

# DRAFT

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

## DISTRICT PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 30 AUGUST 2016

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

**Also Present:** Derek Carnegie (Team Leader - Development Control), Sarah Clarke (Legal Services Manager), Paul Goddard (Team Leader - Highways Development Control), Bryan Lytle (Planning & Transport Policy Manager) and David Pearson (Team Leader - Development Control), Councillor Anthony Chadley (Executive Portfolio: Finance and Transformation), Stephen Chard (Policy Officer), Councillor Roger Croft (Executive Portfolio: Leader of Council, Strategy and Performance & Economic Growth), Councillor Rick Jones (Executive Portfolio: Adult Social Care), Councillor Tim Metcalfe (Council Member), Linda Pye (Principal Policy Officer) and Councillor Emma Webster

**Absent:** Councillor Alan Macro

#### PART I

##### 7. Election of Chairman

**RESOLVED that** Councillor Hilary Cole be elected Chairman of the District Planning Committee for the remainder of the 2016/17 Municipal Year.

##### 8. Appointment of Vice-Chairman (if necessary)

**RESOLVED that** Councillor Graham Pask be appointed as Vice-Chairman of the District Planning Committee for the remainder of the 2016/17 Municipal Year.

Councillor Hilary Cole took the opportunity to give thanks to Councillor Alan Law, her predecessor as Chairman, both for his work as Chairman of the District Planning Committee and as Executive Portfolio Holder for Planning. Councillor Law had recently stood down from these roles.

##### 9. Minutes

The Minutes of the meeting held on 27 July 2016 were approved as a true and correct record and signed by the Chairman.

##### 10. Declarations of Interest

Councillor Keith Chopping declared an interest in Agenda Items 6(1) and 6(2), but reported that, 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.

Councillor Jeff Beck declared an interest in Agenda Items 6(3) and 6(4), but reported that, 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.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

Councillor Anthony Pick declared an interest in Agenda Item 6(3), but reported that, 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.

Councillor Beck advised that he had been lobbied on Agenda Items 6(1), 6(2) and 6(3).

Councillor Richard Crumly advised that he had been lobbied on Agenda Item 6(4).

### 11. Schedule of Planning Applications

In accordance with paragraph 7.13.4 of Part 7 of the Council's Constitution it was agreed that the speaking rights for items 6(1) and 6(2) should be increased to ten minutes for all parties.

#### (1) **Application No. & Parish: 16/01034/OUTMAJ Land Opposite Hall Place Farm Stables, Sulham Hill, Tilehurst**

*(Councillor Keith Chopping declared a personal interest in Agenda Item 6(1) by virtue of the fact that he knew two individuals with an interest in the site. 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.)*

*(Councillor Jeff Beck advised that he had been lobbied on Agenda Item 6(1)).*

The Committee considered a report (Agenda Item 6(1)) concerning Planning Application 16/01034/OUTMAJ in respect of an outline application for up to 39 new dwellings with all matters reserved.

In introducing the item, David Pearson, the Planning Officer stated that this application had previously been considered by the Eastern Area Planning Committee on 3<sup>rd</sup> August 2016 where it was refused for the following reason:

*"Whilst the West Berkshire Council Housing Allocation DPD is emerging it has yet to be adopted. The oral examination stage was completed in July 2016 and further work is required in the form of major and minor modifications before the inspector's report is produced and therefore only limited weight can be given to the policies in the emerging Development Plan at this time. The application site lies outside of any defined settlement boundary and is land currently forming part of the countryside. This being the case the greater weight has been given to the saved policies of the West Berkshire District Local Plan 1991-2006 [WBDLP] and the policies contained in the West Berkshire Core Strategy 2006-2026 [CS] and the proposed development runs contrary to the provisions of policy HSG1 of the WBDLP as the site lies outside of any defined settlement boundary and to the provisions of policy ADDP1 of the CS which lists the possible exceptions where such development might be allowed."*

Officers had determined that the issues involved should be considered by the District Planning Committee due to the conflict of the resolution to refuse the application with the emerging Housing Site Allocations Development Plan Document (HSA DPD) and the consequent negative impact on the implementation of the Council's strategic policies for the provision of housing across the District in its ability to demonstrate a five year land supply for housing.

The Planning Officer confirmed that this was an outline planning application for up to 39 dwellings on a 1.4 hectare site on land opposite Hall Place Farm. The site was outside the current Settlement Boundary which was shown on the plan included in the Update Sheet. The site also adjoins the AONB but no part of it is actually within the AONB. The principle for development was being sought although two indicative plans showing accesses had been submitted. The land was currently used by the nearby riding stables.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

It was noted that Tilehurst Parish Council had objected to the application as set out in the report and around 200 objections had been received from third parties. However, many more people objected to the site being included in the DPD.

The Planning Officer confirmed that the site had been identified as a preferred housing site through the HSA DPD process which had formally been adopted by Full Council in November 2015 which meant that the site was suitable for development and site specific issues such as the impact of the development on the surrounding area and the highways network had been considered in detail prior to adoption. The sole reason for refusal at the Eastern Area Planning Committee was based on prematurity as it was felt that greater weight should be given to the existing Local Plan and the Core Strategy policies rather than to the emerging DPD. The application had therefore been referred to this Committee due to the strategic implications for the plan led delivery of housing across the district. The Eastern Area Planning Committee was of the opinion that its decision was supported through recent appeal decisions. In the Officers' view the appeal that was quoted at Committee was not directly comparable to this application as it dealt with a single dwelling within an existing settlement boundary in East Ilsley. The appeal decision came out in April and the key factor in the Inspector's decision to give limited weight to the DPD was that it had not been to examination. The DPD had now been to examination and although the Inspector had raised some questions and had not yet issued his report, the Officers' view was that they did not amount to an in principle objection to the site and therefore significant weight could now be given to the HSA DPD.

David Pearson referred to page 2 of the Update Sheet which set out Annex 1 of the National Planning Policy Framework and which explained the Government's view on how weight could be given to policies in emerging plans. It stated that '*... arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits ....*'.

A further concern for Officers was the lack of consistency between the decision to refuse this application on the grounds of prematurity and the previous decisions taken by both Eastern and Western Area Planning Committees to grant planning permission for sites allocated in the DPD at both Pangbourne Hill and Newbury Racecourse.

Taken as a whole, the fact that the HSA DPD had been through examination, taking account of the Government guidance on prematurity, and the previous decisions to grant planning permission for sites included in the DPD, Officers believed that a refusal on the grounds of prematurity would be unlikely to be successfully defended at appeal and might well put the Council at the risk of an award of costs. It would also threaten the Council's ability to demonstrate a five year land supply for housing and to resist applications and appeals relating to housing on unallocated sites across the district. Accordingly, Officers were recommending that planning permission should be granted subject to the conditions set out on the original agenda and to the completion of a s106 Agreement by 30<sup>th</sup> November 2016, or should the s106 Agreement not be completed by that date then the application should be refused.

Bryan Lyttle, Planning and Transport Policy Manager, advised that the Core Strategy had set out a minimum of 10,500 dwellings in four spatial areas and the HSA DPD was a daughter document to that to provide the certainty as to where those 10,500 dwellings should go and on how that development would be built. In the Officers' opinion greater weight could now be attached to the emerging plan.

According to paragraph 216 of the NPPF, decision-makers could also give weight to relevant policies in emerging plans according to (1) the stage of preparation of the emerging plan the more advanced the greater the weight that could be given; (2) the

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

extent to which there were unresolved objections to relevant policies. The less significant the unresolved objections the greater the weight that could be given, and (3) the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. The closer the policies in the emerging plan to the framework the greater the weight that could be given and that had been tested at the examination.

In relation to the Examination, Hearing session 1 had been held on 21<sup>st</sup> June 2016 at Newbury Rugby Club at which the Inspector had asked five questions which were pertinent:

- The purpose of the HSA DPD and the Council's approach to housing numbers;
- The weight to be attached to the Council's selection of a mid point figure of 595 dwellings per year in terms of calculating the five year land supply position;
- The Council's approach to development within Settlement Boundaries;
- The flexibility and resilience of the plan's housing allocations; and
- Potential density of development of the residential sites.

He also looked at the distribution of development across the four spatial areas, the appropriateness of that strategy, the conservation of landscape and the scenic beauty of the North Wessex Downs AONB, the Council's approach to Brownfield Sites and the Council's approach to the settlement of Boundary Reviews.

In the third week of the Examination on 5<sup>th</sup> July 2016 at Pincents Manor, Calcot questions were raised around evidence regarding the soundness of all the elements of the proposed developments at Tilehurst, Purley on Thames and Calcot, namely the east of Sulham Hill, Tilehurst (HSA8), Stonehams Farm, Long Lane, Tilehurst (HSA9) and Stonehams Farm, Long Lane, Tilehurst (HSA10). Only two of those sites were the subject of the discussion at this Committee.

Following on from those discussions the Inspector had set the Council 60 pieces of homework.

- Piece 1 – consider references to the Objectively Assessed Need (OAN) requirement of the NPPF in the DPD and provide clarity for the purposes of the DPD setting out any proposed changes to the DPD.
- Issue 8 – Summary for the reasons for the reduced number in the Eastern Urban Area compared to the Core Strategy target. Signpost to other documents where reasons for this would be set out.
- Issue 10 – Overview of the Core Strategy to the distribution or development in the AONB including consideration of paragraph 116 of the NPPF.
- Issue 19(1) – Confirm visibility splays at Sulham Hill and Long Lane junction EU33 were acceptable.

Bryan Lyttle confirmed that that was the total of the Inspector's questions in relevance to the applications being considered at this Committee. In relation to Issue 8, the Core Strategy in 2012 had identified the need for some 1,400 dwellings in the Eastern Urban Area and as part of the third options document, a number of sites had been put forward and consulted upon, and consequently formed the Core Strategy proposed submission document. Three sites in the Eastern Urban Area had been removed – EUA007, EUA031 and EUA033 – and as a result of that the number of proposed dwellings in the Eastern Urban Area was 1,200 and not the 1,400 that the Core Strategy required. This was the reason that the Inspector had set the homework (Issue 8) which asked for a summary of the reasons for the reduced number in the Eastern Urban Area compared to the Core

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

Strategy target, signposting to other documents where the reasons for this would be set out. Officers had put forward a case defending the 1,200 dwellings which included existing sites identified. Bryan Lyttle would argue that under paragraph 216 of the NPPF there were no overwhelming reasons for refusing the application in terms of prematurity. The Inspector had debated these issues and through homework and as a result of the questions posed to the Council it was clear that his main concern was that the Eastern Urban Area had too few houses allocated to it.

Bryan Lyttle referred to the five year land supply. The Government had not provided a clear definition of how to make a five year land supply as there were numerous calculations and it seemed to be tested at appeal at every stage. In the Update Sheet Bryan Lyttle confirmed that he had included a best attempt at what the five year land supply would be. The Core Strategy requirement of an average of 525 dwellings per annum was no longer seen as up to date for the purposes of the five year land supply. The requirement of 665 was therefore shown on the basis of the Objectively Assessed Need (OAN) from the Strategic Housing Assessment (SHMA) on the 'intermediate' requirement (which met the demographic and economic-led projections) as well as on the Core Strategy requirement. If those figures were multiplied out on a five year basis they ranged from 2,625 up to 3,325. It would also be necessary to add in the shortfall of housing, which was the housing where the number of completions did not equal the target, and they would need to be added back in to the figure. In addition to that the Government required the Council to either have a 5% buffer or a 20% buffer where Councils were persistently under delivering. West Berkshire had always managed to argue successfully that a 5% buffer was appropriate and that had also been included in the figures.

Set against the housing requirement was the supply side which included allocated sites in the Core Strategy, planning permissions which were outstanding, identified sites without planning permission such as Market Street, sites identified through prior approval process of converting offices to residential accommodation and a windfall allowance. Bryan Lyttle took Members through the calculations as set out in the Update Sheet.

In summary Bryan Lyttle advised Members that there were a substantial number of other appeals coming forward and based on the first two days of the Examination where the OAN was being questioned, and also as a result of the Firland's appeal decision in which the Inspector agreed with the proposals there that a figure of 833 dwellings per annum should be used, it could be considered that all the site allocations in the HSA DPD were at risk from being included by a Planning Inspector and therefore the figure would go down to between 5.7 and 4.4 years. If it dropped below the five years plus the buffer then the Council would be subjected to planning by appeal and not determining applications for development where the Council would like it.

Paul Goddard, Principal Development Control Engineer, Highways and Transport, stated that paragraph 32 of the NPPF March 2012 said that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments were severe'. In relation to access two layout plans had been submitted by the applicant for illustrative purposes – one showing an access off Sulham Hill and the other for access from Clements Mead. The Highways Officer confirmed that either option would be acceptable but that the preferred option was from Clements Mead. Layout and parking was not being considered at this stage. Traffic generation had been measured via TRICS and the following figures were provided on the number of additional trips per household as a result of the development:

<b>Morning</b>	<b>Evening</b>
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## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

Time	No. of trips per house	Time	No. of trips per house
7am – 8am	0.354	4pm – 5pm	0.507
8am – 9am	0.553	5pm – 6pm	0.610
9am – 10am	0.376	6pm – 7pm	0.489

In respect of traffic distribution which had been taken from journey to work census data, 62% of traffic would be going to and from the Greater Reading area and 34% to and from the M4.

In conclusion a development of 39 dwellings was relatively small the impact on the highways would be minimal and therefore there were no substantial reasons on highways grounds for the application to be refused.

Councillor Anthony Pick noted that reference was made in the report to an LVIA and he queried what this meant. In relation to landscape assessments, Bryan Lyttle advised that there were three types of assessments:

- Landscape Capacity Assessment (LCA) looked at the ability of a landscape to accommodate different amounts of change or development of a specific type.
- Landscape Sensitivity Assessment (LSA) looked at the degree to which the character and qualities of the landscape were affected by specific types of development and land-use change. Sensitivity depended on the type, nature and magnitude of the proposed change as well as the characteristics of the landscape.
- Landscape and Visual Impact Assessment (LVIA) was an assessment of the landscape and visual effects of a proposed development.

The LSA/LCA work that was undertaken for the HSA DPD looked at whether or not the principle of development on the submitted sites was acceptable and if it was, specified general measures that development would need to comply with in order to continue to make it acceptable in landscape terms. The LCA/LSA work also specified that planning applications for development on all sites would need to be further informed by more detailed LVIA's. This requirement was carried forward into policy GS1. Applications for development on the allocated sites therefore needed to be accompanied by an appropriate LVIA. The LVIA should inform the development design and layout of the site. This requirement was set out in both policy HSA8 (EUA031) and policy HSA10 (EUA008).

Paragraph 6.3.12 of the report noted that the proposed scheme density would be 26.3 dwellings per hectare and that a Landscape and Visual Impact Assessment had not been submitted at this outline stage. Access, appearance, landscaping, layout, design and scale were all to be considered at the reserved matters stage where the LVIA would be required and assessed in relation to the proposal. Given the landscape work in relation to the HSA DPD, and noting the application was outline for principle only, the proposed development was considered to comply with Core Strategy Policy CS19 and the emerging site-specific policy HSA10 in terms of its landscape and visual impact.

Councillor Anthony Pick then referred to the comments from the Lead Local Flood Authority on pages 26 and 27 of the agenda where it was stated that they were not satisfied with either of the two drainage options into the public sewer due to capacity issues. David Pearson responded that these concerns had been noted and would be dealt with through the planning conditions.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

Councillor Paul Bryant queried what would happen if the Committee approved the application tonight and then the HSA DPD was changed. What would the Council's position be. Bryan Lyttle confirmed that the Inspector through homework only referred to numbers and particularly those in the Eastern Urban Area and he mentioned that those numbers could be made up by increased density. David Pearson confirmed that the same dilemma had arisen at the Western Area Planning and Eastern Area Planning meetings when they considered the applications for the Racecourse and Pangbourne Hill. However, the view taken was that the risks were lesser than if planning permission was not granted. Councillor Bryant asked about minerals on the site and if they would be extracted. The Planning Officer confirmed that the developer would undertake an assessment to see if the deposit was viable to extract and that would form part of the full planning application.

Councillor Pamela Bale noted that this was an outline application and therefore very little detail had been provided as to what any development on the site would look like. The details would be dealt with via conditions which were determined by Officers and she felt that the application should be delayed in order to enable the developer to work up a full planning application in order that the application could be assessed properly. David Pearson responded that the applicant was entitled to lodge an outline application which would be considered on its merits. In respect of the reserved matters the applicant could submit reserved matters applications which would also be considered on their own merits and would be considered at Committee if they were called in or subject to more than ten letters of objection. This application was purely to establish the principle of development on the site. Councillor Hilary Cole said that the principle had been established once the site had been included in the HSA DPD rather than the development control process. David Pearson confirmed that in the DPD the Council had set out the preferred sites that it would like to come forward for development but that they would all have to come through the development control process.

In accordance with the Council's Constitution, Mr. Kevin Page, Parish Council representative, Mrs. Rowan Martin/Mr. Iain Jones (Keep Tilehurst Green) and Mr. Richard Churchill, objectors, and Ms Angela Miles, applicant/agent, addressed the Committee on this application.

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

- Mr. Page confirmed that local residents had put forward various reasons as to why the application should be rejected;
- Until the DPD was adopted Mr. Page felt that it was premature to prejudge the Inspector and that there were current policies in place to protect the AONB and settlement boundaries and these should take precedence;
- The site was outside of a settlement boundary and bordered the AONB;
- The proposed footpath to the Cornwell Centre would not be allowed by the Parish Council due to security issues;
- The proposed exit onto Sulham Lane would be dangerous as it was a narrow road and it would be opposite the entrance to the stables and near the brow of a hill;
- Flooding risk in the area would be exacerbated;
- The infrastructure around Tilehurst was stretched to breaking point and there was no opportunity to build new ones i.e. schools, doctors, dentists and libraries;
- There were concerns in relation to the attenuation pond in relation to health and safety and maintenance;

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

- The HSA DPD only referred to 35 dwellings on this site but the application was for 39 and therefore the developer was already pushing the boundaries;
- The fact that this was an outline application was frustrating as very little detail was defined;
- The site was very close to the Cornwell Centre and noise could have an impact on the new residents. If complaints were received in respect of the noise then this could affect the income for the Parish Council.

Councillor Anthony Pick noted that the North Wessex Downs AONB had not raised any objections to the application and the site only adjoined the AONB. Mr. Page noted that there had been no objections from the North Wessex Downs AONB but as the site was close to the AONB there were significant concerns and it was very difficult to pin down specifics with an outline planning application as the appearance of the development was unknown at this stage.

Councillor Graham Pask referred to the risk of noise from the Cornwell Centre and he noted that there were existing dwellings which were close to the site. Mr. Page confirmed that complaints had not been received from the existing dwellings in the area but there would be more houses in close proximity.

Councillor Garth Simpson referred to Sulham Hill which was a road without pavements and he asked whether that was significant for children getting to and from school. Mr. Page confirmed that most children travelled to and from school either by bus or car. When the recent site visit had taken place this had been outside the school term time when traffic would be lighter. He was sceptical about the system used to gauge the additional traffic generation and he referred to the example of the new IKEA store.

Councillor Pamela Bale noted that the preferred access to the site was from Clements Mead and she asked whether any public consultation had taken place on that. Bryan Lyttle confirmed that further consultation would be run by the Council. Mr. Page said that neither Sulham Hill or Clements Mead were suitable and that public opinion seemed to be split down the middle on that issue.

Mrs. Martin, Mr. Jones and Mr. Churchill in addressing the Committee raised the following points:

- Mr. Churchill confirmed that he had been a resident in the area for ten years;
- The Eastern Area Planning Committee had rejected the application on 3<sup>rd</sup> August 2016;
- The application site was not in the AONB but it was relevant to the AONB setting and this was therefore a material consideration;
- Specific concerns had been raised on existing sites in relation to prematurity and there were too many uncertainties to allow this application;
- The impact of the development on the AONB had yet to be assessed and it was impossible to weigh the benefits or disadvantages at this time due to the lack of detail provided;
- Determination of this application prior to the result of the examination undermined the plan process;
- There would be no disadvantage to delaying a decision until the adoption of the HSA DPD which was scheduled for November 2016;



## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

- The approval of the scheme would undermine the Inspector's decision and therefore there was a clear case for refusal;
- Mrs. Martin stated that she had lived in the Tilehurst area for 40 years and what had once been a village was now an urban sprawl. She felt that enough was enough and it was important that the green spaces which were valued by so many people were not lost;
- She stated that although only 200 people had objected to this planning application, thousands had objected to the site being included in the DPD;
- Tilehurst was not an area which was well served by public transport and most people tended to use their cars. If sites such as this was built on this would only exacerbate the problem;
- There was no economic advantage to building houses on this site as there was only one doctor's surgery, one private dentist and the schools were at capacity;
- It was felt that services in Reading were already stretched and new residents would not be travelling to Newbury or Thatcham to receive services;
- Mrs. Martin queried what would happen to the Equestrian Centre as this was a facility which was well used both locally and nationally. The proposed application site was used for grazing and by the riding for the disabled group;
- The impact on the site outweighed policy as it was well used by families and dog walkers;
- The traffic in the area was significant particularly at school times;
- It was noted that Tidmarsh Parish Council had objected in relation to the additional traffic which would be generated from the site although it recognised that additional housing was required.

Councillor Jeff Beck referred to the current use of the stables and the fact that the developer had been in negotiations to make an alternative field available which was not too far away from the current site.

Councillor Hilary Cole asked where the objectors lived in relation to the proposed development site. Mrs. Martin confirmed that she lived opposite the site and Mr. Jones and Mr. Churchill both lived about a quarter of a mile away.

Ms. Miles in addressing the Committee raised the following points:

- Ms. Miles confirmed that there had been no objections from the statutory consultees and therefore there were no technical grounds for refusal of the application;
- The key issue was around policy and the weight in relation to the HSA DPD. The HSA DPD was well advanced and it had been the subject of an examination in July 2016. The Inspector had been transparent about where he had concerns. The issue in the eastern area was around the shortfall of housing numbers and to compensate it was suggested that there could be an uplift in sites or in the density of existing sites;
- Where the Inspector had had concerns in relation to other sites he had said so but he had not mentioned any sites in the eastern area and therefore it could be assumed that he had no problems with those proposed sites for development;
- A safe access to the site could be delivered and a reserved matters application would inform the preferred access;

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

- In relation to affordable housing a target had been set of 1,000 by 2020 and this site would provide 40% affordable housing which equated to 16 dwellings. This development would provide new affordable housing in an area where it was much needed and this was in accordance with Policy HSA8;
- Ms. Miles referred to the two applications in respect of Pangbourne Hill which was also a preferred site listed in the HSA DPD. The first application had been refused in 2014 but the second application which was considered at the Eastern Area Planning Committee on 10<sup>th</sup> February 2016 was approved. The circumstances had changed since that application had been considered as the DPD was in an advanced stage of maturity and the argument around prematurity could no longer be maintained;
- Therefore if this application was refused then the Council were not being consistent in its decision making;
- Planning Policy HSG1 carried little weight now as it had been adopted 14 years ago for the period 1991-2006. It was now 2016 and this policy carried little weight in the decision making process;
- This site formed part of the district's five year land supply and had been identified by the Council for early delivery and if refused or deferred the development would not be completed in 2017. The NPPF stated that where a five year land supply could not be demonstrated then planning by appeal would be the default position;
- This site was one of the Council's preferred sites and had been specifically chosen for development. The planning application in question had been submitted to support the plan as the site was available, preferable and deliverable;
- Should the Committee refuse the application then the Council would be vulnerable at an appeal and could be subject to extensive costs.

Councillor Jeff Beck asked about the alternative provision of a field. Ms. Miles confirmed that the land was owned by Sulham Estates and the landowner would negotiate once planning permission had been granted.

Councillor Paul Bryant asked why an outline application had been submitted at this stage. Ms. Miles confirmed that a planning application had been submitted in order to support the HSA DPD which demonstrated that the site was available, preferable and deliverable. It also demonstrated to the Inspector that the DPD was effective as a planning application for one of the preferred sites had been submitted.

Councillor Anthony Pick referred to pages 26 and 27 of the agenda and the comments made by the Lead Local Flood Authority. The SuDS scheme was not fully satisfied and they were not content with the two drainage options put forward. How would the housing development be protected. Ms Miles stated that it was recognised that further work was required in relation to the principles around drainage that had not been considered at this stage. Further details would be forthcoming at the Reserved Matters stage. It was noted that Thames Water had not made any representations.

Councillor Pamela Bale queried why the applicant had submitted an outline planning application at this stage if they were confident that the scheme supported the HSA DPD. Ms. Miles confirmed that an outline planning application had been submitted as the principle for development had not been firmly established as yet. A full application was costly to submit and further discussion on the detail would take place once the principle had been established. Until a planning permission had been agreed for the site the principle in the DPD would not have any value. All parties would be consulted upon and could submit representations when the reserved matters were considered.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

Councillor Alan Law clarified that the planning application in relation to Pangbourne Hill was also outline but that more detail had been submitted in relation to parking etc. It was a different type of application but he agreed that the principle was the same.

Councillor Emma Webster, as Ward Member, made the following comments:

- Councillor Webster referred to the appeal mentioned at the Eastern Area Planning meeting. She had not suggested that it was not comparable but merely to make a point that the DPD was an emerging document;
- Councillor Webster made specific reference to the numbers of housing requirement and supply as set out in the Update Sheet. She noted that the 192 dwellings at Firlands had not been included and nor had the potential 300 homes on the London Road Industrial Estate. She could not believe that removing 30-40 homes would have that much of an impact on the viability of the DPD;
- References made to earlier planning applications which had been approved at Pangbourne Hill and the Racecourse, Newbury were not comparable as they were not adjacent to the AONB;
- In relation to the loss of the riding stables, Councillor Webster stated that as one of the Ward Members she had received a number of different responses in respect of the alternative provision of a field. It was noted that Sulham Estates owned a considerable amount of land but not all of it would be suitable for riding for the disabled;
- This site was not in a Settlement Boundary and she felt that greater weight should be given to current policy.

Councillor Tony Linden, as Ward Member, made the following comments:

- Councillor Tony Linden also questioned what alternative land would be provided for the riding stables;
- Flooding in the area was a concern;
- The Inspector was not 100% clear that the site had been accepted. He had concerns on the impact on the AONB and there was an important issue in respect of highways. He was not sure that the site was suitable for a housing development and that it equated to planning in an inappropriate place;
- He could not understand why the applicant could not wait until the site's allocation in the HSA DPD had been confirmed in November 2016 prior to submitting a planning application and he could not understand why it would be helpful to the Inspector by submitting an outline planning application at this stage.

Councillor Anthony Chadley, as Ward Member, made the following comments:

- Councillor Anthony Chadley stated that his interpretation of the examination was different and that the Inspector was querying how the number of 1,400 dwellings in the Eastern Urban Area had been derived at and were Members of the Committee just guessing what the Inspector was thinking at this stage.

In summary Councillor Webster stated that she believed the current policies outweighed emerging policy and by refusing this application it would not harm the DPD. Residents had also queried why this application was being heard at Committee that evening and not at the District Planning Committee meeting on 7<sup>th</sup> September 2016 which was already scheduled in the timetable of meetings.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

Councillor Jeff Beck referred to the process around the HSA DPD. All Eastern and Western Area Planning Committee Members had looked through the preferred sites put forward for development and he queried what had changed since then. Councillor Webster responded that the number of units had increased when the document was agreed by Council and again the number had increased when this planning application had been submitted.

Bryan Lyttle confirmed that in relation to timescales consultation on the homework would take place over a two week period. If no further hearing sessions were required then the HSA DPD would go to Council in December 2016 for permission to go out to consultation for 6-10 weeks which would take it until January 2017. The Inspector's report was due in February/March 2017.

David Pearson stated that it would be disingenuous to delay development on this site as other similar planning applications had been determined and there were a number of unallocated sites that were currently at appeal. Although this was a small site the decision made would be seen as important for those looking to submit applications for other preferred sites in the HSA DPD.

In considering the above application Councillor Graham Pask declared that he was in a dilemma. This was a premature application which he did not like but the reality was that a planning application had been submitted and it would have to be determined on its merits in the relevant timescales. Ward Members had made a passionate speech about refusing this application but the problem was what message that would send out to developers on other sites not within the DPD and which would be determined in the next 2-3 months. In November 2015 Members had made some tough decisions around the number of extra houses required in the district and the pressures that would bring on the infrastructure. It was necessary to take into account the edict from Government as to the housing numbers required. When the preferred sites had been agreed in the HSA DPD the Council had acknowledged that the site was suitable for development.

Councillor Keith Chopping said that the points made by the Ward Members and the Parish Council had been well made. He felt that the question raised as to why this application could not wait had been a pertinent one. However, the Committee had to make a decision that evening. He was not convinced of the argument about the site being adjacent to the AONB as three quarters of West Berkshire was in the AONB and a number of appeal decisions had gone against the Council when it had refused applications in the AONB. This was a preferred site which had been approved by Full Council in November 2015. Prematurity was not a reason for refusal and if the application was refused then it would put the Council in a vulnerable position at appeal as in practical terms it was a developable site.

Councillor Anthony Pick stated that he was influenced by the fact that the AONB had raised no objections. However, there was a lack of a clear strategy/statement on the issue around flooding and although there was an Informative he felt that this was inadequate and that it should be conditioned.

Councillor Alan Law stated that he had been the Portfolio Holder when this site had been agreed in principle as a preferred site. When the preferred site options had been produced this site was earmarked for 29 dwellings and this had increased since that time to 35 and then to 39 in the current application. He did not understand why the application had been submitted and the Members of the Eastern Area Planning Committee had made it clear that they felt that existing policies should have more weight and had asked for clarification on this issue. He referred to a recent appeal decision which had been received on 15<sup>th</sup> August 2016 which made reference to policy ENV24 which was a policy which would be overtaken with emerging policy in the DPD and this was his dilemma. He

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

felt that the application was a pre-emptive strike. The Council had spent a lot of time and money on the DPD through hearings and consultation and that process was nearly at an end. However, if the Council did not make a decision on the application it could be at risk of a Judicial Review and the question was what would be best for the Council.

Councillor Richard Crumly confirmed that he was supportive of the emerging plan. He was now concerned that if the application was refused the Inspector might wonder why it had not been approved. If it went to appeal then it could be costly for the Council as it would have to pay its own costs as well as the applicants and this was a material consideration given the current budget restraints. When the Eastern Area Planning Committee had considered the application it had not had sight of the Government advice and there needed to be substantial reasons for refusal if this Committee was minded to refuse the application. The applicant was trying to support the Council's HSA DPD and Officers had also given their expert advice and were advising that the application should be approved. He therefore proposed the Officer recommendation to grant planning permission and this was seconded by Councillor Anthony Pick.

Councillor Pamela Bale agreed that there was a dilemma in that this piece of land was in the DPD submission. She was objecting to the application as it was not clear what the Council was agreeing to and insufficient information had been provided.

Councillor Paul Bryant felt that the issues around suitability and prematurity had been covered. However, it was not for this Committee to make policy but the issue of prematurity was a concern. He noted that the development at the Racecourse started prior to the Core Strategy and therefore there had been no precedent set in that case.

Councillor Graham Pask noted that the application asked for up to 39 dwellings on this site and he asked if an Informative could be included which stated that the Council would prefer that this site was developed out with 35 dwellings. David Pearson confirmed that a Reserved Matters application would be submitted in the future and it was hoped that this would ensure that all points raised in the DPD were taken into account. It would be necessary for the applicant to demonstrate why 39 dwellings would be acceptable on the site and it was likely that any such application could be called to Committee. The DPD would be guiding the applicant on the likely form of development.

Councillor Hilary Cole summarised that a long debate had taken place on this application. Issues raised included prematurity and the fact that this was an outline application with very little detail included. Any Reserved Matters application would be closely considered. However, she reminded Members that Full Council had voted on 5<sup>th</sup> November 2015 to accept the HSA DPD and this had given it greater weight. She accepted Councillor Pick's concerns around flooding and noted that this was a plan led authority and this application fell within that plan.

The application for residential development for up to 39 new dwellings with all matters reserved was put to the Committee for approval. Seven Members voted for the application, one against and there were three abstentions.

**RESOLVED that** the Head of Planning and Countryside be given delegated authority to grant planning permission subject to the schedule of conditions (Section 8.1 of the report at Appendix 1) and the completion of a Section 106 agreement; OR

If the legal agreement was not completed by the 30<sup>th</sup> November 2016, to delegate to the Head of Planning & Countryside to refuse planning permission, for the reason set out in Section 8.2 of the report at Appendix 1 or to extend the periods of completion if it was considered expedient to do so.

**Conditions:**

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

### **1. Reserved matters**

Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

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. Approval of reserved matters**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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).

### **3. Reserved matters time limit**

The development to which this permission relates shall be begun before the expiration of five 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.

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).

### **4. Standard approved plans**

The development hereby permitted shall be carried out in accordance with the approved drawing numbers 26004-RG-M19 and 26004-RG-M-04A received 14 April 2016, but only in respect of those matters of means of access and in accordance with any plans and conditions attached to subsequent approved reserved matters applications.

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

### **5. Hours of work (construction)**

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

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

### **6. Layout and Design Standards (YHA1)**

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

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).

### **7. Cycle improvement measures**

No development shall take place until details of cycle infrastructure improvements on Little Heath Road, between Sulham Hill and Little Heath School, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until these improvements have been provided in accordance with the approved scheme and if appropriate any statutory undertaker's equipment or street furniture 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).

### **8. 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 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
- (h) Lorry routing and potential numbers,
- (i) Types of piling rig and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations.
- (j) Any temporary lighting that will be used during the construction phase of the development,
- (k) Measures to control dust and procedures in place for liaison with the public, including a hotline number to report incidents if problems arise.

The plan shall be implemented in full and retained in operation until the development has been completed. Any deviation from the Construction Method Statement shall be first agreed in writing with the Local Planning Authority.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and to ensure potential disruption is minimised as much as possible during construction. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 9. **Lighting strategy**

No development shall take place until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall ensure that dark corridors for bats are retained. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

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).

### 10. **Minerals Extraction**

No development shall commence until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- i. A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site.
- ii. A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, such use to be agreed with the Local Planning Authority.
- iii. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

Reason: The approval of this information is required at this stage because insufficient information has been submitted with the application. To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

### 11. **Unexpected contamination**

During development, if contamination is found at the site, which has not previously been identified, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation scheme for this unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall



## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

thereafter be implemented in accordance with the approved details. If no unexpected contamination is encountered during the development, written notice confirming this fact shall be submitted to the Local Planning Authority upon completion of the development

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Informatives:**

#### **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

#### **2. 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.

#### **3. 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.

#### **4. Service margin**

Any planting, other than grass, in areas to be adopted by the Highway Authority, may be considered to be an obstruction of the highway and action could be taken to remove it.

#### **5. 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.

#### **6. Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

### **7. 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.

Reason: 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. Construction / Demolition Noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

### **9. Surface Water Drainage**

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

### **10. Legal Agreements**

This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the [DATE]. You are advised to ensure that you have all the necessary documents before development starts on site.

### **(2) Application No. & Parish: 16/01223/OUTMAJ Land adjacent to Stonehams Farm, Dark Lane, Tilehurst**

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

*(Councillor Keith Chopping declared a personal interest in Agenda Item 6(2) by virtue of the fact that he knew two individuals with an interest in the site. 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.)*

*(Councillor Jeff Beck advised that he had been lobbied on Agenda Item 6(2)).*

The Committee considered a report (Agenda Item 6(2)) concerning Planning Application 16/01223/OUTMAJ in respect of an outline application for up to 66 residential units with access from Long Lane. Matters to be considered: access.

In introducing the item the Planning Officer, David Pearson, stated that this application had been considered by the Eastern Area Planning Committee on 3 August 2016 where it was refused for the following reason:

*“Whilst the West Berkshire Council Housing Allocation DPD is emerging it has yet to be adopted. The oral examination stage was completed in July 2016 and further work is required in the form of major and minor modifications before the inspector’s report is produced and therefore only limited weight can be given to the policies in the emerging Development Plan at this time. The application site lies outside of any defined settlement boundary and is land currently forming part of the countryside. This being the case the greater weight has been given to the saved policies of the West Berkshire District Local Plan 1991-2006 [WBDLP] and the policies contained in the West Berkshire Core Strategy 2006-2026 [CS] and the proposed development runs contrary to the provisions of policy HSG1 of the WBDLP as the site lies outside of any defined settlement boundary and to the provisions of policy ADDP1 of the CS which lists the possible exceptions where such development might be allowed.”*

Officers had since determined that the issues involved should be considered by the District Planning Committee due to the conflict of the resolution to refuse the application with the emerging Housing Site Allocations (HSA) Development Plan Document (DPD) and the consequent negative impact on the implementation of the Council’s strategic policies for the provision of housing across the District in its ability to demonstrate a five year land supply for housing.

The Planning Officer also highlighted the following points as part of his introduction:

- This site was located outside the current settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- Objections had been raised by the North Wessex Downs AONB Consultant to the application, but the Planning Officer pointed out that their concerns primarily related to issues which would be considered at the reserved matters stage. A total of 244 specific objections had been raised against the application, but a good deal more had been lodged as part of the consultation process for the HSA DPD.
- The site was identified within the HSA DPD, approved for submission to the Planning Inspector by Full Council on 5 November 2016, as a preferred site and therefore in principle the site was considered as suitable for development. This Council decision took into account the fact that the site was located in the AONB.
- A separate outline planning application had been registered for up to 15 dwellings on Stonehams Farm itself, with access again to be the consideration. The Planning Officer clarified that this site and the application site were shown as separate within the HSA DPD with separate access points. The HSA DPD was only seeking a pedestrian/cycle link between the two sites. The application site therefore needed to be considered on its own merits.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

- Concerns had been raised at the Eastern Area Planning Committee that the application was premature when the HSA DPD was emerging policy. In response to this, the update report provided the position of the Department for Communities and Local Government on the refusal of applications on the grounds of prematurity. This stated that refusal on the grounds of prematurity would seldom be justified where a draft local plan had yet to be submitted for Examination (the HSA DPD had been examined by the Planning Inspector) and should an application be refused on these grounds, it would be necessary to indicate clearly how the granting of permission for the development would prejudice the outcome of the plan making process.
- A decision to refuse the application on grounds of prematurity would also be inconsistent with decisions already taken for other sites within the HSA DPD. An example of this was the application approved for Pangbourne Hill which was also located in the AONB.
- The Planning Officer felt that it would be difficult to successfully defend refusal of this application at an appeal when considering these points and the considerable weight that could be given to the emerging HSA DPD, and the Council could also be liable for costs. In addition, if the application was refused, then it would make no contribution to the Council's five year housing land supply.
- The Planning Officer summarised by stating the Officer Recommendation to grant planning permission subject to conditions and the completion of a Section 106 Agreement.

Bryan Lyttle, Planning and Transport Policy Manager, explained that the adopted policies of the Council's Core Strategy included Area Delivery Plan Policy 4 – Eastern Urban Area (EUA) for approximately 1400 new homes and Area Delivery Plan Policy 5 – AONB for up to 2000 new homes. The Planning Inspector had expressed concerns that the HSA DPD was only proposing 1200 new homes in the EUA and had identified over 2000 new homes in the AONB when the windfall allowance was taken into account.

The Planning Inspector's 'homework' from the HSA DPD Examination had therefore asked the Council to look to increase the number of homes in the EUA and decrease those in the AONB.

Mr Lyttle also clarified that the 60 homes identified for this site in the HSA DPD would count towards the total number of dwellings for the EUA (if permission was granted) and not in the figures for the AONB.

He agreed that there had been a high level of objection to this site as part of the HSA DPD consultation, but pointed out that a high percentage of objections had been provided on a template rather than being unique responses.

Finally, Mr Lyttle pointed out that planning applications had to date been submitted for 15 of the 28 sites identified within the emerging HSA DPD.

Paul Goddard, Highways, commented that Highways' Officers were content with the proposed Long Lane access. It was compliant with width and sight lines guidance, and was connected to existing footways.

Increases in traffic on the narrowest section of Long Lane to the south of the site were a concern for residents. These concerns were recognised by Highways, but Mr Goddard advised that applications could only be refused on transport grounds where the impact of a development would be severe (as stated in the National Planning Policy Framework (NPPF)). Mr Goddard pointed out that during the morning peak time of 8am-9am, traffic analysis showed an increase of 12 vehicles, and in the evening peak (5pm-6pm) an

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

increase of 14 vehicles. Mr Goddard did not feel that this level of increase could be considered as having a severe impact and recommended approval of the application from a Highways perspective. He added the view that in transport terms the site was sustainable as bus services were available and the site was closely located to local schools.

Councillor Pamela Bale referred to the point made that these homes would count towards the allocation in the EUA and not the AONB. Councillor Bale made the point that it needed to be recognised that these homes, if approved, would be built within the AONB and the impact on the AONB needed to be considered. Mr Lyttle confirmed that this point had been recognised throughout the HSA DPD process.

Councillor Anthony Pick turned to the objections raised by the Public Rights of Way Officer in terms of the additional traffic that would be generated by the development and the impact of this on road safety. Mr Goddard reiterated his earlier point that in his view the increased traffic movements did not amount to a severe impact.

Councillor Garth Simpson referred to the detailed objections of the North Wessex Downs AONB Consultant to this application. This included concerns in relation to the impact on the character of the AONB from the density proposed for this application. The Planning Officer pointed out that these concerns were highlighted as part of the HSA DPD consultation and the Council decision in favour of this site was based on an awareness of the impact on the AONB.

In accordance with the Council's Constitution, Mr. Kevin Page, Parish Council representative, Mrs. Rowan Martin/Mr. Iain Jones (Keep Tilehurst Green) and Mr. Richard Churchill, objectors, and Ms Angela Miles, applicant/agent, addressed the Committee on this application.

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

- The Parish Council objected to this application which was also strongly opposed to by local residents.
- Its location within the AONB was particularly concerning and the proposal was objected to by the North Wessex Downs AONB Consultant.
- The Parish were of the view that current planning policy should be considered when determining this application, rather than the emerging HSA DPD. This application did not comply with current policy as the site was external to the settlement boundary and was located within the AONB.
- The number of units proposed of up to 66 was an increase from the figure contained within the HSA DPD.
- The area was prone to flooding and this would be exacerbated should the site be developed.
- Local services, i.e. schools, doctors and dentists, were at capacity and therefore these services would not be available locally to residents of these proposed dwellings.
- Traffic increases were a further cause for concern and local residents did not have confidence in the figures provided by Highways. The site visit was held during the school summer holidays when traffic levels were lower than normal and therefore the true impact that would be caused by this proposal on the access road was difficult to fully appreciate. This was a dangerous road and Mr Page referred to a near miss traffic accident that was witnessed at the Eastern Area Planning Committee site visit.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

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

- As already noted, there was much opposition to this proposal. The number of objections to the planning application exceeded 200 and around 1300 objections had been lodged as part of the HSA DPD consultation for this site.
- Residents were pleased with the decision to refuse planning permission at the Eastern Area Planning Committee and District Members were urged to follow this.
- The application was premature when considering that the HSA DPD Examination was still ongoing. No decision should be taken on this application until the HSA DPD was finalised.
- The proposal for up to 66 residential units was an increase from the figure of 60 contained within the HSA DPD. It was also the case that the figure of 60 had increased from an original proposal for 44 units in an earlier draft of the HSA DPD.
- This was a greenfield site within the AONB and this development would be a detriment to the area. The AONB was a well used amenity and should be preserved. This application would neither conserve nor enhance the AONB. The North Wessex Downs AONB Consultant objected both to this application and to the allocation of this site in the HSA DPD.
- The Planning Inspector had stated a need to give weight to the impact on the AONB.
- Increased traffic was a concern on the proposed access road Long Lane. This had flooded in the past and was very narrow in some sections.
- This application should be considered alongside the Stonehams Farm application and not separately.

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

- He reiterated the point that the site was located outside the settlement boundary and within the AONB. This needed to be clearly understood in determining the planning application. The proposal was therefore contrary to existing policy, with the HSA DPD only emerging policy. Limited weight should be given to emerging policy.
- There was significant opposition to the planning application due to its location in the AONB, concerns in relation to traffic increases and a lack of local infrastructure. Any development in the AONB needed to be robustly justified.
- The application would constitute major development in the AONB and this application was therefore not compliant with the NPPF.
- The application was premature as the Planning Inspector's report had yet to be received and the emerging policy not yet tested. While the Planning Inspector had not highlighted any objections to develop this site in principle, the Inspector had not reached any firm conclusions on the HSA DPD and its preferred sites. Further, it was not clear if the Planning Inspector would be satisfied on the proposal to develop in the AONB.
- The application should be refused as it was located outside of the settlement boundary and within the AONB and was therefore contrary to existing planning policy. Such a decision would show that West Berkshire Council followed a planned approach.

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

In response to a question from Councillor Paul Bryant, Mr Jones confirmed that concerns had been highlighted in relation to developing in the AONB by the Planning Inspector in the examination session relating to this site.

Ms. Miles in addressing the Committee raised the following points:

- The principle of development had been established as per agenda item 6(1). Development of the site for 66 dwellings would be in accordance with policy HSG10 of the HSA DPD.
- Access to the site would be achieved via Long Lane and would come between mature trees. These trees would be retained. The access was safe and the necessary sight lines would be achieved. All other matters were reserved.
- Existing pedestrian links would be enhanced.
- Traffic concerns had been a key issue for objectors, but Ms Miles pointed out that the application had been supported by a transport assessment and the proposed access had been accepted by Highways Officers. The cumulative traffic increase arising from the development had been assessed by Highways as being marginal.
- In terms of parking on Long Lane, a number of cars were parked opposite the site at the time of the site visits. However, this was not representative of the normal parking situation. Normal levels were returned to post the site visits with this area of Long Lane near to being clear of parked vehicles.
- The housing from this site would contribute to the five year land supply and subject to planning permission being granted, the new homes would be ready for occupation by 2018/19.
- If the application was refused, this would impact on the land supply and the new homes would not be delivered. This would create a level of uncertainty and could lead to non DPD sites coming forward.
- The site was located within the AONB, but Ms Miles did not believe this application constituted a major development in the AONB. The Planning Officer's Eastern Area Planning Committee report stated that the proposed development did not amount to major development as outlined in paragraph 116 of the NPPF. This view was supported by case law and factors including the scale of the development comparative to the size of the settlement. This proposal for up to 66 dwellings constituted a 1.2% increase within the Parish.
- Ms Miles then made reference to a separate planning application where approval was granted for development on land to the north of Pangbourne Hill. This was also in the AONB and was a larger proportional increase.
- Ms Miles reiterated that the site had been selected within the HSA DPD and was in accordance with policy HSG10. The reason for refusal at the Eastern Area Planning Committee was not sustainable and Members were urged to follow Officers' recommendation to grant planning permission.

In response to a query from Councillor Alan Law, Ms Miles advised that access could be considered for this application as this had already been established via Long Lane. However, this was not as yet clear for the Sulham Hill application.

Councillor Rick Jones, speaking as Ward Member, made the following points:

- He was concerned that the illustrative layout did not match the layout outlined in the HSA DPD. This could result in the landscape buffer being breached.

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

- He shared concerns of residents in relation to the highways impact. Long Lane was not fit to accommodate traffic increases and the cumulative impact of additional traffic was a concern when considering existing traffic levels which used the road to travel to Reading/the M4.

Councillor Emma Webster, speaking as Ward Member, made the following points:

- The two mature oak trees referred to alongside the access road needed to be protected and this needed to be confirmed.
- The Planning Inspector's report on the HSA DPD should be awaited before a decision was made and therefore the Council would be a plan led authority. It was not the case that all applications made for HSA DPD sites should be accepted.
- The increasing number of dwellings proposed for this site was a concern. Over time this had grown from 44 to 66 units.
- Reference was made to objections being raised via a set template, however this was acceptable when considering the complexities involved with the HSA DPD consultation.
- The costs of an appeal had been highlighted as a concern should the application be refused, but a decision to approve could also be subject to a Judicial Review.

Councillor Tim Metcalfe, speaking as Ward Member, made the following points:

- He voted in favour of the HSA DPD at the Council meeting in November 2015 and in favour in principle of development at this site based on what was contained in the HSA DPD. However, this proposal differed to the in principle development outlined in the HSA DPD.
- The increasing number of units was a concern.
- Development of the neighbouring Stonehams Farm site should have been included with this application and not progressed separately.
- The Long Lane access was unsafe. Sight lines were hampered due to the mature oak trees and there was not in all places room for vehicles, particularly large vehicles, to pass one another.

Councillor Tony Linden, speaking as Ward Member, made the following points:

- This was a well used greenfield site within the AONB.
- The Planning Inspector had raised the need to give weight to the impact on the AONB.

Councillor Anthony Chadley, speaking as Ward Member, made the following points:

- Approximately 25% of residents had objected to the initial consultation for this site. This number had dropped in subsequent consultation processes but this was partly due to the view of residents that they were not being listened to.

At this stage of the meeting (9.40pm) Councillor Hilary Cole referred Members to paragraph 7.13.5 (Continuation of Meeting) of Part 7 of the Council's Constitution which stated that meetings of Committees should not normally continue past 10.00pm. However, the meeting could extend to 10.30pm at the latest if it was felt that the business of the meeting could be concluded within that time. It was therefore agreed that the meeting could extend, potentially to 10.30pm, to determine this application. However, there was not felt to be sufficient time to fully consider agenda items 4(3) and 4(4) and it was agreed that these would be deferred. Councillor Cole apologised to those members



## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

of the public present for the deferred items but felt it would be unfair on them to consider these items without sufficient time.

The Planning Officer then responded to some of the points made by Ward Members. Officers could not control the content of planning applications and the Council needed to determine valid planning applications. Plans received with the planning application were illustrative only and therefore no decision would be made on the extent of the landscape buffer as this would be considered in detail at the reserved matters stage and Officers would not want to see this buffer reduced.

The Planning Officer also reiterated the point that this site and the Stonehams Farm site were shown as separate within the HSA DPD. The only connection between the two sites was for a proposed pedestrian/cycle link.

The site was external to the settlement boundary, but it was inevitable that the borders of settlement boundaries would be looked to/reviewed when selecting new sites.

Councillor Law sought assurance from Officers that the Planning Inspector was aware that these proposed dwellings were included within the EUA and did not contribute to the AONB figures. He also wanted to be assured that the Planning Inspector had raised no significant unresolved issues for this site in the emerging HSA DPD. Bryan Lyttle confirmed that there were no remaining unresolved issues with the emerging policy. In addition, the Planning Inspector had not specifically queried whether these homes would contribute to the EUA or AONB figures, but was aware that these homes were coded to the EUA. Mr Lyttle added that, if planning permission was approved, this site would form part of the settlement boundary review for the district.

Councillor Paul Bryant asked for confirmation of the Planning Inspector's view in the Examination sessions on development in this specific area of the AONB. In response, Mr Lyttle commented that the Planning Inspector had made specific comments on proposals for the AONB in Hungerford and Kintbury, but had made no such comments for this or the preceding application site.

Councillor Keith Chopping was concerned should the landscape buffer outlined in the HSA DPD be eroded when considering the illustrative plans for the site for up to 66 dwellings. He queried whether the buffer could be protected if permission was granted for 66 dwellings. The Planning Officer explained that Officers were mindful of the potential impact on the buffer and this needed to be protected where possible. He also pointed out that the developer would need to produce a finalised layout for the full planning application that was acceptable to the Council and which accommodated the landscape buffer alongside the final housing number. Mr Lyttle added that a definition of the landscape buffer would be included in the HSA DPD at the request of the Planning Inspector.

Councillor Bale queried the absence of a Landscape and Visual Impact Assessment (LVIA). Mr Lyttle explained that a Landscape Visual Appraisal (LVA) had been produced for in principle considerations and an LVIA would be provided at the more detailed reserved matters stage. The Planning Officer added his expectation that the detailed application would contain a high level of information around protecting the landscape.

Councillor Hilary Cole commented that a high percentage of West Berkshire was located in the AONB. Members were well aware of the need to conserve and enhance the AONB, but added that it was a living landscape. Objections had been raised by the North Wessex Downs AONB Consultant but it was to be expected that they would object to any development in the AONB.

Councillor Graham Pask commented that, as with the first agenda item, he faced a dilemma in determining this planning application. The HSA DPD had undergone a

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

detailed consultation process prior to its approval by Council and West Berkshire needed to be a plan led authority. It was however regrettable that this application had been brought forward prior to the Planning Inspector's report on the HSA DPD.

Councillor Pask continued that Members' decisions took account of planning policy and professional guidance from Officers. The potential to incur costs at an appeal were noted, but decisions to refuse were still made where there was a risk of costs if there were grounds for refusal. The site was located in the AONB, but this fact was known when the HSA DPD gained Council approval in November 2015 and Councillor Pask gave his support at that meeting to this site being included.

Councillor Pask proposed acceptance of Officers' recommendation to grant conditional planning permission. This was seconded by Councillor Jeff Beck.

Councillor Anthony Pick commented that he was uncomfortable with this application, with a particular concern being the impact on the AONB and the associated negative remarks made by the North Wessex Downs AONB Consultant. Councillor Pick stated that he would not be supporting the proposal to grant planning permission due to the site being located in the AONB. In addition, the increased number of dwellings would likely impact on the landscape buffer and there was a lack of consistency between the plans contained in the HSA DPD and the illustrative plan which accompanied the planning application.

In addition, Councillor Pick again made reference to the objections of the Public Rights of Way Officer. These objections noted that sections of Long Lane had no pavements, were heavily trafficked and there was not always room for two vehicles to pass one another. Further work was therefore needed in this area.

In response to the point on the landscape buffer, the Planning Officer pointed out that confirmation of the buffer did not form part of this outline application. Should planning permission be granted, this would give no commitment to the size of the buffer.

Councillor Cole made the point that the view of the AONB Consultant would have more relevance when the finalised application was considered.

Councillor Chopping agreed with the point made earlier that the AONB was a living area and added that it was not set in stone. He was in favour with the proposal, but added that the HSA DPD considerations in November 2015 included a requirement for a landscape buffer in this area. This requirement needed to be complied with in the detailed application and housing numbers reduced to achieve this compliance if necessary.

Councillor Law was aware that the Planning Inspector had concerns in relation to access to this site and for overall development in the AONB. However, it had been confirmed by Officers at this meeting that there were no unresolved objections to the emerging HSA DPD and Councillor Law would therefore support the proposal to grant planning permission.

Councillor Richard Crumly commented that it would be difficult to refuse planning permission for this site when the application for the previous item had been approved. He added that the potential costs of a planning appeal was a genuine concern and the professional advice of Officers should be carefully listened to.

Councillor Bale was of the view that the proposed access was an issue. She felt that the number of additional traffic movements on Long Lane would be in excess of the numbers outlined in the highways study and this would negatively impact on Long Lane, in particular the narrow sections of the lane.

Councillor Cole reiterated the point that Full Council voted in favour of the HSA DPD at the meeting on 5 November 2015. This included development of this site in principle with

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

the Long Lane access. A decision contrary to this on this planning application could give out a concerning message.

**RESOLVED** that the Head of Planning & Countryside be given delegated authority to grant planning permission subject to the schedule of conditions (Section 8.1 of the report at Appendix 1) and the completion of a Section 106 agreement; OR

If the legal agreement was not completed by the 30th November 2016, to delegate to the Head of Planning & Countryside to refuse planning permission, for the reason set out in Section 8.2 of the report at Appendix 1 or to extend the periods for completion if it was considered expedient to do so.

### Conditions:

#### 1. Reserved matters

Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

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. Approval of reserved matters

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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).

#### 3. Reserved matters time limit

The development to which this permission relates shall be begun before the expiration of five 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.

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).

#### 4. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawing numbers 26004,SF-RG-M-09 26004,SF-RG-M-11 and TR8140360/04 received 6 May 2016 only in respect of those matters of means of access and in accordance with any plans and conditions attached to subsequent approved reserved matters applications.

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

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

### **5. Hours of work (construction)**

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

Any deviation from the hours of works shall be first agreed in writing with the Local Planning Authority.

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

### **6. Archaeology**

No 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 first 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. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

### **7. 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 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

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) Lorry routing and potential numbers,
- (i) Types of piling rig and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations.
- (j) Any temporary lighting that will be used during the construction phase of the development,
- (k) Measures to control dust and procedures in place for liaison with the public, including a hotline number to report incidents if problems arise.

The plan shall be implemented in full and retained in operation until the development has been completed. Any deviation from the Construction Method Statement shall be first agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and to ensure potential disruption is minimised as much as possible during construction. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 8. Construction of access first

The construction of the access shall be the first development operation to take place. No other development shall take place until either:

- (a) the access has been constructed in accordance with the approved plans; or
- (b) a temporary construction access has provided in accordance with details in the approved Construction Method Statement.

No more than 50 dwelling shall be occupied until the permanent access has been constructed in accordance with the approved plans.

Reason: To ensure that safe vehicular access is provided before any demolition or building operations take place, in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

### 9. Visibility splays

No building operations (other than to the access) shall take place until the visibility splays at the vehicular access onto Long Lane have been provided in accordance with drawing number TR8140360/04 (received 6/5/16). The land within these visibility splays shall thereafter (during

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

demolition/construction operations, and following occupation) be kept free of all obstructions to visibility over a height of one metre above the carriageway level.

Reason: To ensure there is adequate visibility at the access, 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).

### **10. Minerals Extraction**

No development shall commence until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- i. A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site.
- ii. A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, such use to be agreed with the Local Planning Authority.
- iii. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

Reason: The approval of this information is required at this stage because insufficient information has been submitted with the application. To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

### **11. Ecological management plan**

No development shall take place until a detailed Ecological Management Plan covering non development areas has been submitted to and approved in writing by the Local Planning Authority. This plan will include details of:

- Hedgerow loss and show replacement hedgerow to be provided and how it will be managed long term to ensure a species rich hedgerow is secured
- The eastern boundary attenuation ponds should be partially linked to provide some year round standing water thus maximising their ecological value
- Measures to enhance biodiversity into the design of the new dwellings with the inclusion of bird and bat boxes

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

The approved Ecological Management Plan shall be implemented in full in accordance with an agreed timetable and its provision permanently maintained thereafter.

Reason: To ensure the protection of 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).

### **12. Mitigation scheme (to be submitted)**

No development shall take place until a detailed reptile mitigation scheme and enhancement plan, written by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include timings. Thereafter the approved scheme shall be implemented and maintained in full and in accordance with the timings approved.

Reason: To ensure the protection of reptiles 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).

### **13. Lighting strategy**

No development shall take place until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall ensure that dark corridors for bats are retained. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

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).

### **14. Land contamination 1: site characterisation**

The construction of the dwelling hereby permitted shall not take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to:

## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

- i. human health,
  - ii. property (existing and proposed) including buildings, pets, and service lines and pipes,
  - iii. adjoining land,
  - iv. groundwater and surface water,
  - v. ecological systems,
  - vi. archaeological sites and ancient monuments; and
- (c) An appraisal of remedial options, and proposal of the preferred option(s).

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

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

### **15. Land contamination 2: remediation scheme submission**

The construction of the dwelling hereby permitted shall not take place until a remediation scheme for any land contamination identified by the investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (a) Provide for the removal of unacceptable risks to human health, buildings and other property, and the natural and historical environment;
- (b) Ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
- (c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and
- (d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

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



## DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES

### 16. Land contamination 3: remediation scheme implementation

Any remediation scheme for land contamination approved under the second land contamination condition (Condition 15) above shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

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

### 17. Land contamination 4: unexpected contamination

In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 14, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of the second land contamination condition (Condition 15) above. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

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

### 18. Land contamination 5: monitoring and maintenance

Following completion of the measures for the monitoring and maintenance of the effectiveness of the land contamination

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

remediation approved under clause (d) of the second land contamination (Condition 15) condition above (if any), a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the completion of the measures. These reports shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

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

### **19. Water Comments**

No development shall commence until an Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026)

### Informatives

#### **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

#### **2. 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.

#### **3. Damage to the carriageway**

## **DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

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

### **4. Service margin**

Any planting, other than grass, in areas to be adopted by the Highway Authority, may be considered to be an obstruction of the highway and action could be taken to remove it.

### **5. 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.

### **6. Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

### **7. 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.

Reason: 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. Construction / Demolition Noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

**DISTRICT PLANNING COMMITTEE - 30 AUGUST 2016 - MINUTES**

**9. Legal Agreements**

This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the [DATE]. You are advised to ensure that you have all the necessary documents before development starts on site.

**(3) Application No. & Parish: 16/00657/FULEXT Land at former Travis Perkins site, Mill Lane, Newbury**

*(Councillors Jeff Beck and Anthony Pick declared a personal interest in Agenda Item 6(3) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways Committee. Councillors Beck and Pick had been present when this item was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Beck advised that he had been lobbied on Agenda Item 6(3)).*

This item was deferred due to insufficient time to consider the application.

**(4) Application No. & Parish: 16/00971/OUTD Delamere Stables, Baydon Road, Lambourn**

*(Councillor Jeff Beck declared a personal interest in Agenda Item 6(4) by virtue of the fact that he was a Member of Newbury Town Council and its Planning and Highways Committee. Councillor Beck had been present when this item was discussed, but would consider the application afresh. 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.)*

*(Councillor Richard Crumly advised that he had been lobbied on Agenda Item 6(4)).*

This item was deferred due to insufficient time to consider the application.

*(The meeting commenced at 6.30 pm and closed at 10.10 pm)*

**CHAIRMAN** .....

**Date of Signature** .....