

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 17 MAY 2017

Councillors Present: Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole (Substitute) (In place of Virginia von Celsing), Adrian Edwards, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

Also Present: Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Policy Officer), Jo Reeves (Principal Policy Officer) and Shiraz Sheikh (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Howard Bairstow, Councillor Paul Hewer and Councillor Virginia von Celsing

PART I

3. Minutes

The Minutes of the meeting held on 5 April 2017 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

Agenda, page 3, point 2: remove 'and 9 May 2015.'

4. Declarations of Interest

Councillor Clive Hooker declared an interest in Agenda Items 4(1) and 4(4), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

5. Schedule of Planning Applications

(1) **Application No. and Parish: 17/00190/ADV, The Ibex Inn, Chaddleworth**

1. *(Councillor Clive Hooker declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the Ward Member and had been lobbied. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*
2. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/00190/ADV in respect of 5 directional fascia board signs to advertise the Ibex Inn, Chaddleworth.
3. In accordance with the Council's Constitution, Graeme Murphy, on behalf of the applicant, addressed the Committee on this application.
4. Derek Carnegie introduced the report to Members, which was brought to Committee following deferment of the application at the previous meeting. Members' attention was drawn to the update report which outlined that since the previous meeting it had been agreed that a form of traditional brown directional sign could be accepted by the Parish Council so long as the signs were not erected on Highway Authority

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land. In conclusion the proposal was now satisfactory and Officers were now pleased to recommend the Committee grant planning permission.

5. Graeme Murphy in addressing the Committee stated that at the previous meeting he had pleaded with the Committee to grant permission and he was pleased to learn of the amended recommendation. Councillor Hilary Cole advised that the plea was acknowledged and Members recognised the work that the officers and applicants had done together.
 6. Councillor Paul Bryant proposed that the Committee accept the officers' revised recommendation to grant planning permission; this was seconded by Councillor Hilary Cole. The Chairman invited the Committee to vote on the proposal which at the vote was carried.
 7. **RESOLVED that** the Head of Development and Planning be authorised to **grant** planning permission so long as the signs were not erected on Highway Authority land.
- (2) **Application No. and Parish: 17/00420/FUL, The Fox and Hounds, Oxford Road, Donnington, Newbury**

(No declarations were received.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/00420/FUL in respect of a replacement of existing store with a building for seven bedrooms, single storey link and extension to restaurant at The Fox and Hounds, Oxford Road, Donnington, Newbury.
2. In accordance with the Council's Constitution, Mr Stephen Wrzesinski, agent, addressed the Committee on this application.
3. Michael Butler introduced the 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 unsatisfactory and a conditional approval was not justifiable. Officers clearly recommended the Committee refuse planning permission
4. Mr Wrzesinski in addressing the Committee raised the following points:
 - He extended the applicant's apologies to the Committee for not being able to attend the meeting.
 - He explained that the red line on the application drawing denoted the curtilage of the pub and that this was the same drawing that had been discussed at pre-application. Concurrent with the pre-application discussions with Officers, the applicant was negotiating a 15 year lease for land to the south of the pub, to be used for car parking.
 - An agreement had now been reached on the lease, but due to the cost of an additional planning application fee of £1,600, the applicant had not resubmitted the plans with the parking area included within the red line.
 - He informed the Committee that all the construction activity could be retained within the current red lined area and that there would be 13 parking spaces made available once construction had been completed.
 - He was happy to discuss the proposed design of the units. The buildings would be subservient to the pub and would replicate the existing barn, in style. The single storey restaurant balanced the buildings and did not detract from the existing coaching inn. The development would not harm the rural character of the area.

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5. Councillor Paul Bryant enquired if the recently agreed 15 year lease was renewable. Mr Wrzesinski confirmed that it was.
6. Councillor Hilary Cole asked who owned the wide verge adjacent to the pub. Mr Wrzesinski offered the view that it was part owned by the Highway Authority and the landowner.
7. Councillor Anthony Pick inquired what materials would be used in the construction. Mr Wrzesinski averred that the new buildings would be sympathetic in design to the existing pub and used similar materials.
8. Councillor Garth Simpson asked the Planning Officers what change to the tenure of the leased land would make the planning application acceptable. Michael Butler explained that the leased land needed to be included in the red lined area to ensure that any conditions placed on the approval could also be applied to the leased area.
9. Councillor Cole, as ward member, in addressing the Committee raised the following points:
 - She explained that she had called-in the application as she was aware that rural public houses were suffering and it would be a good opportunity to make the Fox and Hounds a more viable operation in this location.
 - The 15 year lease would be long enough to prove whether the business was viable or not.
 - She understood the technical quandary of the red line not extending to include the leased land, but asked Officers and Members to have an element of faith and trust and to approve the application.
 - This development would help the local economy and followed the thread of the National Planning Policy Framework (NPPF) guidance and West Berkshire Council's policy, to encourage local business.
 - She drew Members attention to the wide verge and felt that it would be possible for patrons to park on the verge, irrespective of any other car parking space offered.
 - She understood the Highways Officer's concern about parking on the road, but felt that although it was a fast road, there were clear sight lines. She also noted that there was a considerable amount of on-road parking all over the district. She gave a plea that Members looked favourably on the application whilst accepting the risks.
10. Councillor Jeff Beck commented that he understood the sentiments from a legal point of view, and that it had been brought to the applicants attention that the leased area needed to be included in the red lined area, but due to the cost, the plans had not been resubmitted. He asked for clarification from Officers, as to whether the Committee could approve the application with the red line in it's current position. Shiraz Sheikh and Michael Butler affirmed that Members could approve the current application if they so wished. Michael Butler also confirmed that, as this was not a policy issue, a decision to approve would not need to be referred to the District Planning Committee.
11. Councillor Beck proposed to grant planning permission, contrary to Officer recommendations. This was seconded by Councillor Cole.
12. Councillor Bryant reflected that he worried when the Committee voted against Officer recommendations. He felt there was an easy way out and that was for the

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applicant to resubmit the application with the leased area located within the red line. He was keen to retain the public house and the community facilities, but would be voting against Councillor Beck's proposal.

13. Councillor Pick asked for an increased degree of clarity on what effect the conditions would have on the area within the red line. Michael Butler explained that if the leased area were to become unavailable to the applicant or a subsequent owner, West Berkshire Council could serve a Breach of Condition Notice which would effectively enforce that action would have to be taken to maintain highway safety. This enforcement would demand that car parking provision was made. This could not be achieved if the leased land was not in the red line.
14. Councillor Cole felt that the approval hinged on the Highways Officer's input. Mr Goddard acknowledged that the red line was a technicality. However, he needed to see that there was enough parking for the property. 13 spaces was not sufficient and additional parking was needed. The leased land was not within the red line and therefore, conditions could not be applied to it. Parking for two or three cars on the road would not be considered a problem. However, if the leased land was not available, this would mean that up to 27 cars would need to find a space on the road. This was not acceptable for highway safety.
15. Councillor Clive Hooker asked if Officer's put trust in the evidence of the 15 year lease. Michael Butler explained that the difficulty was with the land not being in the red lined area. He advised that an alternative to resubmitting the plans with an adjusted line could be to secure a section 106 agreement with the landowner in perpetuity. However, this was not a route he would recommend as it would be simpler and cheaper to resubmit the plans.
16. Councillor Adrian Edwards asked if speed restrictions on the road might allay the Highway Officers' concerns. Paul Goddard explained that speed restrictions were applied for through a specific separate process and it could not be guaranteed that it would be granted.
17. The Chairman invited the Members to vote on Councillor Beck's proposal to approve the proposal, contrary to Officer recommendations. At the vote, four were in favour and five against.
18. Councillor Paul Bryant countered with a proposal to refuse planning permission in accordance with Officer recommendations. This was seconded by Councillor Pick. At the vote, five were in favour and four against.
19. **RESOLVED that** the Head of Development and Planning be authorised to **refuse** planning permission for the following reason:

Reasons

1. The applicant has failed to demonstrate to the satisfaction of the Council as Highway Authority that sufficient parking spaces will be available on the application site, once the new development is implemented, were it to be permitted. This lack of on site parking will lead to additional pressures for parking on the public highway, leading to conditions of poor road safety. This in turn is contrary to the advice in the NPPF of 2012, and policy CS13 of the West Berkshire Core Strategy of 2006 to 2026. It is thus unacceptable.

Informative

In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance

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to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

(3) **Application No. and Parish: 16/02191/OUTMAJ, Land East of Laylands Green and South of Craven Close, Kintbury**

(No declarations were received.)

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 16/02191/OUTMAJ in respect of an outline application for erection of 11 dwellings with associated access, car parking, landscaping and sustainable drainage infrastructure. Matters to be considered: Access and Layout at land east Of Laylands Green and south of Craven Close, Kintbury.
2. In accordance with the Council's Constitution, Mr Steven Cook, Parish Council representative, Mr Lee Coleman, objector, and Mr Philip Simmons and Ms Lisa Jackson, agents, addressed the Committee on this application.
3. Derek Carnegie introduced the 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 conditional approval was justifiable. Officers recommended the Committee grant planning permission.
4. Mr Cook in addressing the Committee raised the following points:
 - His primary concern was the landscape buffer bordering Villa Real which was proposed to be reduced to 10ft from 20ft.
 - He was also concerned that mature trees may be removed from the border of the site.
 - Should the landscape buffer zone fall within the curtilage of the proposed 11 properties, there might be a risk that future residents would cut these back.
 - The development would have a harmful impact on the traffic in Kintbury which was already a problem.
 - The site had issues with flooding and there was subsidence in the local area.
 - Kintbury residents were concerned about the cumulative impact of the delivery of this site, the other two Kintbury sites in the Housing Sites Allocation Development Plan Document (HSA DPD) plus an additional site owned by Donnington New Homes with extant planning permission which had not yet been delivered.
5. Councillor Anthony Pick noted that he had encountered traffic on his journey to the site visit and enquired what parking restrictions were used in Kintbury. Mr Cook responded that there were double yellow lines around the village shops and on corners but no additional restrictions.
6. Mr Coleman, in addressing the Committee, raised the following points:
 - The delay in the determination of the application demonstrated that the site was not appropriate for development.
 - There was no need for more housing in Kintbury.

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- The DPD provided a strong basis for delivery of the site however the Inspector applied conditions following the Examination of the DPD which must be followed.
 - The landscape buffer zone would run through plots one to seven.
 - The plans used by officers in their introduction to the Committee were misleading and gave the appearance that there would be more vegetation than was proposed.
 - National guidance stated that private gardens should not include landscape buffer zones unless it was outlined in the DPD and there was no mention of this in HSA27 (the DPD policy relating to the site).
 - The plans showed incorrect boundaries between the existing properties and Laylands Green. The property owners Land Registry documents demonstrated that they owned the land the road was on.
 - The road was narrow and could be dangerous if it was used by more vehicles.
7. Councillor Paul Bryant asked what evidence there was that Kintbury did not require more housing. Mr Coleman responded that the original proposal in the DPD was for 15 houses and now there were a proposed 30-40 houses.
8. Councillor James Cole enquired what the current landscape buffers were. Mr Coleman explained that they were four to five metre wide including various vegetation and a drainage ditch. They offered screening, drainage and biodiversity. Council James Cole further asked what buffer Mr Coleman thought would remain should the Committee grant the application. Mr Coleman stated that he believed there would be small hedgerows in the gardens of the properties which might be removed by future residents.
9. Mr Simmons (Land Manager for Donnington New Homes) and Ms Jackson (Planning Consultant), agents, in addressing the Committee raised the following points:
- They noted the concerns raised by the objectors at the site visits in relation to the landscape buffer which was a mixture of low quality vegetation. The applicant proposed to retain a 4-5m buffer.
 - The landscape buffer would be within the curtilage of plots one to four; ownership of these plots would transfer to a Registered Social Landlord upon completion of the development.
 - Members would have control of the landscaping at the reserved matters stage of the application.
 - The DPD was a key consideration now that it had been adopted by the Council on 9 May 2017. There were no Planning Policy objections to the application.
 - The plan submitted as part of the DPD was not definitive and not intended to be taken literally.
 - There would be a Sustainable Urban Drainage System (SUDS) in the development and there were no technical objections to the application.
 - There would inevitably be a loss of vegetation on the site but this had been deemed acceptable to the expert officers.

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- Delivery of this site would enable delivery of the other site in Kintbury owned by Donnington New Homes because the two developments could share a project manager and disturbance to residents would be minimised.
10. Councillor Pick requested more information regarding the SUDS system. Mr Simmons advised that there would be water collection tanks underneath the parking areas for each property and a swale between plots five and six.
 11. Councillor James Cole asked how much of the four to five metres of landscape buffer would be within the curtilage for the proposed properties. Mr Simmons advised that the buffer would be in the same location as indicated in the plans. Councillor James Cole expressed concern that the buffer could be removed by the residents. Mr Simmons advised that there would be a management plan that the Council could control if it wished. Plots one to four would be transferred to a Registered Social Landlord who would be responsible for ensure their tenants did not remove the landscape buffer.
 12. Councillor James Cole further asked who owned and would manage the woodland to the East of the site. Mr Simmons advised that this would transfer to a management company or the Council could adopt the land. Derek Carnegie advised that as the woodland was within the red line of the development a condition could be applied at the reserved matters stage.
 13. Councillor Bryant asked whether the section of road on the eastern side of the site would belong to plot eight. Mr Simmons advised that it was presently used for agricultural access and further thought was required.
 14. Councillor Bryant asked if there was subsidence in the site. Mr Simmons advised that the developer had conducted a ground investigation and were confident that they could deliver suitable foundations to prevent subsidence.
 15. Councillor Bryant noted that Royal Berkshire Fire and Rescue Service had recommended domestic sprinklers and enquired whether they would be installed. Mr Simmons advised that the developer would give consideration to this request.
 16. Councillor Garth Simpson pointed out inconsistencies in the report relating to the number of mature trees on the site and asked how many there were. Mr Simmons admitted that he could not remember but the Council's Tree Officer had been involved in assessing the application. Councillor James Cole asked how many mature trees would be removed; Mr Simmons advised that the only tree to be removed would be the tree in the centre of the site.
 17. Councillor James Cole, speaking as Ward Member, raised the following points:
 - His fellow Ward Member, Councillor Anthony Stansfeld was against the proposed development and was of the view that it was not in line with the DPD.
 - Councillor James Cole's primary concerns were regarding the effectiveness of the landscape buffer and preservation of trees and these had been somewhat resolved by the information presented to the Committee.
 18. Councillor Bryant asked whether a condition could be applied regarding the scale and maintenance of the landscape buffers. Derek Carnegie advised that such a condition could only be applied at the reserved matters stage. The Council had powers to control the buffer zones, which would in any event come under the ownership of a Registered Social Landlord. He reassured the Committee that officers would not recommend approval of the application if they were not confident the buffer would be maintained.

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19. Councillor Clive Hooker expressed the view that developers who had submitted sites for inclusion in the DPD had had time to clarify ambiguities in their plans.
20. Councillor Hilary Cole asked whether the plans in the DPD were scaled. Derek Carnegie confirmed they were only indicative.
21. Councillor Pick asked what impact the development would have on traffic and whether yellow lines could be extended. Paul Goddard acknowledged that Kintbury had congestion and referred to paragraph 32 in the National Planning Policy Framework which stated that it was only reasonable to turn down an application on highways grounds if the impact would be severe as it was relatively small. He advised that the impact of the development would not be severe. The Parish Council might wish to consider additional road safety measures such as yellow lines, if possible, in liaison with colleagues in traffic management. There is a separate process involved in applying yellow lines.
22. Councillor James Cole noted that the Council had declined yellow lines in another part of Kintbury. He further asked who owned the land on which the footway would be sited. Paul Goddard advised that while the land might belong to the property owners, the surface had public highway rights and it was the Highways Authority's right to maintain the verge and provide a footway. Councillor James Cole enquired upon the proposed width of the footway. Paul Goddard advised that it would need to be at least 1.5m wide but he would not want the footway so wide as to make the area look too urban.
23. Councillor Bryant stated that as the site was included in the now adopted DPD, the Committee must accept that there would be development on the site. He was now satisfied with the increased landscape buffer to border Villa Real and officers had provided assurances regarding the enforcement issues. Councillor Bryant stated that he could not see any reasons to refuse the application and proposed that the Committee accept the officers' recommendation to approve the application subject to the conditions as outlined in the report and amended in the update sheet. Councillor Adrian Edwards seconded the proposal.
24. Councillor Hilary Cole stated that as a Committee, they must support the Council's policies. Members had been part of the DPD process and the Inspector had accepted the site as it was presented. It was the Government's intention that for sites in future DPDs, planning permission should be assumed to have been granted. She wanted to send a strong message to developers that officers and Members would look closely at any DPD sites coming forward for determination but it would be foolish to refuse the application.
25. The Chairman invited the Committee to vote on Councillor Bryant's proposal, seconded by Councillor Edwards, to approve planning permission. At the vote the motion was carried.

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

Conditions

1. Time limit

The development to which this permission relates shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.

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Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Reserved Matters

Details of the appearance, landscaping, and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority no later than the expiration of three years beginning with the date of this permission, and no building or other operations shall start on site until the Reserved Matters have been approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved details and with the requirements of any conditions attached to any approved reserved matters application. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the application hereby approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). 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 development plan.

3. Plans approved

The development hereby approved shall be carried out in accordance with:

Site Location Plan BFR 102 Rev B

Existing Site Plan BFR 101 Rev A

Proposed Site Layout 15128.04 Rev N

Proposed Landscape Mitigation and Enhancement ACLA/BFR 04 Rev A (indicative)

All received by e-mail dated 8th March 2017

Associated Documents and Background Documents

Site Survey 1638 01 dated 6th April 2016

Context Plan 15128.14

Site Section (plots 3, 4, 5, 7) 15128.15 (received by e-mail dated 8th March 2017)

Planning, Design and Access Statement, Jackson Planning 043 16 August 2016

Arboricultural Survey and Arboricultural Impact Assessment RT-MME-121281 01 Rev D (revised May 2017)(received by e-mail dated 3rd May 2017)

Landscape and Visual Impact Assessment (ACLA/BFR 6th March 2017) (received by e-mail dated 8th March 2017)

Flood Risk Assessment and Preliminary Surface Water Drainage Strategy 16-018 July 2016

Flood Risk Assessment 16-018 Addendum (received by e-mail dated 8th March 2017)

Phase I Preliminary Ecological Assessment RT-MME-121281 02 February 2016

Middlemarch Environmental Addendum dated 25th April 2017 (received by e-mail dated 26th April 2017).

Reptile Survey RT-MME-122054-01 April 2016

GCN Survey RT-MME-121281-03 May 2016

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Herpetofauna Mitigation RT-MME-122498-01 July 2016

Archaeological Report (Thames Valley Archaeological Services)(LGK16/95)

Phase 1 & 2 Environmental & Geotechnical Investigation 3794/15

Aerial Image Context Plan (ACLA BFR 05) (received by e-mail dated 8th March 2017)

All received with the application validated on 16th August 2016 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS13, CS14, and CS19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006, and HSA DPD Policy HSA27.

4. Materials

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. 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 AONB and Conservation Area. 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).

5. Hours of work (construction)

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: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

6. Affordable Housing

No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- i) the provision of four dwelling houses, identified as plots 1, 2, 3 and 4 on the approved plans, which consists of 40% of the proposed dwellings;
- ii) the type and size;
- iii) the tenure shall be split 70% social rented (and 30% intermediate (which may include affordable rented) or other split as agreed by the RSL and local planning authority;

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- iv) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- v) the arrangements for the transfer of the affordable housing to a Registered Provider regulated by the Homes and Communities Agency (HCA) or any body that replaces it;
- vi) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, including arrangements where appropriate for the subsidy to be recycled for alternative affordable housing provision;
- vii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing (in accordance with the common housing register) and the means by which such an occupancy criteria shall be enforced;
- viii) the affordable homes to be built to the standards by the HCA at the time of development.

The affordable housing provided shall remain affordable on site thereafter.

Reason: To ensure that the site delivers affordable housing to meet local need. In accordance with West Berkshire Local Plan 2006-2026 Policy CS6 and advice contained within the NPPF and NPPG.

7. Full Contaminated Land Condition

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

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;

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(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

If required:

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

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Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and advice set out within the NPPF.

8. SuDS

Notwithstanding the details submitted with this application, no development shall commence 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;
- c) 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;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) 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;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) 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;
- i) 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;
- j) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or 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 and managed in accordance with the approved details thereafter.

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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.

9. CONS1 - 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. 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).

10. Variation HIGH1 - Layout and Design Standards (YHA1)

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 and the Developer to enter into a S278/S38 Agreement for the adoption of the site and construction of the extended footway along Layland's Green. 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, pedestrian safety, flow of traffic and to ensure waste collection. 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).

11. Access Condition

As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

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Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of highway 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).

12. HIGH9 - Visibility splays before development (YHA21)

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests 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).

13. HIGH12 – Parking/turning in accord with plans (YHA24)

No dwelling shall be occupied until the 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.

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).

14. HIGH23 – variation (car ports)

Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 2015, the car ports on the site shall not be used for any purpose other than as vehicle parking, no doors are to be added to enclose the car ports unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the car ports are kept available for vehicle parking in the interest of road 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) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. HIGH20 - Cycle storage (YHA41)

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. Storage of refuse

No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and

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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).

17. Landscaping (including hard surface/means of enclosure)

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing, means of enclosure and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- i) completion of the approved landscaping within the first planting season following the completion of the development;
- ii) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species;
- iii) The completion of all hard surfacing and means of enclosures, for each dwelling before first occupation.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

18. Landscape Management Plan

No development or other operations shall commence on site until a landscape management plan (for the lifetime of the development) including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands, boundary buffer zones within rear gardens, and also include any areas of proposed landscaping except areas of new landscaping in private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

19. 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) numbered plan C121281-01-03_Rev D (shown in the AIA document) . 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 NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

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20. Tree Protection Construction Precautions

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted to and agreed in writing by the local planning authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

21. 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 NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

22. Arboricultural Watching Brief

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.

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 NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

23. 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.

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 NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

24. External lighting

No external lighting shall be erected until full details of a sensitive lighting strategy have been submitted to and agreed in writing by the local planning authority. The strategy shall;

a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the local planning authority.

Reason: To ensure the protection of protected species, which are subject to statutory protection under European Legislation and to protect the dark night skies within the AONB. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

25. Ecology

The development hereby approved shall be carried out in accordance with the following documents:

- i) Phase I Preliminary Ecological Assessment RT-MME-121281 02 February 2016
- ii) Middlemarch Environmental Addendum dated 25th April 2017 (received by e-mail dated 26th April 2017).
- iii) Reptile Survey RT-MME-122054-01 April 2016
- iv) GCN Survey RT-MME-121281-03 May 2016
- v) Herpetofauna Mitigation RT-MME-122498-01 July 2016
- vi) Landscape Mitigation and Enhancement ACLA/BFR 04 Rev A (indicative)

Further details of the proposed Landscape Mitigation and Enhancement shall be submitted and agreed in writing by the local planning authority, as part of conditions attached to this permission.

The mitigation measures will be carried out in full and retained/maintained thereafter, with implementation and timing agreed as part of the required EPS licence process.

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

26. Removal of permitted development rights (extensions etc).

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 Policies CS14, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 and HSA DPD Policy HSA27.

27. Removal of permitted development rights.

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no walls or fences shall be erected beyond the front wall or along side boundaries adjacent to the highway/footway, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

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Reason: In the interests of amenity and character of the area, within the AONB and at the edge of a settlement. In accordance with Policies CS14, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 and HSA DPD Policy HSA27.

28.HIGH4 - Footway/cycleway provision (construct) (YHA11A)

No dwelling shall be occupied until the footway to be constructed on the eastern side of Laylands Green, between the proposed site vehicular access and the existing footway to the north has been constructed in accordance with the approved drawing(s) and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. 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).

Informatives:

1. The NPPF

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. Community Infrastructure Levy

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 with the Reserved Matters 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. HI 1 Access construction

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

4. HI 3 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

5. HI 4 Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

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6. H1 8 Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

7. H 100 Developer Coordination Requirements

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

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

8. Ecology

The developer must ensure that all necessary licences required in respect works affecting protected species are secured before development commences, or within the timescale set out within the licence.

(4) **Application No. and Parish: 16/02452/FULD and 16/02453/LBC2, Manor Farm, Fidlers Lane, East Ilsley, RG20 7LG**

1. *(The meeting was adjourned between 8.12pm and 8.17pm.)*
2. *(Councillor Hooker declared a personal interest in Agenda Item 4(4) by virtue of the fact that he was ward Member and had been lobbied. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter. However, he would vacate the chair for the item and Councillor Paul Bryant would take his place.)*

(Councillor Paul Bryant in the Chair)

3. The Committee considered a report (Agenda Item 4(4)) concerning Planning Applications 16/02452/FULD and 16/02453/LBC2 in respect of a conversion of existing stables to C3 residential and erection of new build C3 residential (creation of 7 units in total), with associated access, parking and hard and soft landscaping at Manor Farm, Fidlers Lane, East Ilsley, RG20 7LG.
4. In accordance with the Council's Constitution, Mr Roger Hick, Parish Council representative, Mr Simon Spencer, objector, Mr James Page, supporter and Mrs Sara Dutfield, agent, addressed the Committee on this application.
5. Mr Hick in addressing the Committee raised the following points:
 - The Parish Council supported the application.

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- He posited the background of the application. The site had extant consent for commercial buildings, however this had raised great concern within the village due to the increase traffic flow this would cause. Following the approval, the Parish Council had approached the applicant and asked if they would consider a residential scheme on the site. This would remove all concerns and would be beneficial to the village.
6. Mr Spencer in addressing the Committee raised the following points:
- He lived in No. 3 Sheepdown, which was adjacent to the site and was concerned with the boundary with his property and how this would be affected by the change of use. There would need to be a change of level from the paddock to the roadway. He asked that a condition be put in place for the boundary treatment, to construct a retaining wall.
 - In the previous application there had been provision made for such a wall, but in this proposal there was only an agreement for appropriate treatment of the boundary. He felt that the reduction in ground level and change of use should be taken into account and a retaining wall be conditioned.
7. Councillor James Cole noted that No. 2 Sheepdown had an existing retaining wall. He asked what type of boundary treatment was in place for No.3 Sheepdown. Mr Spencer replied that he had a fence. He reiterated that when the levels were reduced the existing retaining wall would need to be refigured, but this had not been specified in the conditions.
8. Mr Page in addressing the Committee raised the following points:
- He was a commercial property specialist in the Thames Valley and had been involved with the previous application at the behest of the Parish Council.
 - The objection to the previous application had been on the grounds of increased traffic, which had been addressed by the new proposal.
 - The square footage was the same as the commercial scheme, but the difference was that for a flat there would an expectation of an additional one or two vehicles, whereas the same footage of office space would result in eight to ten vehicles.
 - The use of the land for residential properties was significant for the village, as it fulfilled a need for housing for employees of the yard and the public house.
 - The fear was that if this application were to be refused, the applicant would revert to the extant, commercial application and this would be a much poorer outcome for the village.
9. Mrs Dutfield in addressing the Committee raised the following points:
- She clearly welcomed the recommendation to approve and the support of the Parish Council and Mr Page.
 - The extant proposal for conversion of the stable was needed to protect the listed stable building and ensure its viable use.
 - There was strong local objection to the commercial scheme and it was felt that this new scheme was better for the village.
 - She felt that the only impact would be on the adjoining properties. After consultation, it had been decided not to use gravel for the car park.
 - The land level would be reduced by up to 1.2m. The retaining wall would be kept, with an addition of separate timber fencing.

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- This was a high quality design development. As the residential scheme would be more expensive than the commercial one it would not be viable to provide affordable housing units. Evidence for this has been submitted. However, there would be Community Infrastructure Levy (CIL) payments.
 - The site would provide small, rental units. If these were sold within ten years, there was a 'clawback' clause in place.
 - She felt this was a better solution for the village.
10. Councillor Anthony Pick asked if the agent would be prepared to consider a retaining wall for Mr Spencers' property. Mrs Dutfield answered that space was needed for the car park and that this might preclude the extra room needed for footings for the retaining wall, but she was happy to look into it.
 11. Councillor Adrian Edwards enquired if the new buildings would have the same quality of design and materials as the existing ones. He also wondered if the old tyres that he saw on the site visit were being stored ready for use on the listed building. Mrs Dutfield confirmed that they would. Councillor Edwards further asked for confirmation if sprinklers would be installed in the units. Mrs Dutfield confirmed that this would be a matter for Building Regulations, but again she would be happy to look at it with an eye to viability and the whole scheme in the round.
 12. Councillor Garth Simpson queried the change in levels over the site and in relation to Mr Spencers' property. Derek Carnegie advised that there would be an investigation by a structural engineer and appropriate conditions put in place.
 13. Councillor Pick asked for reassurance that as the manor house had historical significance and medieval components, that there would be an archaeological investigation of the curtilage. Mrs Dutfield confirmed that this was the case.
 14. Councillor Clive Hooker, as ward Member, in addressing the Committee raised the following points:
 - He felt this was a sympathetic renovation of a grade II listed barn that would provide small scale, affordable, rental accommodation.
 - It was an opportunity for the racing stables to accommodate staff, others to move into the village and locals to find an affordable home.
 - There were objections due to concerns of overlooking of the car park area, but he felt these were negated by the excavation of that area.
 - The concerns about the extant application over traffic and been addressed and cleared.
 - He felt it was an attractive, well designed and much needed scheme.
 15. Councillor Jeff Beck had been on the site visit and felt that the problems from the previous application had been dealt with. He proposed to approve the application, in accordance with Officer recommendations, with the inclusion of the addition condition as laid out in the update report. This was seconded by Councillor Edwards.
 16. The Chairman invited the Members to vote. At the vote, Members voted unanimously in favour of the proposal.
 17. Councillor Beck proposed to approve the listed building consent, in accordance with Officer recommendations. This was seconded by Councillor Pick.

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18. The Chairman invited the Members to vote on the listed building consent. At the vote, Members voted unanimously in favour of the proposal.
19. **RESOLVED that** the Head of Development and Planning be authorised to grant planning permission and listed building consent subject to the following conditions (including the additional condition on Spoil shown in the update report)

Conditions

1. Time Limit

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. Plans Approved

The development hereby approved shall be carried out in accordance with:

Site Location Plan 419 Rev B (site location plan only)

Proposed Site Plan 419 Rev G (received by e-mail dated 21st February 2017)

Proposed Site Layout and Ground Floor Plan 417 Rev G (received by e-mail dated 21st February 2017)

Proposed First Floor Plan 418 Rev B

Proposed Elevations (north and south) 415 Rev E (received by e-mail dated 9th November 2016)

Proposed Elevations (east and west) 416 Rev F (received by e-mail dated 9th November 2016)

Proposed Stables Elevations 104

Proposed Stables Floor Plans 120

Associated Documents and Background Documents

Stables Existing Floor Plans 100

Stables Existing Elevations 101

Stables Existing Floor Plan with Impact 103

Proposed Drainage Layout 420

Planning Statement September 2016 (Turley)

Design & Access Statement and Heritage Statement September 2016.

Transport Statement (Bellamy Roberts (GDB/4898/TS.2) August 2016 and further tracking details etc received during consideration

Supplementary Bat Surveys (arbeco) 15th January 2015 and 8th November 2016 (by e-mail 18th November 2016)

Noise Impact Statement (REC) 14th December 2016 (received by e-mail dated 19th December 2016)

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All received with the application validated on 16th September 2016 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS 13, CS 14, and CS 19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006, and HSA DPD Policy HSA27.

3. Materials

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings (including new external staircases) and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. 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 AONB and Conservation Area. 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. Hours of work (construction)

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: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

5. Housing for rent

The development hereby approved shall be retained in a single ownership (presently Maxted Farms) and the dwellings shall be retained as private sector rented dwellings for a period of 10 years following the occupation of the first two dwellings. The local planning authority shall be advised in writing of the effective date within two months of that date. Should any of the dwellings be sold prior to this time it will be necessary to carry out a viability review to establish whether an off-site affordable housing contribution is required. This will be submitted to and agreed in writing by the local planning authority. Any contribution will be secured through a legal agreement or any other mechanism used by the local planning authority to secure financial contributions at the time of the application.

Reason: This application has been carefully assessed based on the details provided by the applicant and merits of the proposal. The provision of private sector rented dwellings will provide dwellings available for rent to the mobile intermediate market, increasing the tenure of dwellings within the locality and wider district, which will help to meet local housing need. In accordance with West Berkshire Local Plan 2006-2026 Policy CS6 and advice contained within the NPPF and NPPG.

6. Full Contaminated Land Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination

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is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried

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out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

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

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

If required:

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026), and advice set out within the NPPF.

7. SuDS

Notwithstanding the details submitted with this application, no development shall commence 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;

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- c) Include attenuation measures to retain rainfall run-off within the site and allow controlled discharge from the site at no greater than Greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) 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;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) 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 (if applicable);
- i) 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;
- j) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or 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 and managed in accordance with the approved details and retained 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.

8. CONS1 - 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. 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

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- (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).

9. Additional HIGH1 - Layout and Design Standards (YHA1)

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).

10. HIGH3 - Footway/cycleway provision (details) (YHA11)

No development shall take place until details of a 2 metre wide footway to be constructed on the south side of Sheepdown, between no.5 and the proposed turning head, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. 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).

11. HIGH12 - Parking/turning in accord with plans (YHA24)

No dwelling shall be occupied until the 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.

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).

12. HIGH20 - Cycle storage (YHA41)

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No

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dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

13. Storage of refuse

No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied 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).

14. Archaeology

No development/site works/development 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. In accordance with Policy CS19 of the West Berkshire Core Strategy and advice contained within the NPPF.

15. Landscaping (including hard surface/means of enclosure)

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and means of enclosure (and materials to be used), a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development;
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species;
- c) The completion of all hard surfacing and means of enclosures, before first occupation.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

16. Landscape Management Plan

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No development or other operations shall commence on site until a landscape management plan (for the lifetime of the development) including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

17. External Lighting

No development shall take place until details of the external lighting to be used in the areas around and attached to the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before any building hereby permitted is occupied. No other external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose. The approved external lighting shall thereafter be retained. No external lighting will illuminate the bat roost access points provided as part of the bat mitigation scheme.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and to protect the amenities of adjoining land uses, protected species and the character of the area with dark night skies. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

18. Bat Roost

No development shall commence until detailed drawings showing the location of the new bat access points to the dedicated bat loft space over the farm office and the location of the lifted roof tiles as described in the Manor Farm supplementary survey for bat mitigation dated 15th January 2015 by ARBECO Ltd and drawings showing the proposed locations of the 2 Schwegler woodcrete 1FF and 2 Schwegler woodcrete 1FE bat boxes as described in the Preliminary Ecological Assessment and Bat Survey report dated 19th June 2014 by ARBECO Ltd, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details before the buildings hereby permitted are occupied and the roosts created hereafter retained.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

19. Bat Mitigation Measures

The Bat Mitigation recommendations made in Sections 8.1 - 8.6 of the Preliminary Ecological Assessment and Bat Survey report dated 19th June 2014 for this site by ARBECO Ltd will be implemented in full.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

20. Bat Survey Repeat June 2018

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Should the development hereby permitted not be commenced by June 2018, then the bat survey will be repeated and a report will be supplied to the Local Planning Authority for approval. Such report will include updated detailed bat mitigation measures. Such approved updated mitigation measures will be implemented in full and shall be retained thereafter.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

21. EPS Licence

No development shall commence on site until a copy of the Natural England EPS Licence required has been provided to the Local Planning Authority unless it can be shown to the Local Planning Authority's satisfaction that such a licence is not required.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

22. Ecological Conformity Report

Before first occupation of any building hereby permitted, a report from an qualified ecologist will be submitted to the Local Planning Authority which confirms that the approved mitigation and enhancement measures have been implemented in full and that a contract has been let with such an ecologist to undertake a bat monitoring survey 3 years after first occupation of these buildings hereby permitted. Such survey report will be submitted to the Local Planning Authority within one month of the completion of the survey.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

23. Swallow Nesting sites

No development shall commence until a plan showing replacement swallow nesting sites (including nesting cups) within a nearby building have been submitted to the Local Planning Authority for approval. No building shall be occupied until the approved plan has been implemented in full. The boxes shall be retained thereafter.

Reason: To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

24. Finished Floor Levels

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

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

25. Acoustic Mitigation Measures

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No dwelling shall be occupied until the acoustic mitigation measures (glazing and trickle ventilation) set out in the REC Noise Impact Assessment (Maxted Farm, East Ilsley) AC102877-1R0 dated 14th December 2016, have been implemented in full. The approved scheme shall be retained and maintained in full working order for the lifetime of the development, unless an alternative scheme is agreed in writing by the local planning authority.

Reason: In order to protect the amenities of proposed residents/occupiers of the development from externally generated noise. In accordance with Policy OVS6 of the West Berkshire District Local Plan (saved Policies 2007), Policy CS14 of the West Berkshire Core Strategy 2006-2026 and advice set out within the NPPF.

26. Window Treatment

The first floor flats in unit A and unit B shall not be occupied until full details of proposed louvres are submitted and approved in writing by the local planning authority and the scheme is implemented in full. The details shall ensure that the windows at first floor level in the:

North elevation unit A are fitted with louvres directing views from inside the building westwards

South elevation unit B are fitted with louvres directing views from inside the building eastwards

The windows and louvres at first floor level on the north elevation of unit A and south elevation of unit B shall be retained thereafter.

Reason: In the interests of the privacy and amenity of neighbouring properties and to prevent the overlooking of residential units in the interests of neighbouring amenity. 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 Document Quality Design (2006).

27. Spoil

No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of 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 the spoil from the site.
- d) Include a timescale for the spoil removal and associated works.

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 and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area or amenity of neighbouring land uses. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

INFORMATIVES

1. The NPPF

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

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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. Community Infrastructure Levy

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. HI 1 Access construction

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

4. HI 3 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

5. HI 4 Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

6. Ecology

All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.

7. Tie between PP and LBC

This Planning Permission should be read in conjunction with associated Listed Building Consent 16/02453.

Application 16/02453/LBC

The Head of Development and Planning be authorised to **grant** Listed Building Consent subject to the following conditions:-

Conditions

1. Time to implement

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

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Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in accordance with:

Site Location Plan 419 Rev B (site location plan only)

Proposed Site Plan 419 Rev G (received by e-mail dated 21st February 2017)

Proposed Site Layout and Ground Floor Plan 417 Rev G (received by e-mail dated 21st February 2017)

Proposed First Floor Plan 418 Rev B

Proposed Elevations (north and south) 415 Rev E (received by e-mail dated 9th November 2016)

Proposed Elevations (east and west) 416 Rev F (received by e-mail dated 9th November 2016)

Proposed Stables Elevations 104

Proposed Stables Floor Plans 120

Associated Documents and Background Documents

Stables Existing Floor Plans 100

Stables Existing Elevations 101

Stables Existing Floor Plan with Impact 103

Planning Statement September 2016 (Turley)

Design & Access Statement and Heritage Statement September 2016.

All received with the application validated on 16th September 2016 unless otherwise specified.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

3. External Doors and Windows

No development of the stable conversion, shall take place until details of all external doors and new windows and rooflights, including materials and finishes, at a minimum scale of 1:20 and 1:2, have been submitted to and approved in writing by the Local Planning Authority. The rooflights should be conservation style and flush fitting. The windows, rooflights and external doors shall be installed in accordance with the approved details. This condition relates to the stable conversion only.

Reason: To protect the special architectural or historic interest of the building. 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).

4. Roof Tiles

Existing roof tiles from the main roof, which need to be removed as part of the proposal, shall be reused in the proposed works. Where insufficient numbers of salvageable roof tiles are available, matching reclaimed roof tiles shall be used.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National

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Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. Timbers

Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no timber framing members/structural roof timbers shall be cut, replaced or removed in whole or in part until a written description of the steps to be taken has been submitted to and approved in writing by the Local Planning Authority. This includes the chasing of timbers to facilitate service runs. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. 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).

6. Workmanlike Manner

The development hereby permitted shall be carried out in a proper workmanlike manner appropriate to the age and character of the building and using traditional materials and techniques except where the use of modern materials and techniques has specifically been approved by the Local Planning Authority.

Reason: To protect the special architectural or historic interest of the building. 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. Works to Match

All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match adjacent work with regard to the methods used and to materials, colours, textures and profiles.

Reason: To protect the special architectural or historic interest of the building. 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).

INFORMATIVES

1. Ecology

All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.

2. Tie between PP and LBC

This Listed Building Consent should be read in conjunction with associated Planning Permission 16/02452.

(5) Application No. and Parish: 17/00360/HOUSE, 3 Love Lane, Donnington, Newbury

(No declarations were received.)

(Councillor Paul Bryant vacated the Chair and Councillor Clive Hooker resumed his place as Chairman.)

1. The Committee considered a report (Agenda Item 4(5)) concerning Planning Application 17/00360/HOUSE in respect of a loft conversion, including rear

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skylights and change of use of bedroom to office in Love Lane, Donnington, Newbury.

2. In accordance with the Council's Constitution, Mr Alex Simeunovic, applicant/agent, addressed the Committee on this application.
3. Derek Carnegie introduced the 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 conditional approval was justifiable. Officers recommended the Committee grant planning permission.
4. Mr Simeunovic in addressing the Committee raised the following points:
 - He was the owner of the property and the application before the committee was a continuation of a previous application he had submitted. That application was for a dormer window in the loft and had been declined.
 - The new application now included skylights instead of a dormer, but 15 Love Lane had fitted a dormer as part of their loft conversion.
 - The property was intended for use as a family home but they might wish to rent out two of the bedrooms. The application for a license as a House of Multiple Occupancy (HMO) had been submitted for that reason.
 - Councillor Anthony Pick asked why the applicant wished to covert the loft space. Mr Simeunovic replied that there was a good space in the loft which was currently being wasted and he would like to use it. There would be no increase to the number of bedrooms as one of the rooms would now be used as an office.
 - Councillor Paul Bryant, speaking as Ward Member, in addressing the Committee raised the following points:
 - The Parish Council did not object to the loft conversion but did have concerns that three spaces would not be a sufficient amount of car parking for a property which could have a large number of occupants.
 - Love Lane was a busy road which was a bus route, had schools along the road and chicanes.
 - The site was overdeveloped.
 - A condition applied to a previous application on the site precluded new openings.
 - A previous application for change of use to a HMO was refused because the property lacked sufficient car parking.
 - It was hard to imagine the property as a family home as it would have seven bedrooms. Sitting rooms could also be used as bedrooms.
 - The development would cause Love Lane to become a 'little Slough'.
 - It would be a mistake to permit further extension of the property and would not be an example of good planning.
 - Councillor Adrian Edwards expressed the view that he could understand the financial benefit to the applicant to rent out rooms and asked whether the Highways Authority would require additional parking should this be the case. Paul Goddard advised that he had difficulty knowing what was actually being assessed here, but must rely on the planning officers to explain the application. If the application was for a family home, three spaces would meet the Council's adopted parking standards for a property with four or more bedrooms. If the property were

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to accommodate multiple households the parking would not be sufficient. Derek Carnegie advised that the applicant had stated the property would be used as a family home and speculation regarding potential use of the property as a HMO was not part of the application before the Committee.

- Councillor Pick asked whether the proposal could constitute overdevelopment of the site. Derek Carnegie advised that the existing outbuilding in the garden and the loft conversion were within permitted development.
- Councillor Garth Simpson asked whether the Council had sufficient resources to check whether the property was used as an HMO. Derek Carnegie advised that any planning enforcement action was a balance between the cost, damage to community and likelihood of success. Councillor Hilary Cole commented that should the property be used as an HMO it would fall within the remit of Environmental Health.
- Councillor Dennis Benneyworth enquired whether there was sufficient space on site to accommodate three parked cars. Paul Goddard advised that following the site visit he was concerned that the stepped area at the front of the property might restrict car parking space, but a condition to provide the three spaces was subject with a previous consent within the site. If the three spaces were not provided then enforcement could take place.
- Councillor Hilary Cole proposed acceptance of officer's recommendations to approve planning permission. She expressed the view that the Committee should not assume that even if the property did become a HMO that every resident would have a car. The site was in a sustainable location on a bus route and there was a car club in Newbury. Councillor Jeff Beck seconded that proposal.
- The Chairman invited the Committee to vote of the proposal of Councillor Hilary Cole as seconded by Councillor Beck. At the vote the motion was carried with three members abstaining. Councillor Adrian Edwards asked that his abstention be recorded.

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

Conditions

1. Full planning permission time limit

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. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing title "Block Plan & Site Location Plan". Drawing number 3LL-001. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Section through house". Drawing number 3LL-007. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Roof Plan". Drawing number 3LL-006. Date stamped 23rd February 2017.

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- Drawing title "Existing & Proposed Rear Elevation". Drawing number 33LL-0010. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Flank Elevation". Drawing number 3LL-009. Date stamped 23rd February 2017.
- Drawing title "Existing and & Proposed Loft Plan". Drawing number 3LL-005. Date stamped 23rd February 2017
- Drawing title "Parking Plan". Drawing title ". Drawing number 3LL-002. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed First Floor". Drawing number 3LL-004. Date stamped 23rd February 2017.
- Drawing title "Existing & Proposed Ground Floor". Drawing number 3LL-003. Date stamped 23rd February 2017.

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

3. Materials to match

The materials of the proposed roof lights of the development hereby permitted shall match those on the existing development in colour, size and design as closely as possible. These materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. Obscure glazing before use

The roof light with in the east elevation of the roof shall be fitted with obscure glass before the loft conversion hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: In the interests of the privacy and amenity of neighbouring properties. 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 (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

5. Use class restriction

The property shall be used solely as a dwellinghouse (Use Class C3). Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order(s) revoking, re-enacting or modifying those Orders with or without modification), the property shall not be used for any other use purpose that would normally be permitted by those Orders, including use as a house of multiple occupation (Use Class C4).

Reason: The property has insufficient parking provision were the enlarged habitation space to be converted to a HMO. An otherwise permitted change of use to C4 would therefore be unacceptable. This condition is applied in the interests of highway safety, in accordance with the National Planning Policy Framework and Policy P1 of the West Berkshire Housing Site Allocations DPD (2015).

WESTERN AREA PLANNING COMMITTEE - 17 MAY 2017 - MINUTES

6. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 9.27 pm)

CHAIRMAN

Date of Signature