buildings, which would be three to five storey high near Market Street and two and a half to four storeys high in the centre of the site. Towards the south of the site the buildings would be more formal and up to six storeys high to create an impressive gateway to the town. The height had been reduced by various architectural techniques and a change in the materials at the ground floor.
7. There would be three areas of soft landscaping and in the south west corner of the site there would be a multi storey car park, which would be constructed from various material designed to break up the bulk of it.
8. The Viability Appraisal that had been carried out showed that the maximum level of affordable housing would be 13 units (5.6%) before the development became unviable. This had been independently assessed by an external consultant who had agreed with the findings.
9. The remaining 219 residential units would be Private Rented Sector (PRS) housing, which offered increased housing choice for people priced out of the open market. It was therefore recommended that a covenant was included in the S106 Agreement stating that the scheme would not be broken up and sold on the open market for a period of 10 years.
10. As the units were designed to a high standard and there would also be employment and environmental benefits, Officers were recommending the planning application for approval subject to inclusion of the S106 Agreement.
11. Paul Goddard referred the Committee to section 7 of the report on Page 225. Highways Officers considered this site to be one of the most sustainable in West Berkshire; therefore parking requirements would be lower than normal. The result was that the development included a proposal for 108 parking spaces, half of which would be accessed from the train station and half from Market Street. Additional parking spaces would be accessed in the MSCP overnight and during the weekend.
12. The MSCP would be accessed during the day by Council staff and train station users and would result in a reduction in parking for Council staff. The 71 parking spaces in the open air car park adjacent to the bus station would also be lost, however this would be compensated by the freeing up of 200 parking spaces currently used by Vodafone staff.
13. Page 228 of the report set out the estimated traffic generation for the residential development at the various junctions in Bartholomew Street and the A339. Although there would be some impact it would be manageable and therefore Highways did not have any objections to the planning application.
14. Councillor Pick asked for clarification as to where Station Walk was located and Debra Inston advised that it would be at Station Approach.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

15. Councillor Bryant noted that the Update Report stated the development should meet the BREEAM Very Good standard. However, his understanding was that this was no longer enforceable. Debra Inston clarified it was the applicants that were proposing the commercial units met the BREEAM Very Good standard.
16. Councillor Beck mentioned the references to piling on Pages 254, 269 and 285 and suggested that consideration was given to the use of older piling on the site. Debra Inston responded that the recommendation had come from the Environment Agency and could possibly be linked to land contamination. Councillor Beck disputed this assertion as the use of piling would be in order to reduce noise levels and he asked if this could be investigated.
17. Councillor James Cole asked for clarification as to why the moving of Vodafone staff to their headquarters would free up the parking. Paul Goddard confirmed that they were currently using 200 parking spaces at the Northcroft multi-storey car park and being bussed to the headquarters. However a planning application was granted last year enabling Vodafone to extend its car parking at the Headquarters.
18. Councillor Cole further enquired whether there would be access to the MSCP in Market Street from the train station. Paul Goddard advised that access would be from Market Street with access from the train station only in emergencies.
19. Councillor Edwards asked what the gradient was from the station to Market Street and Debra Inston advised that it was 1 in 18.
20. Councillor Edwards further enquired whether there would be a cycle hub. Paul Goddard advised that a cycle hub was not included in the development but it complies with the Council's policy in relation to cycling provision.
21. Councillor Pick queried the fact there would only be 108 parking spaces available for the residential units. Paul Goddard responded that following a review, it had been confirmed that Council staff leave the car park between 4 – 6 pm daily and Page 262 of the report set out how the car park would be managed between the two uses.
22. Elizabeth O'Keefe in addressing the Committee raised the following points:
 - NTC supported the application but had concerns about affordable housing ratio being so low at 5.6%
 - The town has a rich history so an adequate archaeological survey should be carried out.
 - The development should consider including one or more items of public art and NTC offered to provide advice on this.
23. There were no requests from Members for clarification.
24. Tony Vickers in addressing the Committee raised the following points:
 - He was speaking on behalf of Spokes and the Newbury Society
 - They were concerned that a bridge was not included in the development linking the north and south sides of the station for pedestrian and cycle access and he requested that provision was made for this at a later date.
 - They were disappointed that the Cycle Hub had been removed.
 - Spokes was pleased about the proposal to remove the 'No Right Turn' from Market Street to Cheap Street.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

- He asked the Council to look at turning Market Street into a shared area with priority for pedestrians and cyclists.
 - On balance he hoped the planning application would be approved.
 - He asked the Council to look at making the whole of Market Street into a shared area so pedestrians and cyclists had priority.
 - On balance he hoped the planning application would be approved.
25. There were no requests from Members for clarification.
26. David Walters and Dominic Chapman in addressing the Committee raised the following points:
- They had been working with Network Rail and the Council for 10 years on this application.
 - Grainger would let and manage the whole development.
 - They had distributed over 5,000 leaflets and spoken to over 500 people about the development.
 - The development would provide a range of housing options and the fact that only six letters of objection had been received was symptomatic of the consultation they had undertaken.
 - The development had been outlined in the Newbury Vision and would provide a number of housing options for young people.
 - The Vision mentioned the need for public space and the development would not only provide well managed indoor space but also well managed outdoor space.
 - The Vision also mentioned diversity and the development rentals would be affordable to people to earning between £22k to £35k per annum.
 - The development would provide a gateway to Newbury and had been designed following the feedback from the various consultation exercises they had undertaken.
 - They wanted to create a long term legacy for Newbury and wanted the design to be appropriate.
27. Councillor Bryant enquired about maintenance of the painted bricks in the development. Mr Chapman replied that Grainger had a long term interest in the development and would maintain and upkeep the buildings and this would be included in the maintenance plan.
28. Councillor Bryant further enquired who would be responsible for managing the Residents' Hub. Mr Walters advised that managing private rented accommodation was Grainger's speciality and the hub would form part of the service provided to residents. The cost of fitting it out and staffing it would be met by Grainger and this would form part of the customer offering. There would be a full time member of staff employed to manage the hub and it would add to the longevity of the lettings by enabling residents to mix.
29. Councillor Bryant asked whether it would be possible to build a bridge linking the north and south sides of the train station at a later date. Mr Chapman advised that this had been discussed with the Council and although it was not in the brief, access was available via the car park which could accommodate the bridge connection at a later date.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

30. Councillor Bryant asked whether sprinklers had been included in the units and Mr Chapman responded that there was not a requirement to include them, which Councillor Bryant asked him to reconsider.
31. Councillor Pick commented on the concerns expressed by the SUDs Officer about reliance on the pumping station and questioned what would happen if it failed. Rebecca Crow responded that there would be two pumps so that if one failed there would be a back up and the design was such to ensure that gravity played a part in the movement of water within the development.
32. Councillor Edwards noted that he liked the design of the development and asked what had happened to the cycle hub. Mr Walters assured him that it had not been discarded and there was capacity for it on the site. However, consultation was required with Network Rail about this and Grainger would like to find a way to include it.
33. Councillor James Frederickson in addressing the Committee made the following points:
 - The following three principles from the National Policy Development Framework (NPDF) were relative to the planning application.
 - Strong competitive economy: Parkway had moved the town further north and so regeneration was required at the southern end of the town. Grainger had undertaken extensive consultation with residents, which was rare and they had taken note of the views expressed, which had been incorporated into the design.
 - Conserving and enhancing the historical nature of the site: Grainger had found alternative parking for the market traders to enable the historic market to continue whilst the development was under construction.
 - Affordable Housing: The Council's Core Strategy required 30% affordable housing but in view of the benefits that would be received as a result of the development, the reduced level was acceptable. Another developer might not be able to provide the 5.6% affordable housing that Grainger was providing in the development.
 - He was supportive of the planning application.
34. Councillor Bryant asked Paul Goddard if the traffic modelling had taken account of the traffic generated from the Sandleford development and Mr Goddard replied that it had not.
35. Councillor Beck noted that there had been a considerable amount of co-operation from Grainger and residents' concerns had been taken into account. He felt that if the development went ahead it would be a bonus for Newbury and, therefore, he proposed that the application was approved. This was seconded by Councillor Bryant.
36. Councillor Pick expressed the view that the development would be paying for the MSCP, which would be owned by the Council. In addition, Grainger would be providing the cost of relocating the Bus Station, a contribution towards the relocation of the existing sheltered housing at Highfield Avenue and the provision of the CIL payment to help to regenerate this part of Newbury. Therefore, he was in support of the application.
37. Councillor Hilary Cole noted that although she was very disappointed that the affordable housing allocation would not be 30%, she was aware from data provided by the DCLG for the period April 2015 – March 2016 that affordable

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

housing nationally was 56% lower than the previous year. Therefore, this was an indicative of what developers were encountering with regard to affordable housing.

38. Councillor Paul Hewer said he supported the officer recommendation and would welcome a similar smaller design in his Hungerford ward.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the Section 106 Agreement and the following conditions:

Conditions

1. 3 yrs

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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. Approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

Elevations and Floorplans

B_A_E01 Rev P01 received 16 March 2016
B_A_E02 Rev P01 received 16 March 2016
B_A_01 Rev P01 received 16 March 2016
B_A_02 Rev P01 received 16 March 2016
B_A_03 Rev P01 received 16 March 2016
B_A_X01 Rev P01 received 16 March 2016

B_B_E01 Rev P01 received 16 March 2016
B_B_E02 Rev P01 received 16 March 2016
B_B_01 Rev P01 received 16 March 2016
B_B_02 Rev P01 received 16 March 2016
B_B_03 Rev P01 received 16 March 2016
B_B_X01 Rev P01 received 16 March 2016

B_C_E01 Rev P01 received 16 March 2016
B_C_E02 Rev P01 received 16 March 2016
B_C_01 Rev P01 received 16 March 2016
B_C_02 Rev P01 received 16 March 2016
B_C_03 Rev P01 received 16 March 2016
B_C_X01 Rev P01 received 16 March 2016
B_D_E01 Rev P01 received 16 March 2016
B_D_E02 Rev P01 received 16 March 2016
B_D_01 Rev P01 received 16 March 2016
B_D_02 Rev P01 received 16 March 2016
B_D_03 Rev P01 received 16 March 2016
B_D_X01 Rev P01 received 16 March 2016

B_E_E01 Rev P01 received 16 March 2016
B_E_E02 Rev P01 received 16 March 2016

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

B_E_01 Rev P01 received 16 March 2016
B_E_02 Rev P01 received 16 March 2016
B_E_03 Rev P01 received 16 March 2016
B_E_X01 Rev P01 received 16 March 2016
SE03 Rev P01 received 16 March 2016

B_F_E01 Rev P01 received 16 March 2016
B_F_E02 Rev P01 received 16 March 2016
B_F_01 Rev P01 received 16 March 2016
B_F_02 Rev P01 received 16 March 2016
B_F_03 Rev P01 received 16 March 2016
B_F_04 Rev P01 received 16 March 2016
B_F_X01 Rev P01 received 16 March 2016

B_G_E01 Rev P01 received 16 March 2016
B_G_E02 Rev P01 received 16 March 2016
B_G_01 Rev P02 received 22 August 2016
B_G_02 Rev P01 received 16 March 2016
B_G_03 Rev P01 received 16 March 2016
B_G_04 Rev P01 received 16 March 2016
B_G_X01 Rev P01 received 16 March 2016

B_H_E01 Rev P01 received 16 March 2016
B_H_E02 Rev P01 received 16 March 2016
B_H_01 Rev P01 received 16 March 2016
B_H_02 Rev P02 received 22 August 2016
B_H_03 Rev P01 received 16 March 2016
B_H_04 Rev P01 received 16 March 2016
B_H_05 Rev P01 received 16 March 2016
B_H_06 Rev P01 received 16 March 2016
B_H_07 Rev P01 received 16 March 2016
B_H_X01 Rev P01 received 16 March 2016

B_J_E01 Rev P01 received 16 March 2016
B_J_E02 Rev P01 received 16 March 2016
B_J_01 Rev P01 received 16 March 2016
B_J_02 Rev P01 received 16 March 2016
B_J_X01 Rev P01 received 16 March 2016

B_M_01 Rev P01 received 16 March 2016
B_M_02 Rev P01 received 16 March 2016
B_M_03 Rev P01 received 16 March 2016
B_M_04 Rev P01 received 16 March 2016
B_M_05 Rev P01 received 16 March 2016
B_M_06 Rev P01 received 16 March 2016

Trees, Landscaping and Access Ramp

D0212_003_F Ramp Layout and Station Square - received 12 October 2016
D0212_002_S Landscape Masterplan Hardworks - received 12 October 2016
D0212_007_J Landscape Masterplan Softworks - received 12 October 2016

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

D0212_08 Tree Protection Plan. Existing Site Survey with CP Spaces Added and Typical Hardworks Details within RPA - received 22 August 2016

D0212_05 B Tree Protection Plan - received 22 August 2016

D00212_004_F Detail Sections 1 of 2 - received 12 October 2016

D00212_005 A Detail Sections 2 of 2 received 16 March 2016

D00212_01 A Tree Survey and Site Constraints Plan - received 16 March 2016

Email from Savills sent on 22 August 2016 containing details of planting methods.

Refuse

MP_06 Rev P01 Proposed Services and Refuse Strategy - received 18 May 2016

13-066-104 B Refuse Strategy - received 9 June 2016

SK_226 Residential and Commercial Refuse Collection Strategy - received 18 May 2016

Shell Plans

MP_16 Rev P02 received 9 June 2016

MP_17 Rev P02 received 9 June 2016

MP_18 Rev P02 received 9 June 2016

MP_19 Rev P02 received 9 June 2016

MP_20 Rev P02 received 9 June 2016

MP_21 Rev P02 received 9 June 2016

Other

SK_221 Pedestrian, Cycle and Vehicular Movement through site - received 12 October 2016

MP_14 RevP01 Site Levels – received 18 May 2016

SK_224 Indicative Public Art Strategy – received 9 June 2016

13-066/103 Rev A Coach Parking and Turning received 9 June 2016

MP_29 Network Rail Access – received on 16 March 2016

Documents

Reptile Survey February 201

Preliminary Ecological Appraisal February 2016

Energy Strategy February 2016

Sustainability Statement February 2016

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

3. Spoil removal

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development. 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).

4. Translocation of slow worm and receptor site enhancement

No development shall take place until a Reptile Translocation and Receptor Site Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should identify how the proposed mitigation and enhancement measures are to be maintained, monitored and secured for the long-term.

The approved Strategy will be implemented in full in accordance with a timetable of works included within the Strategy and maintained thereafter.

Reason: To ensure the protection of slow worm species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

5. Ecological Management Plan

No development shall take place until a detailed Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan will include details of all the proposed ecological features outlined in the paragraph 6.12 of the submitted 'Preliminary Ecological Appraisal and paragraphs 6.73 and 6.74 of the 'Planning Statement' ', including:

- a) Living roofs – details to include total area covered, location and type of living roof;
- b) Bird and bat boxes – details to include location, type and number of boxes;
- c) Wildlife friendly landscaping – details to include locations and species mix/density;
- d) Living wall/trellis system – details to include locations and species mix/density.

The Ecological Management Plan should identify how the above measures are to be maintained, monitored and secured for the long-term.

The approved Ecological Management Plan will be implemented in full and maintained thereafter.

Reason: To provide suitable provision of compensatory habitat to ensure continued ecological connectivity along the railway line, and provide for loss of bat and bird foraging and invertebrate habitat. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS17 of the West Berkshire Core Strategy (2006-2026).

6. Archaeology - WSI

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form), shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which 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 statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7. Contamination – Site characterisation

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form) shall take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to:
 - i. human health,
 - ii. property (existing and proposed) including buildings, pets, and service lines and pipes,
 - iii. adjoining land,
 - iv. groundwater and surface water,
 - v. ecological systems,
 - vi. archaeological sites and ancient monuments; and
- (c) An appraisal of remedial options, and proposal of the preferred option(s).

This report shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Contamination – Remediation Scheme

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form) shall take place until a remediation scheme for any land contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (a) Provide for the removal of unacceptable risks to human health, buildings and other

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

property, and the natural and historical environment;

(b) 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;

(c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and

(d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. Remediation Scheme implementation

The remediation scheme for land contamination approved under Condition 8 shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Unexpected contamination

In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 7, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Condition 8. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. Piling

No development (excluding demolition and site clearance) shall take place until details of piling or any other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority.

Approval will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not lead to the contamination of groundwater in the underlying aquifer in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Internal Noise

Prior to the occupation of the residential units hereby approved, details regarding the specification of the glazing and ventilation to be installed at residential properties shall be submitted to and approved in writing by the Local Planning Authority. The glazing and ventilation should ensure that internal noise levels in living rooms and bedrooms meet the 'good' resting and sleeping conditions as set out in Table 5 of BS8233:1999.

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect residents from road and rail traffic noise. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

13. Construction noise

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;
No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers during the construction phase of the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

14. Operational Noise

All plant, machinery and equipment installed or operated in connection with the uses hereby approved shall be so enclosed and/or attenuated that sound emitted does not exceed at any time a level of 5dB[A] below the existing background noise level [or 10dB[A] if there is a particular tonal quality] when measured at a point one metre external to the nearest residential or noise sensitive property.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

Reason: To ensure that no nuisance or disturbance is caused to the occupiers of neighbouring properties. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

15. Deliveries and servicing

No deliveries shall be taken in or dispatched from the commercial units hereby approved outside the hours of 0600 – 2300.

Reason: To protect residents living close to or above commercial units from noise from deliveries. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

16. External eating and drinking (A3 and A4 uses)

External areas provided for eating and drinking shall not be used outside the hours of 0700 and 2300 (times to be agreed)

Reason: To protect residents from noise arising from people eating and drinking in the vicinity of residential properties. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

17. External lighting

Prior to the installation of any external lighting, details of the external lighting (to include type, lumination levels and location) shall be 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.

Reason: To protect residents living on or near the application site from light nuisance. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

18. Odour from A 3 and A4 units

The use of any A3 or A4 units shall not commence until details of ventilation and filtration equipment to be installed at the premises has been submitted to and approved in writing by the Local Planning Authority.

The approved equipment shall be installed and be in full working order prior to the commencement of use. Details to include outlet height, which in general should be at least 1m above ridge height of the nearest building.

OR

Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the cooking operations on A3 and A4 premises. The

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. When the location of premises with A3 and A4 uses is confirmed the applicant shall submit details of the equipment to the local planning authority for written approval prior to commencement of the development. The approved equipment shall be installed and be in full working order prior to the commencement of use. Details to include outlet height, which in general should be at least 1m above ridge height of the nearest building.

Reason: To protect the amenity of local residents. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

19. Arboricultural method statement

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and 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.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

20. Tree Protection (scheme submitted)

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) D0212_08 & D0212_05 B received on 22nd August 2016. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

21. Arboricultural supervision condition

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

22. Arboricultural Programme of Works

No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations 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.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

23. Soft Landscaping (scheme submitted)

All soft landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing number D0212_007_I received on 22nd August 2016 and email from Savills dated 22nd August 2016, containing details of planting methods. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

24. Energy/sustainability measures

No development shall take place (excluding demolition and site clearance) until full details of how the energy reduction measures outlined in the submitted Energy Strategy dated February 2016 are to be implemented have been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the number, type and location of the solar photovoltaic panels.

The energy reduction measures shall thereafter be implemented, maintained and managed in accordance with the approved details and manufacturers specifications.

Reason: To ensure that the low carbon energy generation measures outlined in the Energy Strategy are provided in full and to ensure that the photovoltaic panels do not cause any harm to the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14, CS15 and CS19 of the West Berkshire Core Strategy (2006-2026).

25. Foul and surface water disposal and SuDs

No development, excluding site clearance and demolition, shall take place until a

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water.

The strategy shall:

- a) Demonstrate that there is sufficient capacity available in the existing system to cope with the new development;
- b) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- d) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse as close to Greenfield run-off rates as is reasonably practicable;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) 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, these calculations shall ensure that the existing Thames Water surface water system has sufficient capacity;
- g) Provide details of where surface water will flow during exceedance events;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- j) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- k) 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;
- l) 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);
- m) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- n) Full details of the pumping system and how surface water will be managed in the event of pump failure.

No dwellings or commercial units hereby permitted shall be occupied, and 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy (2006-2026) which seek to ensure the creation of safe communities.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

26. Secured by Design

No dwellings or commercial units hereby permitted shall be occupied until details of how Secured by Design requirements are to be adequately achieved for the whole development, where practicably possible. The approved details shall be carried out prior to first occupation of the development hereby permitted and permanently maintained thereafter.

Reason: To ensure a safe and secure environment for the users of the development in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026) which seek to ensure the creation of safe communities.

27. Hard standing

No development, excluding site clearance and demolition, shall take place until details, to include a plan, indicating the means of treatment of the hard surfaced areas of the site, has been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall incorporate the use of a porous material. The hard surfacing shall be completed in accordance with the approved scheme before the building(s) hereby permitted are occupied in accordance with a timetable to be submitted to and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The approved hard surfacing shall thereafter be retained.

Reason: To ensure that the hard standing materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).

28. Boundary Treatments

No development, excluding site clearance and demolition, shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority (in consultation with railway undertaker where it relates to fencing that adjoins the railway undertaker's land). The boundary treatment shall be completed in accordance with the approved scheme before the buildings hereby permitted are occupied.

The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Newbury Town Design Statement (April 2005).

29. Shopfronts

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

No commercial unit shall be occupied until full details of the design and external appearance of the shop front(s), including the fascias, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: The application does not contain sufficient details of the shop fronts to enable the Local Planning Authority to give proper consideration to those matters. 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 Supplementary Planning Guidance 'Shopfronts'.

30. Materials

No development, excluding site clearance and demolition, shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the buildings 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.

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), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).

31. Construction method statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with the railway undertaker). 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 demolition and construction;
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

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

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

32. Excavation/Earthworks

No development shall take place until full details of excavations and earthworks to be carried out within 10 metres of the railway undertaker's boundary fence have been submitted to and approved in writing by the Local Planning Authority (in consultation with the railway undertaker).

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjoining land uses. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

33. Car Parking Strategy

No development shall take place until a Car Parking Strategy for the construction phase of development has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:

- a) Details of the operation of West Berkshire District Council office parking during construction;
- b) Details of the operation of Network Rail parking during construction;
- c) Details of the parking of vehicles of site operatives and visitors during construction.

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

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 CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

34. Parking Management Strategy for the MSCP

No part of the development shall be taken into use until a Parking Management Strategy for the multi storey car park has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Strategy shall include the following:

- a) a) Details of the number and location of car parking spaces within the multi storey car park for all the users of the car park.
- b) b) Details of the time period between which residents of the scheme can use the car park spaces allocated under (a).
- c) Details of the entry/exit arrangements for all users of the car park.

Thereafter the development shall incorporate and be undertaken in accordance with the approved strategy.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

Reason: To ensure the development is provided with adequate parking facilities for all users within the scheme, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the West Berkshire Council Housing Site Allocations DPD.

35. Water capacity

No development, excluding site clearance and demolition, shall take place until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy (2006-2026) which seek to ensure the creation of safe communities.

36. Public art strategy

No dwelling or commercial unit hereby approved shall be occupied until details of a unique site specific integrated scheme of Public Art (including timescales for the installation of the scheme) to be implemented within the development site has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the Artwork shall be installed in accordance with the details and timescales so agreed.

Reason: To protect the character, distinctiveness and visual amenity of the site and the surrounding locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Newbury Town Design Statement (April 2005).

37. Signage details

No dwelling or commercial unit hereby approved shall be occupied until details of signage relating to Wayfinding and pedestrian and cycle access routes on the site and linking to key areas external to the site has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the development provides clear signage for these routes that meets the required regulations and guidance on pedestrian and cycle access and links with other Wayfinding signs within the local area. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026) and policies LTP

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

AT1, LTP AT2, LTP PT6 and LTP K3 all of the Local Transport Plan for West Berkshire (2011-2026).

38. Details of railings alongside ramp

No dwelling or commercial unit hereby approved shall be occupied until details of the railings to be installed in connection with the shared use ramp, linking the development with the Railway Station forecourt area, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the shared use ramp is delivered with suitable railings that ensure the safety of users, particularly on the bend. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026) and policies LTP AT1, LTP AT2, LTP PT6 and LTP K3 all of the Local Transport Plan for West Berkshire (2011-2026).

39. Electric charging points

No development, excluding site clearance and demolition, shall take place until details of the location of electric car charging points and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the development provides for the use of ultra low emission vehicles by users of the development. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD and policies LTP SC3, LTP P3 and LTP K5 all of the Local Transport Plan for West Berkshire (2011-2026).

40. Refuse collection – Block G and H

No development, excluding site clearance and demolition, shall take place until details of refuse and recycling collection points for Blocks G and H have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling collection points shall be no more than 10 metres from the point at which a collection vehicle can safely stop.

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure that the Council's waste contractors are able to safely collect private refuse and recycling from Blocks G and H. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

41. Retaining wall to south of site

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

No development (excluding demolition, but including earth-moving operations, excavation works, and permanent changes to any land-form) shall take place until details of all works and treatment to the retaining wall at the back of the existing Network Railway car park (which runs alongside Station Approach Road) have 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.

Reason: To ensure that the treatment of the retaining wall responds to local character and to ensure the safe operation of Station Approach in accordance with the objectives of the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy July 2006-2026.

42. Layout and Design Standards

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. 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. 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).

43. Market Street Highway works

No development, excluding site clearance and demolition, shall take place until details within Market Street of a westbound bus lay-by with two bus stops, an eastbound bus lay-by with one bus stop, associated bus shelters and road markings, removal of redundant turn right lane; works to the access road fronting the West Berkshire Council offices have been submitted to and approved in writing by the Local Planning Authority. The works shall be constructed in accordance with a timetable / programme of works to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. Any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway shall be relocated to provide unobstructed footway/cycleway.

Reason: In the interest of providing bus stops serving the proposal and accommodating access. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

44. Parking/turning in accord with plans

No part of the development shall be taken into use until the associated vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. 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).

45. Cycle parking

No part of the development shall be taken into use until the associated cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. 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).

46. Refuse Storage (details required)

No development, excluding site clearance and demolition, shall take place until details of the provision for the storage of refuse and recycling materials for the development/dwellings have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be taken into use until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

47. Access construction (plans required)

No development, excluding site clearance and demolition, shall take place until details of all access roads into and within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be taken into use until the access roads have been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

48. Details of door openings

No dwelling or commercial unit hereby approved shall be occupied until details of ground floor external door openings have been submitted to and approved in writing by the Local Planning Authority, and no doors shall open outwards onto pedestrian areas. All buildings shall be provided in accordance with the approved drawings.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

Reason: In the interest of pedestrian safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

49. BREEAM

No commercial unit shall be occupied until a final Certificate has been issued, and a copy submitted to the Local Planning Authority, certifying that BREEAM Very Good has been achieved for the development.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (Part 4).

50. Waiting Restrictions

No dwelling or commercial unit hereby approved shall be occupied until a scheme for vehicle waiting restrictions on the access roads within the development has been submitted to and approved in writing by the Local Planning Authority. Prior to adoption of the access roads within the development, the developer shall implement the scheme and provide all appropriate signage and line markings.

Reason: In order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. 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).

INFORMATIVES

1. CIL

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

2. Decision

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. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

development which improves the economic, social and environmental conditions of the area.

3. Infiltration drainage

No Infiltration drainage should be installed in any area where contamination is known/suspected.

4. Construction Noise

The applicant is advised to apply for prior consent under s.61 of the Control of Pollution Act 1974 to ensure that best 'practicable means' are adopted to minimise construction site noise. Further details are available from the Environmental Health Environmental Quality team

5. Surface Water

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

6. Fat traps

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

7. Public sewers

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Petrol/oil interceptors

Thames Water recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

8. Mains Water

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

9. Requirements for the safe operation of the railway and the protection of Network Rail's adjoining land

Fencing adjacent to Network Rail land

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

Drainage

Soakaways / attenuation tanks as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged into Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

Safety

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

Access to Railway

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Excavation/Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Signalling

The proposal must not interfere with or obscure any signals that may be in the area.

Trees

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Party Wall

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for the costs. An applicant cannot access Network Rail without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable to all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

Method statement/Fail Safe/Possessions

Method statements may be required to be submitted to Network Rail's Asset Protection Engineer for prior approval of works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period of booking of 20 weeks. The applicant will be liable for all costs incurred by Network Rail (including all possession costs, site safety supervision, asset protection presence). The applicant is reminded that Network Rail can refuse any third party works that would impact adversely on its infrastructure.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Safety Barrier

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

Foundations

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

Ground Disturbance

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Network Rail vehicular access to the south of the MSCP

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

Vehicular access for Network Rail should be maintained along the southern side of the proposed multi storey car park.

Alternative Recommendation

If the Section 106 Legal Agreement is not completed by 31st December 2016, to **DELEGATE** to the Head of Planning and Countryside to **REFUSE PLANNING PERMISSION** for the following reason, or to extend the period for completion if it is considered expedient to do so:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of development on local infrastructure, services or amenities or provide for affordable housing. Specifically, a s106 legal agreement or other planning obligation has not been entered into in respect of securing an employment skills plan, a travel plan, affordable housing, a requirement for private housing to remain available to rent only for a period of 10 years, to ensure appropriate waste collection from Blocks G and H, a viability review clause and a highways financial contribution. These are all measures considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development, The development therefore fails to comply with the National Planning Policy Framework, Policies CS5, CS6 and CS13 of the West Berkshire Core Strategy 2006-2026, which seek to ensure the timely delivery of infrastructure made necessary by development (CS5), to secure affordable housing (CS6) and to ensure appropriate highways mitigation (CS13), as well as West Berkshire District Council's adopted Planning Obligations SPD.

39. **Application No. and Parish: 16/01489/OUTMAJ Land at Coley Farm, Stoney Lane, Cold Ash**

(Councillor Hilary Cole declared a personal interest in Agenda Item 8 by virtue of the fact that she was the Portfolio Holder for Planning and Housing and also the Chairman of the District Planning Committee. As her interest was personal and not a disclosable pecuniary interest, she determined to remain to take part in the debate but not vote on the matter.)

(Councillor Paul Hewer declared a personal interest in Agenda item 8 by virtue of the fact that he was employed by a social housing provider. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

(Councillors Hilary Cole, James Cole and Edwards declared that they had been lobbied on this application.)

1. The Committee considered a report (Agenda Item 8) concerning Planning Application 16/01489/OUTMAJ in respect of the erection of 75 dwellings with associated access and landscaping with open space improvements at Coley Farm, Stoney Lane, Cold Ash.
2. In accordance with the Council's Constitution, Bernard Clark, Parish Council representative, Victoria Koroleva and Keith Benjamin, objectors, and Mark Norgate, Rebecca Humble, Ben Thomas and Glenn Charles, applicant/agents, addressed the Committee on this application.
3. Michael Butler introduced the report and update report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

conditional approval was justifiable. Officers strongly recommended the Committee grant planning permission

4. Councillor Hilary Cole queried which settlement boundary the application related to. Michael Butler responded that the application was outside of Newbury's settlement boundary. Councillor Hilary Cole stated that the settlement boundary was redefined by the Housing Sites Allocation Development Plan Document (HSA DPD) and asked whether the site would be inside or outside. Michael Butler advised that the definition of the settlement boundary was a separate process to the DPD.
5. Councillor Paul Bryant noted that the consultation response from the Fire Service had been abbreviated in the committee report. The original letter raised a concern that there were no public mains. Councillor Bryant asked whether this was a planning matter or the responsibility of Thames Water to rectify. Michael Butler explained that an application was unlikely to receive permission if it could not be safely implemented and that was why authorities such as the Fire Service and Thames Water were consulted. Thames Water had responded that the water infrastructure capacity was adequate. Councillor Bryant queried the disparity between the two responses; Michael Butler offered reassurance that any planning permission could not be implemented until there was suitable fresh and waste water infrastructure.
6. Councillor Jeff Beck raised a query regarding a reference to an LVIA on page 277 of the agenda. Michael Butler explained that a Landscape Visual Impact Assessment (LVIA) had been completed for the amended plans and the consultant's response was outlined in the update report.
7. Councillor Beck sought clarification on where collected water would be released into main water courses, noting drainage issues on Fir Tree Lane and whether engineers were satisfied that the bunds on the proposed site would be sufficient. Stuart Clark responded that officers were satisfied that the site included sufficient bunds to hold rain water on site. The Flood Risk Assessment had calculated the run off and volume in accordance with the technical standards for sustainable drainage and climate change. All water associated with a 1:100 flood event, plus 40% to account for climate change could be stored on site. There would be an outlet which released the stored water at the greenfield rate into the water course; the River Lambourn. Overall, engineers were satisfied that that the proposals would ensure that the development was safe and it would not increase risk elsewhere.
8. Councillor Beck questioned the morning peak hour traffic movement calculations of 29 cars during 8am and 9am and stated that he did not believe there would be only a 3% increase in traffic on the B4009. Councillor Beck further raised the point that roundabouts along Kiln Lane were already pressured. Paul Goddard responded that the figures provided were projections produced by modelling software which was connected to a national database. The projections were in line with all residential developments and covered only 8am to 9pm, not all morning traffic movements. The National Planning Policy Framework (NPPF) guidance stated that a development should only be refused if the likely impact on traffic was severe. Paul Goddard stated that he did not advise that a 3% increase in traffic was a severe impact.
9. Councillor Beck enquired upon the content of the Travel Plan. Paul Goddard advised that the applicant would need to provide that information.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

10. Councillor James Fredrickson queried the statement at paragraph 5.2 of the committee report that Stoney Lane would be widened to a minimum of 5.5m. Michael Butler explained that at points, Stoney Lane was wider than 5.5m so the parts which were narrower than 5.5m around the proposed development would be widened to that minimum standard.
11. Councillor Anthony Pick noted that at the site visit he had observed a substantial slope from West to East and that there was a ditch along the highway. He asked how the water from the highway would be managed once the ditch had been lost as part of the road widening. Stuart Clark explained that there was a condition attached to the recommended permission that the water run-off from Stoney Lane would need to be assessed and accommodated within the site's drainage scheme.
12. Bernard Clark, in addressing the Committee raised the following points:
 - The Parish Council was unanimously against the proposal due to its impact on the countryside, inadequate access, flooding risk and its unsustainability.
 - The proposed development was in contravention of Cold Ash Parish Council's Parish Plan.
 - The Parish Council understood the need to identify sites for housing and in its Parish Plan had located in-fill sites for 60 houses.
 - There was a nearby site at Henwick for which there had been an application for 225 houses.
 - The proposed development would see 75 houses being built on a site the size of four football pitches, in his view a city level of density.
 - There were not the shops, schools or General Practitioners in the area to support the residents of 75 new dwellings.
 - The slope of the site was 1:10.
 - There would be 130-140 cars associated with the new houses, 80-90 of which would use Stoney Lane at peak times.
 - Stoney Lane was a single carriageway at 10 points.
13. At the Chairman's request, Michal Butler clarified that on the Henwick site there was an application for 275 dwellings, reduced to 225 in the amended plans; this application had been refused and was being heard at a public inquiry. An identical application had been submitted and was likely to be refused under delegated authority.
14. Councillor Adrian Edwards asked whether the Parish Plan indicated the location of the preferred sites for housing and if it had been approved by West Berkshire Council. Mr Clark responded that it demonstrated where housing was earmarked and the Plan had been approved by the Council.
15. Victoria Koroleva and Keith Benjamin, in addressing the Committee raised the following points:
 - The application was not in line with the Council's own policies. HSA3 had stated there would be one access on Stoney Lane and one to the South East of the site, not two on Stoney Lane.
 - The proposals would increase the number of accidents and place the existing 140 households on Stoney Lane at risk.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

- The highway widening would remove established hedgerows over 100 years old.
 - If the application was approved lives would be lost.
 - Between 8am and 9am there was often a 45 minute queue.
 - 500 residents had signed a petition and the Parish Council objected, in addition to the letters of objection received by the Council.
 - The development would harm the visual appearance of the area.
 - There was not sufficient traffic mitigation and the development would worsen traffic by urbanisation.
 - It was not clear who would maintain the drainage system in the long term.
 - The open site within the site was not sufficient or adequate.
 - Residents had raised objections throughout the call for sites and development of the DPD. A lot of people felt the development would have an adverse effect on the local area.
16. Councillor Beck sought more information on the objectors' views of the proposed access to the site. Ms Koroleva explained that in HSA3, it had been stated an additional access to the south east of the site was required, now there would be two hazard points on Stoney Lane. Michael Butler advised that in the Local Plan, sites were allocated but were not completely analysed. HSA3 offered a suggestion but not a requirement that there should be a south easterly access to Laud Close. While officers agreed it would be appropriate to have an access at that location, it was under third party ownership and to obtain the land required it would cost 30% of the Gross Development Value. Therefore if the south east access was insisted upon there would be no affordable housing.
17. Councillor Edwards sought clarification on the location of the open space. Michael Butler advised that it was outside of the application site and the Council sought a Section 106 contribution to improve an existing area of open space. Officers were satisfied that there was sufficient open space in the site.
18. Councillor James Cole asked what justification the objectors had to refer to Stoney Lane as dangerous. Ms Koroleva responded that it was a single track with obscured visibility used by drivers, horse riders and walkers. There had been five accidents in five months. Paul Goddard commented that officers agreed that the lane in its current form was not suitable, hence the widening proposed.
19. Mark Norgate, Rebecca Humble, Ben Thomas and Glenn Charles, in addressing the Committee:
- The developer was a Newbury based company and had owned the site since 2003.
 - They had followed the Council's processes by submitting it under the HSA DPD's call for sites and had waited to submit the application until the DPD was at an advanced stage.
 - The committee report outlined that substantial weight could now be afforded to the Council's emerging DPD.
 - The developer had consulted officers from Planning, Highways, Drainage and Open Space in designing the scheme.
 - They had responded positively to consultees and members of the public.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

- The development was 40% affordable housing and would help the Council achieve its housing supply target.
 - Circular walkways around the site would connect areas of open space and existing trees would be preserved.
 - Existing open space would be improved.
 - They had worked with Highways to find a solution to provide safe access to the site in a way which retained the character of the area and reinforced the existing hedgerow.
20. Councillor Bryant asked whether the applicant had consulted Thames Water. Mr Norgate responded that their consultants did this on the developer's behalf as they needed to know before submitting an application that it would be possible to build the development. Mr Norgate also stated that there would be fire hydrants on the site.
21. Councillor Bryant enquired whether it was intended to use sprinklers on the site. Mr Norgate advised that this would be considered under the detailed design.
22. Councillor Beck asked what was intended for the Travel Plan. Mr Thomas advised that it had not yet been drafted but would include cycle parking and the footway would link to the residential area to the South.
23. Councillor Pick enquired how the drainage system would work. Michael Butler reminded the committee that before them was an outline application and a number of predevelopment conditions were recommended which would deal with the reserved matters. All bodies would be consulted about the further detail submitted and if officers were not satisfied that the reserved matters were dealt with appropriately they would not recommend their approval. It was unfair to ask technical questions of an outline application and the development would not be built if or until the conditions were discharged appropriately.
24. Councillor Edwards noted that there was no information on a wildlife survey in the committee report. Mr Norgate advised that an ecological survey was completed as part of the DPD process. Michael Butler advised that Natural England had been consulted and raised no objections.
25. Councillor Garth Simpson, speaking as Ward Member, in addressing the Committee raised the following points:
- The site was a late shoe-in to the DPD call for sites and the proposal would burst open HSA3 and the associated main modifications.
 - The site was 0.6 to 0.8 hectares in size, wet year round and only suitable for dog walking.
 - The proposal was a Trojan horse to a further application in the area.
 - Street lighting would urbanise the development.
 - Slides 1 to 14 of the committee presentation demonstrated the sites position in the countryside and its beauty.
 - A resident of Stone Copse for 39 years, he would have to factor in half an hour to travel the 2.7m to the Council's offices with an extra 15 minutes in times of congestion.
 - There was a flooding risk and this was experienced in 2007.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

- The Met Office was warning of another event in 10 years.
 - The flood mitigation conditions needed to be determined at the outline stage; there should be a robustly maintained larger pond.
 - There were issues with the transport assessment and it was not compliant with government guidance.
 - Coley Farm was remote and the Travel Plan was delusional.
 - The Kiln Road roundabout was stressed and the Council recognised that it was badly configured. It was currently at 89% capacity and the proposed development would increase that by 3%.
 - More houses would lead to injuries. Decision makers would have blood on their hands if they took the moral hazard and approved the application.
 - He would like a named vote on the application.
26. Councillor James Cole asked to see the presentation slides that had been referred to. Councillor Simpson indicated slide 7, which demonstrated the area north of Cold Ash was the same quality as the Area of Outstanding Natural Beauty (AONB) but did not receive the privileges of being AONB. Michael Butler explained that the AONB was designated in 1973 and if the site had been of AONB quality it would have been designated as such in the original designation or via an amendment.
27. Councillor Fredrickson asked what particular concerns residents had come forward with regarding the traffic impact. Councillor Simpson replied that a 3% increase in traffic took the capacity of the Kiln Road roundabout to 92% which was just shy of a severe rating. The traffic assessment was completed on the basis of no additional sites in the area. Traffic from Compton and Bucklebury would all use the B4009 to access Newbury.
28. Councillor James Cole asked whether Councillor Simpson was satisfied with the sustainability analysis. Councillor Simpson responded that he did not agree with the key destinations used in the traffic modelling and the gradient was outside the Department for Transport guidance for cycling.
29. Councillor Edwards, noting that Councillor Simpson had lived near to the site for 39 years, asked whether he thought flood water would run off the road onto the development site. Stuart Clark advised that there was a condition in the update sheet to ensure the development managed that run off water effectively.
30. Councillor Pick asked for the road traffic accident (RTA) statistics in the area. Paul Goddard explained that the official statistics were provided by Thames Valley Police and although the DfT recommended a 3 year history, officers had considered 5 years of history. Incidents were not recorded as an RTA if there was no personal injury. There were no RTAs resulting in personal injury on Stoney Lane in the preceding 3 years. There were 5 RTAs resulting in slight personal injury on the B4009 mini roundabout in the preceding 5 years but this was not unusual for any junction and often caused by drivers making poor choices. Officers did not deny that there was already congestion on the B4009 but advice remained, in accordance with the NPPF, that the impact on traffic in the area would not be severe.
31. Councillor Hilary Cole noted that the site was in the DPD and was passed by a majority on 5 November 2015.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

32. Councillor von Celsing stated that whilst she appreciated the site was in the DPD she did not like the application. She travelled to the site visit south along Stoney Lane and had to stop and reverse to allow cars to pass. Councillor von Celsing expressed the view that the lane was unsuitable and there would be little open space on the site. She knew that houses were needed and she knew it was in the policy but thought it was a horrible site.
33. Councillor Fredrickson queried whether there was a variance in the statistics and if it might be possible the impact on traffic in the area had been underestimated. Paul Goddard responded that the projected impact was based on the planning application and traffic survey completed in November and December 2015. Traffic modelling was based on growth over 5 years and committed developments.
34. Councillor Beck noted that this would be the last opportunity to be satisfied the drainage and its maintenance was adequately addressed. Stuart Clark advised that the conditions stipulated the requirement for the developer to submit a maintenance plan to cover the lifetime of the drainage system and the responsible party. The Flooding and Waste Management Act 2010 meant that the Local Authority had to place any water retaining feature on a register which recorded what management would be required and engineers from the Local Authority would inspect the feature. There would also be an option to designate the feature so that it would be an offence to damage or alter it. Councillor Beck asked if the responsible party went bust, what powers the Council would have to complete the works and back charge for them. Stuart Clark responded that he expected that a management company would act on behalf of the residents unless the feature was adopted by the Council.
35. Councillor James Cole stated that he supported Councillor von Celsing's views and stated that computer models were tools but did not replace lived experience of traffic congestion in the area. His view was that nothing good could come of permitting the development and the site should not have been included in the DPD.
36. *The Committee adjourned at 9.45pm and reconvened at 9.46pm.*
37. Councillor Hilary Cole explained that the meeting was adjourned because Michael Butler sought her permission to summarise the application at the end of the debate. Councillor Hooker advised that he had already agreed to this as the Committee's Chairman. Members of the Committee expressed frustration at this interruption to the meeting.
38. Councillor Hooker proposed that the Committee continue the meeting past 10pm in accordance with Rule 7.6.2 of the Council's Constitution . This was seconded by Councillor Hilary Cole and carried by a majority at the vote with one abstention.
39. Councillor Bryant stated that he agreed with Councillor Simpson that the site was in lovely countryside but stated that Sandleford and other DPD sites also were. Other sites might also have traffic issues. Councillor Bryant expressed concern that if the Committee refused the application on the grounds of traffic and countryside, they could be saying they would turn down another 20 or 30 sites. There was a population pressure and the Council needed to ensure the delivery of housing against its quota. Councillors had spent hours debating the sites in designing the DPD and it would be a considerable problem if they backed down from those decisions.

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

40. Councillor Bryant proposed that the Committee accept the officer's recommendations to grant planning permission. This was seconded by Councillor Paul Hewer.
41. Councillor Beck stated that he lived near to the site and had no objection in principle to development but the number of houses was excessive and the potential traffic impact was unacceptable.
42. Councillor Fredrickson stated that he understood the wider context of the Council's planning policies and that more information would emerge over time. The level of congestion was close to severe and the Committee should not underestimate the Ward Member's experience.
43. Councillor Pick stated he would be more comfortable if more detailed information was available.
44. Michael Butler summarised that it was officers' strong recommendation that the Committee approve the application. It was a Greenfield site outside the settlement boundary and in ordinary circumstances one house would be refused. It was a Council proposed site and had undergone a lengthy process with an Inspector. Although it was not at a final stage, in accordance with the NPPF, the DPD could now be given substantial weight. An appeal was being heard in the Council Chamber regarding a proposed 500-600 dwelling development in Thatcham and the Council's 5 year housing supply was under debate. If the Committee refused its own allocated site there would be an immediate impact on the Council's ability to defend appeals on the basis of a five-year housing supply. The Council would also be liable for appellants' costs. If the Committee were minded to refuse the application it would be referred to the District Planning Committee.
45. Councillor Hooker invited the Committee to vote on the proposal of Councillor Bryant, as seconded by Councillor Hewer to accept officer's recommendation. At the vote this motion failed with two abstentions from Councillor Hilary Cole and Councillor Pick.
46. Councillor Hooker sought an alternative proposal. Councillor Beck proposed the Committee reject the officer's recommendation and refuse planning permission. This was seconded by Councillor von Celsing. At the vote this motion was carried with two abstentions from Councillor Hilary Cole and Councillor Edwards.

RESOLVED that the application should be refused contrary to Officers recommendation and that the matter should be referred to the District Planning Committee because of the policy implications.

Reasons:

- Traffic impact
- Potential SUDS issues
- Landscape impact
- Lack of agreed s106 planning obligation

40. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 5.30 pm and closed at 10.10 pm)

WESTERN AREA PLANNING COMMITTEE - 23 NOVEMBER 2016 - MINUTES

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	16/00669/OUTMAJ Newbury Town Council.	11 July 2016	New public open space and wildlife area. 157 dwellings with new road accesses. Land to the north of Pinchington Lane, Newbury. Rivar Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00669/OUTMAJ>

Ward Member(s):

Councillor Drummond
Councillor Bartlett

Reason for Committee determination:

The Council has received in excess of 10 letters of objection.

Committee Site Visit:

12th January 2017.

Recommendation.

The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.

Contact Officer Details

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

1. Site History

01/00256/renew. Development of 9 hole golf course. Approved November 2002. Lapsed.

01/01187/resmaj. Construction of new road and roundabout. Approved September 2001. Implemented.

08/00461/comind. Renewal of application number 153831 - new golf course with driving range and amenity building. Refused June 2008.

15/02310/screen. 18th September 2015. LPA confirmed the application would require an ES to be submitted.

2. Publicity of Application

Site notice displayed 4th April 2016. Expiry 25th April 2016.

Further site notices erected at Equine Way. 12th April 2016 expiry 3rd May 2016.

4th April 2016 - advertised as a departure.

3. Consultations and Representations

Greenham Parish Council

Objection. Reduction of the GAP. Overdevelopment, density too high. Traffic generation too high. Loss of existing open space. Impact on ecology including dormice.

Newbury Town Council

Objection / comment. Whilst the additional affordable housing is welcomed, it is suggested that a Newbury wide transport assessment is undertaken prior to any further major housing schemes being approved in South Newbury. Also regret the partial loss of the GAP between Newbury and Greenham. A restrictive covenant exists on the site which may preclude development for housing.

Highways

Amended plans sought regarding the proposed access onto Greenham Road to be a cross road as opposed to a 4 arm mini roundabout. Otherwise traffic impact acceptable. Mitigation via CIL. Amended plans now received and acceptable. Conditional permission is recommended.

Education

Response awaited. The applicant may be required to enter into a s106 obligation to make additional contributions, over and above CIL.

SuDS

Conditional permission is recommended.

Planning Policy

The application complies in principle with the policy designation of HSA4 in the HSADPD - site NEW047D refers. The Inspector at the Local Plan Inquiry has not raised any fundamental objections to the site allocation

Housing	Support - 63 units of affordable housing is required via the application of policy CS6 in the Core Strategy at 40% of the proposed 157 dwellings. Obtain via s106 obligation. Homes should be built to lifetime homes standard. 30% should be shared equity, [19 number] 70% for social rent. [44 number]. Homes should be pepper potted through the application site.
Minerals	The application site is a former mineral extraction site and then a landfill tip site. However it has since been fully restored so the Council has no further involvement in the site in regards to waste / minerals issues.
BBOWT	Originally objected to the application on the grounds that the application did not meet "test 3" as applied to European Protected Species, particularly in relation to the GCN population on the site which is an important habitat. An outline Habitat Management Plan submitted has allayed fears in this regard. Conditional permission is recommended, subject to the implementation of this HEMP.
Environmental Health	Conditional permission is recommended. Contaminated land condition, with remediation scheme.
Natural England	No objections on the grounds of impact on the local SSSI, which is Greenham and Crookham Common. Welcome the new public open space which will act as useful enhanced Green Infrastructure. No views to make on protected species - BBOWT to make comments.
Tree Officer	No objections. Conditional permission. The site is currently predominantly open grassland with self sown trees with a good quality thicket running to the north of Haysoms Drive. Detailed landscaping plans should be submitted in due course.
Environment Agency	The principal constraints relating to this site correspond to groundwater protection, given it is a former landfill site overlying a Zone 3 source protection zone. Accepted that given local site conditions the risk of such contamination of the ground waters is low. Conditions recommended re. piling, contamination, and drainage.
Fire and Rescue Service	Suitable fire hydrants will be required as a condition of the application if approved.
Thames Water	Do not object but note that pre development conditions should be applied regarding the impact on the local water supply infrastructure, plus the impact on drainage in particular foul sewerage.
Archaeologist	No objections.
Defence Infrastructure	No safeguarding objections raised.
Waste Services	Conditional permission is recommended.

Public Open Space

The proposed open space far exceeds the Council's minimum requirement for the 75 dwellings and will enhance the public open space as existing with better connectivity. A commuted sum of circa £240,000 will be required for future maintenance in a s106.

Public Representations

14 letters of objection based upon the following issues. Impact on roads, particularly at peak periods, impact on local infrastructure, loss of green space, impact on local ecology and species, restrictive covenant in place, general overdevelopment of south east Newbury, does not conform to the NPPF, urban sprawl which is not required, site accesses are poor, impact on local landscape character, loss of local habitat, impact on local street scene, poor design, potential rise in anti social behaviour, dangers associated with developing on the former tip site i.e. contamination and gas emissions, impact on local schools and health care facilities.

Two letters of comment. One about the planning process, the other suggesting that the application site would be useful for allotments.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

HSADPD November 2015. Policies GS1 and HSA 4 - land off Greenham Road.

Policies ADPP1, CS1, CS4, CS6, CS13, CS14, CS16, CS18, and CS19.

5 Description of development.

- 5.1 The application site is a greenfield area, formerly a land fill site, now fully restored. It lies outside any current defined settlement boundary, between Newbury and Greenham. It is proposed to develop two distinct sites, site 4 to the east being 2.51ha and site 5 to the west being 1.36ha. The eastern site will contain 87 dwellings, 33 of which will be affordable [38%] with one new vehicular access off Greenham Road to the east. An additional access will be off Haysoms Drive to the west. This site lies immediately to the north of the new housing development recently completed which was on the former Greenacres Leisure site now demolished and replaced by the David Lloyd Leisure Centre off Monks Lane. The west site will comprise 70 dwellings, 30 of which will be affordable i.e. 43% on this site. The mix here will be 42 two bed flats, 22 two bed houses, and 6 three bed houses. Hence the overall mix of dwellings proposed on both sites, is 20 one bed maisonettes, 25 two bed houses, 27 three bed houses, and 15 four bed houses. In association with the development will be new area of defined public open space to the north, with a new children's play area, footpaths and additional landscaping.
- 5.2 The site to the west will comprise 70 dwellings, as noted above. Access will be gained off Pinchington Lane to the south. The latter will be located on the southern edge of the site facing Pinchington Lane, with a parking court to the rear. The remainder of the red line application site will remain as an ecological area, of publicly accessible open space, in order to retain the local newt population, which is a nationally protected species. A number of paths will cross this area in order to improve connectivity between the new housing areas.
- 5.3 **At this stage it is ONLY access which is being considered by the Committee.** Accordingly, should the application be approved, matters of layout, scale, appearance and landscaping will be considered at the subsequent reserved matters stage. The outline

permission will ensure however the access points and configuration, and the total number of dwellings to be permitted.

5.4 The Council, on 18th September 2015, required the applicant to submit an Environmental Statement to be submitted with the proposal, following a positive screening opinion, the reference being 15/02310/screen. This was essentially based upon the fact that the site lay on an ecologically sensitive area - for newts. The applicant has duly submitted an ES with the scheme. In addition the application was formally advertised as a departure on 4th April 2016.

6.0 The application will be considered under the following headings.

6.1 - Policy.

6.2 - Access.

6.3 - Ecology.

6.4 - Visual impact/landscape issues.

6.5 - Other issues.

6.1 Policy Considerations

6.1.1 Policy HSA4 in the Council approved HSADPD of November 2015, allocates these two sites [inter alia] for additional housing in order to meet the Council's housing land requirements / needs. It corresponds to site NEW047D, the first sites to come forward according to the policy text. On this site the text notes a density of between 140 - 160 dwellings - thus the application is three below the maximum permissible. The access points are accepted as being onto both Greenham Road and Pinchington Lane, and 40% of the dwellings are to be affordable. In addition the policy highlights the need to provide public open space in the site which will also form an important habitat for Great Crested Newts. Given the former tip site, a full land contamination and remediation survey / works will be required, with appropriate conditions to be applied to any planning permission. Any application should also be accompanied by a full Transport Assessment, to ensure that the additional traffic generated by the housing can be accommodated within South Newbury and beyond - given existing potential commitments such as Sandford Park coming forward.

6.1.2 The principle of new housing on this greenfield site is thus accepted, so in the Committee consideration of this particular application, it is the technical issues which are required to be examined in order to see if it complies with other policy considerations.

6.1.3 The Committee will be aware that the Inspector appointed to examine the Council HSADPD has now made formal recommendations to modify the Plan. For policy HSA4 he has not recommended any changes, other than to alter the developable area from 8.5ha to 7.7ha and to delete the need for the submission of an air and noise quality impact assessment. The application complies with both of these altered aspects.

6.1.4 Section 38 [6] of the Planning and Compulsory Purchase Act of 2004 requires all planning applications to be determined in accord with the Development Plan, unless material factors indicate otherwise. Firstly, policy ADPP1 in the Core Strategy [CS] notes that most new development will be within of adjacent existing settlement boundaries. This site adjoins the present boundaries of Newbury to the north and Greenham to the south. Next, policy ADPP2 confirms that Newbury will be the principal focus for new housing over the Plan period, with Sandford being the main allocation, along with more "minor" sites such as the one in question. Policy CS1 notes that in order to meet the Council housing needs, greenfield sites will have to be allocated. Policy CS4 deals with proposed housing types and mix, in order to meet local needs as identified in census data. In addition the local character of the area and its accessibility will need to be taken into account. The development in hand achieves an overall density of just under 28 dwellings per ha which is actually quite low in relative terms, when the Public Open Space allocation is taken into account, although this equates to net

density of over 40 dwellings per ha when related to the actual development site excluding the public open space. If one takes into account the whole red line application area of 9.76ha the density falls to just 16 units per ha. Policy CS6 requires new housing, on greenfield sites, to meet the target of 40% affordable dwellings. A mix of 8 one bed maisonettes, 18 two bed flats 27 two bed houses, and 10 three bed houses [63 units] has been agreed with the Housing Provider, Sovereign Housing. However, although the application, if permitted, will be in conjunction with a s106 agreement to ensure this level of housing is delivered, the applicant has reserved the right to re-consider this at a later stage should viability be an issue, in accord with para 173 of the NPPF. Given this the application presently conforms to policy CS6. Policy CS13 examines transport issues and this will be considered later. Similarly policy CS17 deals with biodiversity issues which will be examined under the ecology section later. Finally, policy CS18 examines the impact of new building on the District Green Infrastructure [GI], which will be examined under landscape issues again.

6.1.5 To conclude, assuming the development complies with policies CS13, 17 and 18 noted, it will be acceptable in policy terms.

6.2. Access.

6.2.1 The applicants, within the submitted Environmental Statement [ES] have included a Transport Assessment as required by the NPPF for this level of additional housing. The Highways Officer has examined this document in some detail, especially in the light of on-going traffic congestion at peak periods for junctions directly onto the A339 to the west. For site 5 with 87 dwellings, the increase in traffic movements in the morning peak will be 50 vehicles, and in the pm peak, 55 vehicles. These flows will be distributed between Haysoms Drive and Greenham Road. Via amended plans now submitted, the proposed mini roundabout access onto the latter is to be altered to a new crossroads, which is in accord with the latest advice on road safety in Manual for Street [MFS]. For site 4 in the west the flows will be 28 in the morning peak and 29 in the pm peak, all onto Pinchington Lane. In summary, this equates to a rise in flows of 1.37% in the am peak, and 1.55 % in the pm peak for Pinchington Lane and 1.63% and 1.97% respectively onto Greenham Road to the east. All these figures are below the 3% guideline noted in para 32 of the NPPF so it is concluded that the development impact will be acceptable in terms of impact upon the local highway network. Consequently, no additional mitigation works under policy CS5 will be required, other than the required s278 works for the construction of the three new accesses onto the local adopted highways and the funding which will be achieved via CIL.

6.2.2 The internal access of the layout has not been examined in any detail since at this stage this element of the application will be considered at the reserved matters stage. It is expected however that all of the roads will be adopted in due course, with suitable waste collection arrangements. Given layout is not to be agreed now, the precise parking levels will not be agreed. However the applicant is aware that the standards for the mix of housing proposed must conform to those identified in zone 2 of policy P1 in the HSADPD of 2015. The case officer is content that this can be achieved in the density noted, given that on site public open space is generous, outside the development area. Finally the officer is content that the level of interconnectivity of footways and paths both through the new housing and within the public open space will assist in enhancing local permeability and so community inclusivity as espoused in the advice in the NPPF, so assisting overall sustainability provision.

6.2.3 It is accordingly concluded that the application complies with the advice in both policy CS13 in the CS and the advice in the NPPF, in terms of accessibility and traffic /parking issues.

6.3. Ecology.

6.3.1 The application site forms an important natural habitat for Great Crested Newts [GCN]. Accordingly, given that this was the principal reasoning behind the LPA requesting an ES to accompany the application, it is no surprise that in the ES a full Ecological Impact

Assessment has been undertaken in relation to the newts and their future population levels, should the development proceed, with appropriate mitigation. There are 3 water bodies on the site which contain newts, being the Bowls Club pond, the ditch line and Haysoms Pond to the south. These contain the “meta population” of the newts which have been surveyed over a number of years, following various developments now permitted and built in the locality - namely the new CSG site [11/00585/outmaj for 13 dwellings] and the permission 12/02884/fulext at the former Greenacres for 40 dwellings now nearing full occupation. The applicant’s agents have concluded that if appropriate mitigation is put in place, the long term population of newts will be preserved via the maintenance of the three water bodies noted, in terms of quality, via removing rubbish, reducing shading, removal of silt accumulation and informing the public about newt habitats. The water bodies are seen as the local constraining factor, not the extent of the terrestrial habitat, which is being necessarily reduced by the physical development under consideration.

6.3.2 Extensive consultation over the detail has occurred with BBOWT the local nature trust with the relevant expertise on these issues. Meeting have been held last year in order to resolve these issues, resulting in BBOWT and Natural England removing objections to the application. The basis of this objection removal is providing the necessary on site mitigation and enhancement features can be put in place on the site, via a condition on a Landscape and Ecological Management Plan [LEMP] being put in place. This will ensure that the three tests set out in the Conservation of Habitat and Species Regulations of 2010 are met:-

- 1 - Meeting the housing needs of the District is an overriding public interest.
- 2 - The Council has explored alternative housing sites, through the HSADPD process, and the sustainability appraisal, having regard to alternate ecological implications.
- 3 - Favourable conservation status of the future GCN population will be achieved.

For information it is the Council [via the case officer in making this recommendation] who has “agreed” points 1 and 2, whilst BBOWT are agreed on point 3, subject to the various ecology conditions being put in place.

6.3.3. Policy CS17 in the Core Strategy identifies how the Council should determine planning applications having regard to their ecological implications. This notes that development which would harm [inter alia] habitats of species importance, as could be the case here, can only be approved if there are no reasonable alternatives, and there are clear social and economic benefits arising. Clearly the acceptance [if this is the case at Committee] of 157 additional dwellings with 63 affordable units and associated substantial open space can be considered as significant social and economic benefit, to the advantage of the Newbury community as a whole. It is on this basis that officers believe that policy CS19 is adhered to, as are the three tests in the Regulations identified above. This then flows onto the ecological advice in the NPPF.

6.4. Landscape and visual impact.

6.4.1 Section 11 of the NPPF sets out advice on how Local Planning Authorities should determine planning applications, where they have a potentially significant impact upon local landscape character and quality. Notwithstanding the needs of supplying new housing, wherever possible suitable mitigation should be put in place to minimise visual impacts. This policy theme is effected via policy CS19 in the Core Strategy, which seeks to ensure that the local distinctiveness of landscape is retained and enhanced where possible.

6.4.2 Clearly, if this development is approved and built out, it will have an impact on the present open [but not necessarily attractive] nature of the former gap site between Newbury and Greenham. The site presently has a valuable function in achieving this “open” feel, assisted by the fact that it is a relatively flat plateau. Having said that it is now bounded on all sides by either housing or commercial development as the site visit should have shown, apart from the north east sector across Greenham Road. Having said that, part of this site [without

prejudice] will be built out in the future under another housing allocation under policy HSA4. Consequently, the open nature of the site is diminished by the cumulative surrounds of built form.

- 6.4.3 The applicants, within the ES, have submitted a Landscape and Visual Impact Assessment [LVIA]. This, in summary, sets out the following advice: it notes the application site forms part of the Newbury urban fringe and so, whilst currently countryside in pure policy terms, does not enjoy the same value or quality of open countryside. It is also noted that it forms a plateau rising to 120m AOD which is 60m above the Kennet Valley to the north. Consequently it would be relatively prominent, were it not for the built form surrounding it, as identified. These constrain surrounding views both into and out of the site.
- 6.4.4 The application proposes 157 dwellings rising to up to 10/11m in places where 3 storey flats are proposed. Whilst only access is under actual consideration at this juncture, should the application be approved, that is the outline permission. So, it is only right that the Committee take into account the impacts that will flow from the density of building proposed. In the notional layout it is proposed [for example] to construct 3 storey flats on the north section of Pinchington Lane. This will be visually read in conjunction with the larger commercial buildings in the Triangle Motor Park, and the larger retail buildings on the Retail Park immediately to the west. The dwellings to the north of site 4 in the west will be read in conjunction with those now built in Equine Way. As to the eastern site, it is “fortunate” that Greenacres has now been built out, in the sense that this provides a more urban backdrop to the south for this new level of housing. Before this area was more rural in character with the former sports centre being present, now demolished. The greatest impact will be along the street scene to the west of Greenham Road, where the new building will be a minimum of 4 / 5m from the carriageway edge. In addition the new line of housing will extend some 100m to the north from the present Greenacres site - however there will still be an open gap of approximately 135m distance to the existing Bowls Club, which is still quite substantial, i.e. the gap will be reduced by some 42% in distance. What is also helpful in visual terms is the fact that the limit of new building to the west aligns with the current western limit of the Greenacres site [12/02884/fulext] so the backdrop will remain in place, and this allows for a minimum width of 120m across the proposed new open space to be provided.
- 6.4.5 To put the above in perhaps more perspective, given the overall site area is 9.76ha and the developable area is just 3.87ha, the overall plot development ratio will be 40%. This means that 60% of the land will be open space retained in perpetuity. This open space itself will enhance the local fairly degraded character of the site in terms of quality, and of course will become formally accessible to the public. This in turn will assist in reducing the overall visual impact of the scheme.
- 6.4.6 To conclude, it is considered by your officers that the application, whilst obviously having some local landscape impact, is acceptable within the terms of policy CS19, when the added benefits of the new housing and open space are taken into account, with the local biodiversity improvements.

6.5 Other Issues.

- 6.5.1 Firstly, the application, if approved and built out, will be liable to CIL charges. This can only be calculated in detail at the reserved matters stage, once the precise floor areas of the dwellings are known. The charge rate at present is £75/m² net gain in C3 space. Very approximately [without prejudice] if one applied an average footprint of 60m² per new dwelling, this would equate to in excess of £420,000 for the market dwellings as the 63 affordable units are exempt from CIL charging.
- 6.5.2 The applicants have expressed in principle a willingness to enter into a s106 obligation for funding for additional improvements towards Greenham Common. This is due to the additional impact the new occupants would / could have upon the Common, given its

proximity. However, in applying the section 122 criteria in the 2010 CIL regulations, as amended, it is clear that the Council cannot justify such funding, as it would not meet those tests. Accordingly, any improvements would need to be paid for via CIL.

6.5.3 At the time of writing a similar issue has arisen with whether the Education Department can request additional funding from the applicant, in order to mitigate the impact the new residents will have upon the local school catchment areas, which are increasingly at capacity in South Newbury. It is expected a response on this will be available on the update sheet.

6.5.4 A number of the objectors have referred to the presence of a legal agreement between the Council and the applicant Rivar, dated 3rd December 1992, which is still in force. This corresponded to planning permission 139662, which corresponded to [in part] keeping a large part of the application site open in perpetuity, but permitted recreational use. If this planning permission is granted, it would in effect override this covenant. Accordingly it would need to be released by a further deed of covenant by the relevant parties.

7. Conclusion

7.1 The Committee will be aware that all planning applications must be determined in accord with the Development Plan, having regards to the three tenets of sustainability as set out in the NPPF. First, the economic aspects. The applicants have estimated that the cost of construction will be circa £18 million, including the land remediation aspects. This will involve about 117 fte jobs per annum, in addition. For the 157 dwellings these could accommodate up to 393 people, who may spend approximately £6 million spend in the local economy pa, when the salaries of those in the housing are also taken into account. Clearly this will have beneficial impacts especially when the New Homes Bonus is taken into account. Secondly, in terms of the social aspects, there will be 63 affordable units [subject to future viability], and the provision of the additional public open space and play area. These are all considered to be positive. It is the environmental aspects which are not so clear cut. On the one hand, there will inevitably be some visual and landscape character impact by virtue of the loss of the open area noted, leading to some diminution and so harm to that landscape. There will also be a degree of traffic impact in what is already a relatively congested area at peak periods. However, amongst the environmental benefits will be the enhancement of the local habitat for the newts, as identified, and the final “proper” and full remediation of this historic landfill site ready for residential occupation. The latter is considered to be a substantial benefit, as this could not be done at the public cost.

7.2 Accordingly, taking all the above aspects into account, including the delivery of an additional 157 dwellings to the District Housing Land supply, and the policy compliance of the site, it is considered that there are clear reasons to approve the application, before Committee.

7.3 The Committee are advised that should they wish to refuse the application, the matter would be referred to the District Planning Committee by the Development Control Manager under his delegated authority, as to refuse the application would be contrary to the Development Plan.

8. Recommendation.

The Head of Planning and Countryside be authorized to GRANT Conditional Planning Permission subject to the first completion of a s106 planning obligation. That obligation to deliver the 63 affordable homes and the commuted sum of £240,000 for the public open space maintenance, plus the relevant s278 highways works. In addition the obligations required for ecological enhancement and monitoring of the open space in perpetuity, for the newt population.

CONDITIONS

Time limit

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

1 - 3 years from the date of this decision

2 - 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.

Reserved matters

2. Full details of the external appearance of the housing, the scale, the layout 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.

Drainage strategy

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.

Hours of working.

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.

Highways layout.

5. 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. This condition shall apply notwithstanding any indications to these matters which have been given in the current

application. All the required s278 and s38 agreements shall be completed prior to the first occupation of any dwelling.

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).

CMS

6. 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).

Removal of permitted development rights.

7. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with the advice in the NPPF of 2012.

Fire hydrants

8. No development shall commence until details of fire hydrant provision on the site has been submitted and agreed with the LPA. The development must be carried out in strict accord with this scheme prior to any dwelling occupation.

Reason: To protect public safety in accord with the advice in the NPPF of 2012.

Suds.

9 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 the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;

- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- d) Include a drainage strategy for surface water run-off from the site;
- e) 1. Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- 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, plus a stress test for the affect of a 40% increase;
- i) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- 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.
- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- 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;
- 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);
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- v) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- x) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- y) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

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 applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is

necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Land contamination.

10. No development shall commence in each phase approved by this planning permission until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The land was previously landfill. It will need to be remediated in accord with NPPF advice.

Verification.

11. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. In accord with the advice in the NPPF.

Remediation.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unexpected contamination encountered during the developments is suitably assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water .In accord with the NPPF advice.

Piling.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which maybe given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site is on a former landfill, piling could lead to the contamination of groundwater, in accord with the advice in the NPPF.

HEMP

14. No development shall commence until a HEMP is submitted to and approved in writing by the LPA, in accord with the principles defined in the draft HMP set out by BSG Ecology dated the 5th July 2016 on South East Newbury. Consequently all the habitat management proposals including the long term maintenance and monitoring of the site shall be put in place and fully implemented for the lifetime of the housing development hereby permitted.

Reason: To ensure that the ecological impacts of the application are sufficiently mitigated, in accord with policy CS17 in the West Berkshire Core Strategy of 2006 to 2026.

Amended/approved plans.

15 This permission corresponds to the following plans--1261/ds04p Rev P, dated August 13, and 1606 DS05P Rev J dated August 2013 , and plan number 1261/spo2 Rev K dated Oct 2015 . All by Pro Vision. In addition the eastern access shall be constructed in accord with the revised plan by Glanville dated November 2016 number 8140821/6106 Rev A.

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

Access

16 No development shall take place until details of the proposed accesses into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawings.

Reason: To ensure that the accesses into the site are constructed before the approved dwellings are occupied in the interest of highway safety. 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).

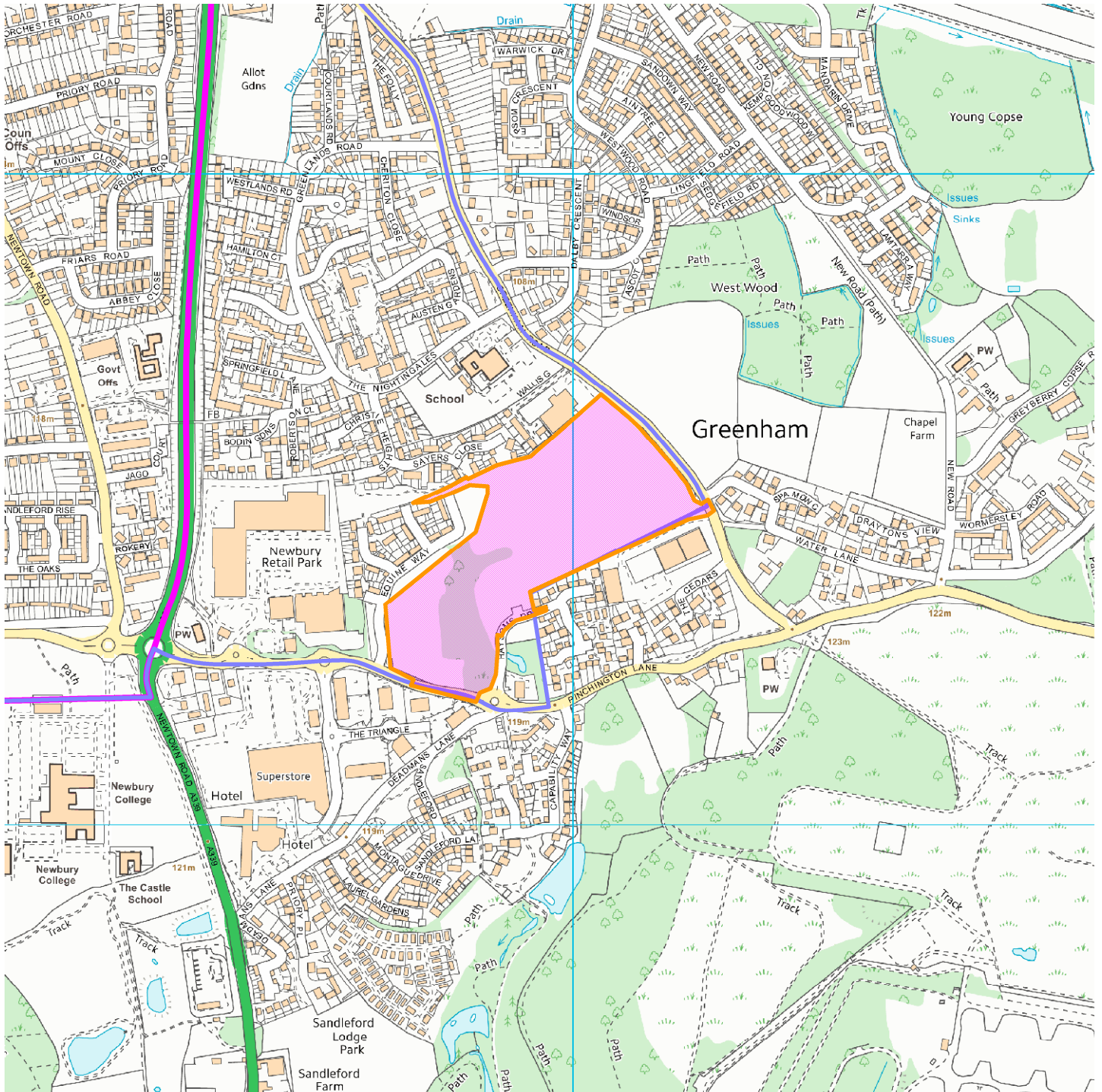
INFORMATIVE:

- 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. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

- 2 The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
- 3 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the ****. You are advised to ensure that you have all the necessary documents before development starts on site.

DC

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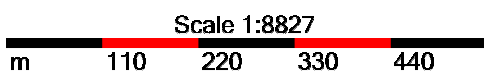
Map Centre Coordinates :

Scale : 1:8826

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Organisation	West Berkshire Council
Department	
Comments	
Date	04 January 2017
SLA Number	0100024151



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Agenda Item 5.

APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
COMPTON 16/03431/FULD Pins Ref: 3154951	Bray Cottage, Compton Mr J Ramsay and Ms J Franklin	Construction of new dwelling with associated curtilage and car parking with modifications to boundary wall (dismantle and reconstruct) and removal of boundary outbuildings.	Delegated Refusal	Allowed 6.12.16
COLD ASH 16/00051/FULMAJ PINS Ref: 3154466	St Gabriels Farm The Ridge Cold Ash Rivar Ltd	Demolition of existing farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.	Delegated Refusal	Dismissed 22.12.16

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COMPTON 16/03431/FULD Pins Ref: 3154951	Bray Cottage, Compton Mr J Ramsay and Ms J Franklin	Construction of new dwelling with associated curtilage and car parking with modifications to boundary wall (dismantle and reconstruct) and removal of boundary outbuildings.	Delegated Refusal	Allowed 6.12.16
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Main Issue

The main issue is the effect of the proposed development on the safety of highway users.

Reasons

The appeal site was used until recently for the storage of cars, but is now laid in part out as a parking area for Bray Cottage. The proposed dwelling would be set to the rear of the site, and it would share a parking and turning area with Bray Cottage. The proposed dwelling would be simple in character and the catslide roof picks up local references. The proposed modification of the existing boundary walls, if carried out in good quality brickwork, would preserve this distinctive enclosing feature. This part of the Compton Conservation Area is characterised by large well-spaced dwellings enclosed by high brick walls and the Inspector found that the appeal proposal would preserve this character. The proposal would therefore comply with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The appellants have submitted a Visibility Statement and a Technical Note by JMP to support their case in relation to highway safety. A traffic count was carried out using an automated recorder, which established that the road had very low levels of traffic and that the 85th percentile wet weather speeds were found to be 18.6 mph northbound and 19.2 mph southbound.

Both parties refer to Manual for Streets (MfS) 2007, which is the accepted guidance for the design of streets and roads. Section 7.7 gives guidance on junction design, but the Inspector considered that it is also relevant to take into account the guidance on forward visibility in section 7.8. 7.8.3 which discusses the behaviour of drivers emerging from private driveways, as would be the case here, and points out that the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. It suggests that consideration should be given to whether this will be appropriate taking into account the frequency of vehicle movements, the amount of pedestrian activity and the width of the footway. Whilst this comment mainly refers to assessing the risk of car/pedestrian conflict, this principle is also helpful in this case which requires an assessment of car/car as well as car/pedestrian conflicts.

Cheap Street is a short local road, with a very low traffic count and in the vicinity the appeal site, it has the character of a narrow country lane. The Inspector saw that cars proceeding northwards tended to be towards the centre of the road due to the effect of the build out just to the south of the appeal site¹. In any event, the lane is enclosed by walls at the side of the carriageway on one side and an overhanging hedge on the other so drivers tend to drive slower and towards the middle of the carriageway. There is room for two cars to pass but this would need to be done at low speeds in this section of the lane. There are no footpaths and everyone has to share the carriageway up to a point at the build out, from where the footpath to the centre of the village commences. There have been no recorded injury accidents here over the last 10 years.

The Inspector drove through the access, turned around and went out again. The current visibility is poor, but using caution and common-sense, there is a very low risk of a conflict with either vehicles or pedestrians. The proposed dwelling would generate additional car movements in and out of the access, but these would still be relatively low and would not be comparable to a junction. Figure 4 of the JMP Technical Note shows that the bonnet of a car would be clearly visible from the north and south, with room for the approaching car to avoid it. The possibility of two cars passing each other exactly at the time that a vehicle emerged from the appeal site would be very low and even then, the speeds of all the vehicles would be likely to be very low.

Accesses onto many historic streets such as this one would fail the standard tests of visibility, but they tend to function reasonably well because driver behaviour is modified. Given the low speeds and the low volumes of vehicles and taking into account that the visibility would be improved by

the proposals, the Inspector concluded that it is appropriate in this case to allow a lesser visibility than is the normal standard required for junctions in MfS. MfS 2 followed and builds on MfS 1 and also emphasises the importance of the sense of place as a factor in street design. This publication also advises that a more flexible approach can be taken if the conditions are appropriate, which he found is the case.

The Council has referred to appeal APP/W0340/A/11/2144865 (May 2011). This proposal was for one additional four bed dwelling whereas in this appeal the proposal is for a three bed dwelling. The use of an existing access was proposed and it is clear that the Inspector has taken into account the specific circumstances of the site and local traffic speeds were higher. As the Inspector explained above, he carried out a similar risk assessment and due to the different circumstances, he reached a different decision.

The Council's reason for refusal also refers to the free flow of traffic, but this is a lightly used road and the flow of traffic would not be affected by the proposal. The Inspector therefore concluded that the proposed access would not have a severe adverse impact on the safety of highway users, including pedestrians, riders and other drivers. The proposal would therefore comply with the aims of policy CS13 *Transport* of the West Berkshire District Core Strategy 2006-2028 (adopted July 2012) paragraph 5.85, which requires that road safety is a key consideration for all development.

Other matters

Compton Cottage shares the southern boundary with the appeal site, but there are no windows to habitable rooms facing towards the proposed dwelling and the Inspector saw that its rear garden would be separated by the usual high garden fence. The living conditions of this occupier would not therefore be affected.

The dwelling called the Croft is well separated from the proposed dwelling and has an extensive mature garden on its southern boundary with the appeal site. Given the large separation distances, there would be no adverse impact on these occupiers. The question of the boundary line with the Crofts has been raised, but this is a private matter between the two owners.

The suggestion has been made that the brick front boundary wall could be listed, but the wall is clearly severed from the curtilage of the listed building further down the lane and has been for a very long time and the Inspector had no other evidence that there is likely to be a curtilage connection.

Conclusions

The Inspector therefore concluded that the proposed dwelling would not lead to a severe cumulative impact on the safety of highway users and it would not impede the free flow of traffic.

For the reasons given above, he concluded that the appeal should be allowed.

Decision

The appeal is allowed and planning permission is granted for construction of new dwelling with associated curtilage and car parking with modifications to boundary wall (dismantle and reconstruct) and removal of boundary outbuildings at Bray Cottage, Compton RG20 6QH in accordance with the terms of the application, Ref 15/03431/FULD, dated 21 December 2015, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1561 07C, 08
- 3) No development or site preparation shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development and site preparation shall be carried out in accordance with the approved statement.

- 4) No development shall commence until details of a land contamination assessment and associated remedial strategy, together with a timetable of any remedial works and action to be taken as a result of unexpected contamination, shall be submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details and strategy.
- 5) No work shall commence on the re-building of the front boundary wall until full details of the proposed wall, to include the type of bricks, the bonding, mortar, jointing and coping details, are submitted to and approved by the local planning authority in writing. The wall shall be constructed in accordance with the approved details and retained as such thereafter.
- 6) The dwelling hereby permitted shall not be occupied until the front boundary wall is completed in accordance with the approved plans and the approved details.
- 7) The dwelling hereby permitted shall not be occupied until the vehicle parking and turning spaces have been provided and surfaced in accordance with the approved plans. The parking spaces and turning areas shall be kept available thereafter for the parking and turning of private motor cars and light goods vehicles, at all times.
- 8) The dwelling hereby permitted shall not be occupied until the access is provided in accordance with the approved plans.
- 9) The dwelling hereby permitted shall not be occupied until details of secure cycle storage and an electrical car charging point for the approved dwelling are submitted to and approved by the local planning authority in writing. The cycle storage shall be kept available for that purpose thereafter.

Conditions

The Inspector assessed the conditions suggested by the Council against the tests set out in paragraph 206 of the Framework and the guidance set out in the Planning Practice Guidance. He attached the standard time limit and required the development to be carried out in accordance with the approved plans. This is to provide certainty. He attached a condition requiring a scheme of archaeological investigation to be approved before any site work commences. This is to ensure that any heritage assets are properly recorded and assessed. Given the history of the site, he also required a scheme for dealing with any land contamination.

Given the prominent position of the proposed new front boundary wall, he required further details of its construction and materials, in order that the Council can be satisfied that the character and appearance of the conservation area is preserved. He imposed a condition to ensure that the replacement wall is provided and retained, in order to protect the character and appearance of the conservation area.

For the protection of highway safety, he required that the access and the parking and turning areas are provided before the dwelling is occupied. In the interests of sustainable travel options, he required secure cycle parking and an electric vehicle charging point to be provided.

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COLD ASH 16/00051/ FULMAJ	St Gabriels Farm The Ridge Cold Ash	Demolition of existing farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.	Delegated Refusal	Dismissed 22.12.16
PINS Ref: 3154466	Rivar Ltd			

Procedural matter

The Council put before the Inspector an appeal decision for the erection of 6 detached dwellings on land south of Pound Cottage, which includes part of this appeal site adjacent to Cold Ash Hill at the proposed access point. The appeal, was dismissed on 5 October 2016. Whilst other interested parties would not have had an opportunity to comment on the relevance of that appeal decision to this appeal, the appellants have had a fair opportunity to comment in full at the final comments stage, so she had regard to this appeal decision in her assessment of this appeal.

Main Issues

The main issues are i) the effect on the character and appearance of the area and the natural beauty of the adjacent North Wessex Downs Area of Outstanding Natural Beauty (AONB), ii) the effect on protected species and iii) whether the development would be sustainable development.

Reasons

Policy Framework

The appellants maintain that the Council cannot demonstrate that it has a 5 year supply of housing land. They have referred to two appeals. The most recent appeal, Pound Cottage, Cold Ash Hill was a Hearing but the Inspector could not reach a firm conclusion on the evidence available whether the Council's policies for the supply of housing were out-of-date or not. The Inspector had no further evidence on this point, so she took a precautionary approach and assessed this appeal on the basis that a 5 year supply has not been clearly demonstrated.

The appellants make the case that the site has an urban / rural fringe setting. The site may look close to the edge of the village on a map, but the rolling topography to the west and the steep wooded slopes behind it up to The Ridge give it a distinctly separate rural setting. The proposal is therefore a redevelopment of existing buildings within the rural area.

The West Berkshire Local Plan 2007 (Saved Local Plan) saved policy ENV.18 *Control of development in the countryside*, links to saved policy ENV.20 *Redevelopment of buildings in the countryside*. Policy ENV.20 allows for the redevelopment of existing buildings in the countryside where the proposal is in a sustainable location and subject to a number of other criteria being satisfied. This policy is not relevant to the supply of housing so is not out-of-date. Moreover, although not quoted in the Council's reasons for refusal, this is the key policy for the purposes of assessing this appeal.

Saved policy HSG1 of the West Berkshire Local Plan 2007 (Saved Local Plan) is a policy which is relevant to the supply of housing and is therefore out-of-date for the purposes of this appeal. West Berkshire Core Strategy 2012 policy ADPP 1 sets out the *Spatial Strategy for the District* states that infill and minor development adjacent to the settlement boundary may be accommodated, but as this is a relevant housing policy, it is also out-of-date. Policy CS 1 *Delivering new homes and retaining the housing stock* is a policy relevant to housing and so is out of date. However, as the Inspector had explained above, these policies are not the key policy for the assessment of this appeal.

Policies CS 13 *Transport*, CS 14 *Design principles* and CS 19 *Historic environment and landscape character* of the Core Strategy are not policies relevant to housing, so are up-to-date.

The National Planning Policy Framework (the Framework) in paragraph 55 sets the special circumstances for allowing isolated new homes in the countryside, one of which is that the development would re-use redundant or dis-used buildings and (her underlining) lead to an enhancement to the immediate setting.

Character and appearance, AONB

St Gabriels Farm buildings are a cluster of now mostly empty or lightly used 20th century farm buildings located on steeply rising ground below the road known as The Ridge, named for the obvious reason that it follows the line of the long ridge above the appeal site and along which the AONB commences. These buildings comprise one large brick built building, a part open, part enclosed cattle shed and a set of low open cattle shelters, all at different levels with a fall of approximately 3 - 4m across the site from front to back.

The appellants' Landscape and Visual Impact Assessment³ (LVIA) explains that the appeal site is just within the "Plateau Edge Transitional Matrix Character Area" as identified in the Newbury District Wide Landscape Character Assessment. This is clearly evident when looking at the appeal site, which sits just below the plateau edge above open farmland. The convex rounded slope profile of the lower slopes referred to as a general characteristic of this type of landscape, is found at the appeal site and plays an important role in the visibility of the proposed development and its visual separation from the village.

The existing buildings can be clearly seen from the access gate on Cold Ash Road (Viewpoint 1 of the LVIA). The Inspector accepted that from other viewpoints identified in the LVIA the appeal site is not especially prominent, due to the topography. However, Viewpoint 1 is a key view, as this is the open landscape setting for the village when approaching from more built up areas to the south along Cold Ash Road. The LVIA points out that the proposed dwellings would be seen below the treed backdrop and would be lower than the existing ridge line and concludes that there would be a "localised minor adverse significance of effect".

Two of the proposed houses (plots 1 and 4) would be sited well to fore of the existing farm buildings, as shown on plan 30A. They would be significantly more prominent than the relatively low existing buildings, as shown on the submitted cross sections AA and BB. Plots 1 and 2 would also be significantly higher than the low shed they replace. This is shown on sections CC and DD. Moreover, there would be four large detached garages with dormered roof accommodation over and a new turning head well to the fore of all these proposed houses.

The Planning Statement describes these houses as being grouped in a traditional courtyard style typical of a vernacular group of rural buildings, taking as a reference the typical form of a traditional farmstead. However the proposed design has little in common with true vernacular architecture or farmstead groupings, and would be more akin to a cul-de-sac of large suburban houses. The two bungalows either side of the farmyard are low lying and small. Whilst there are large suburban houses within the village and some cul-de-sacs, the design and layout of the proposed houses would be significantly at odds with their rural setting. The cumulative impact of the increased bulk and the forward position of these large houses on this high convex contour line would have a significantly adverse impact on the wider open landscape character of the area.

The proposed houses would be reached along a long road with an access gate off Cold Ash Road. A farm access track following the same route was approved in 2002 and the gate and

splays have been built. The Inspector had not been told if the pre-commencement conditions were discharged. However, the farm has ceased operation and it would be very unlikely that this track would be completed. Whilst it follows the same route, the proposed access road would be materially different to the approved track. It would be 8.8m wide, with a 4.8m carriageway, compared to the approved track which would be a total of 3.5m wide with passing bays at every 100m. Moreover, the farm track would not have been sealed and it did not include a turning head at the top in front of the farm buildings.

The proposed access road would be surfaced with tarmac and the Highway Authority states that it would be built to adoptable standards. The appellants refer to it being built to current highway standards, wide enough for refuse vehicles. There are no further details, but as it would cross farmland in separate ownership and bisect a hedge, fencing and gates would be likely to be needed. The proposed access road would have a significantly greater prominence than a farm track and would be an alien suburban feature arbitrarily crossing the existing field pattern.

Whilst the fencing and gates could be the subject of a condition, landscaping would not in this case be appropriate as it would add to the incongruous relationship of this road to the field pattern. It is therefore unlikely that the effect of the hard surfaces would be able to be softened to any significant degree and the night time tranquillity and natural darkness of the countryside will be interrupted by the comings and goings along the road.

The Inspector therefore concluded that the proposed access road would have a significantly harmful impact on the open farmland landscape character of the area.

The Inspector noted the words of the Inspector in the recent appeal decision at Pound Cottage, Cold Ash Hill in paragraph 22, who drew attention to the “surrounding agricultural land, which provides a significant and pleasant gap between the built up areas of Cold Ash and Thatcham, contributing to the rural character of the area”. Part of this surrounding agricultural land is within this appeal site and she had come to similar conclusions about the importance of this landscape to the setting of the village.

The proposal would therefore be contrary to the requirements of policies CS 14 *Design principles* and CS 19 *Historic environment and landscape character* of the West Berkshire District Local Plan Core Strategy, July 2012. These policies require that development respects the character of the surrounding area. It would also fail the tests of Saved Local Plan policy ENV.20, which requires that (a) the redevelopment has no greater impact than the existing development, (b) is appropriate in design, form, character and siting to its rural location and that it would not be visually intrusive, (c) respects local building styles and materials, and (e) the extent of the curtilage is not visually intrusive. It would also fail the requirement of paragraph 55 of the Framework to enhance the immediate setting.

The proposed development would be well screened by the prevailing woodland and linear development at higher levels along The Ridge, which is the AONB boundary. The Inspector was satisfied that the natural landscape beauty of the area would not be harmed. The requirement to protect nationally designated landscapes set out in paragraph 115 of the Framework would therefore be met.

Access to services

Policy ENV20 requires that the proposal should be in a sustainable location, which minimises the need for travel and which would be accessible by alternative means of transport other than the private car. Whilst the appeal site is located adjacent to the settlement as seen on a map, the 500m long steeply rising unlit access road would be a significant physical and psychological barrier to walking or cycling, especially at night and in poor weather. There are bus stops at the bottom of the access road, but the village facilities,

such as the school and the playing fields, are stretched out over some distance along the steeply rising Cold Ash Road. Paragraph 5.12 of the Highways and Accessibility Statement states that the distances are measured “as the crow flies” so they do not take the length and steepness of the access road into account. Taking into account the additional length of steep access road, the future occupiers of the proposed dwellings would be effectively isolated from the village, so would be likely to use the private motor car to access most of their daily services.

The appellants state that pedestrian access would be retained along the existing access to connect with bus services and schools along The Ridge. However, no pedestrian connection up to The Ridge is shown on the submitted plans and the application red line specifically excludes a new linking road shown on the plans to the south of the proposed dwellings. Access across land not in the appellants’ ownership would be required. This could be the subject of a condition, but the Inspector had nothing before her that indicates that this would be deliverable and the layout does not appear to have been designed to facilitate the use of this route into the proposed development. The purpose of the extension to the access road is unclear, but as it is not within the appeal site, it cannot be taken into account.

The Inspector therefore concluded that the criteria set for a sustainable location as set out in the last paragraph of ENV.20, which reflect the criteria set out in the Framework for sustainable development, would not be satisfied.

Protected species

The application was supported by an Ecological Appraisal Report by SLR Consulting Ltd. This report included a phase 1 habitat survey and a phase 2 dusk bat survey. The report identifies the possibility that great crested newts are present, a bat roost has been identified, which the report assesses as having low conservation value, and reptile surveys were recommended, due to the presence of suitable habitat.

The Wildlife Trust has objected on the basis of lack of information, pointing out that a number of protected species (bats, great crested newts, reptiles) have been identified as potentially present within the appeal site or adjacent to it. The Council’s Principal Ecologist also supports the view that further surveys should be undertaken.

The appellant points out that the Council has, in a similar case, granted permission with a condition attached requiring further survey work. However, Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning System* advises, in paragraph 99, that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all the relevant material considerations may not have been addressed in making the decision.

As the likely presence of protected species has been identified and there is likelihood that the development would affect them, on the basis of the information before the Inspector, she cannot conclude that the requirements of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) would be satisfied. This would also bring the proposal into conflict with the objective of Core policy CS17 to conserve biodiversity and it would also fail the requirements of policy ENV20 (h) in terms of the effect on protected species.

Other matters

A number of respondents have raised the question of waste collection. A waste collection point is shown on the plans at the top of the new access road. However, the Council’s waste management officer states that as the road is not to be adopted, collection would have to be from the roadside in sacks. A collection point at Collaroy Road is mentioned, which the

Inspector had taken to mean The Ridge. Whilst the sacks from the two existing dwellings are taken up to The Ridge, it would be unreasonable to expect the occupiers of the proposed houses to carry all their waste on foot up this steep and poorly surfaced track. However, as she had pointed out, she cannot assume that this route would be available, so the only alternative would be to leave the sacks at the access gates on Cold Ash Hill. Whilst there is no roadside recycling at the moment, it is difficult to see how any future recycling and waste collection point for four large houses could be visually satisfactorily accommodated in the rural setting of this frontage.

The unresolved question of waste collection and future re-cycling points indicates that the proposed development would not function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, as required by the Framework, paragraph 58.

Concern about highway safety on Cold Ash Hill has been raised, but the Highway Authority has not objected and the Inspector saw at her site visit that there would be good visibility in both directions at the access point. The Inspector therefore concluded that the safety of highway users would not be put at risk by the proposals.

Sustainable development

Sustainable development has three strands – economic, social and environmental – as set out in the Framework.

The construction of the houses would generate local economic activity for the duration of their construction, but this would be a short term benefit to which she attributed low weight. The occupiers of four dwellings would add, in small way, to the viability of local services, such as the pubs and the shop. The contribution to the housing supply in the District would be small.

The Inspector had found that the proposal would not harm the natural beauty of the AONB. However, she had found that the proposal would have a significantly adverse impact on the open rural landscape character that forms the setting to the village, partly due to the scale, design and prominent location of the proposed houses and their garage/annexes and partly due to the visual impact of the access road and turning head itself.

She had also found that due to the length and gradient of the proposed access road, the occupiers of the proposed houses would be isolated from daily services and village activities so would not be likely to access them without the use of a car. The Inspector had also found that this access road would be a barrier to the effective collection of waste and future efforts to recycle more household waste.

The Inspector therefore concluded that the proposal would not be sustainable development in all its dimensions.

Conclusions

The appellants have sought to demonstrate that the proposed development would be sustainable development in all its dimensions, but she had not found this to be the case. Under the terms of paragraph 14 of the Framework, she was therefore required to balance the adverse effects against the benefits.

The Inspector attributed significant weight to the objective of taking into account the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside, as set out in the Framework *Core planning principles*. The proposal would also demonstrably fail this objective and it would also fail the criteria set out in paragraph 55.

The economic benefits of the construction of the houses would be short term and small. The occupiers of four dwellings would use local services, such as the pubs and the shop, but the economic benefit of this would be limited. The contribution to the housing supply in the District would also be small.

The Inspector therefore concluded that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposed development.

For the reasons given above she concluded that the appeal should be dismissed.

DC