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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 6 JUNE 2018

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

Also Present: Michael Butler (Principal Planning Officer), Joe Dray (Principal Officer - Environmental Quality), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer) and Matthew Shepherd (Planning Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Councillor Billy Drummond and Councillor Virginia von Celsing

PART I

6. Minutes

The Minutes of the meeting held on 16 May 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Page 7: The Chairman asked that it be noted that he had received Councillor Dennis Benneyworth apologies, prior to the meeting.

7. Declarations of Interest

Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared an interest in Agenda Items 4(1-5), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

8. Schedule of Planning Applications

(1) Application No. and Parish: 17/03232/FUL, Newbury Manor Hotel, London Road, Newbury

(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Items 4(15) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee. 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 Beck had been lobbied on all five applications and Councillor Pick had discussed the application with residents during a site visit outside of the formally arranged appointment.)

1. As all five applications related to the same site, under Rule 7.13.6 of the Constitution, the Chairman varied the order of the representations so that the applications were presented and discussed as a whole. The decisions would then be taken consecutively.

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2. The Chairman suspended the operation of Rule 7.13.4 (Time Allowed) of the Constitution to allow speakers to present for ten minutes.
3. Therefore, the Committee considered reports on (Agenda Item 4(1-5)) concerning Planning Applications:
 - 1) 17/03232/FUL in respect of Section 73 - Application for variation of Condition (2) Approved Plans of Planning Permission 17/01171/FUL
 - 2) 17/03233/LBC Section 73 - Application for variation of Condition (2) Approved Plans of Planning Permission 17/01172/LBC
 - 3) 17/03223/FUL – Erection of plant room and substation
 - 4) 17/03237/COMIND - Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, wall-mounted condenser unit and roof-mounted extract
 - 5) 17/03238/LBC2 - Extension and alteration of existing cottage to create hotel restaurant with outdoor seating terrace, wall-mounted condenser unit and roof-mounted extract
4. In accordance with the Council's Constitution, Mr Edward Sharp and Ms Rebecca Richards, objector, and Ms Tiffany Renwick and Mr Euan Brown, applicant/agent, addressed the Committee on this application.
5. Matthew Shepherds introduced the reports to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the reports detailed that the proposals were acceptable and conditional approvals were justifiable, subject to the first completion of a section 106 planning obligation. Officers on balance recommended the Committee grant all five planning permissions.
6. The Chairman invited the Highways Officer to expound on the proposed car parking arrangements. Paul Goddard confirmed that he had no concerns with Agenda Items 4(1-3) and that the focus was on the car parking provision for the restaurant (Agenda Items 4(4-5)). A previous application had been withdrawn for the site as there was concern over the level of car parking. This application provided an additional 54 spaces, totalling 129 across the whole site to serve the hotel and the restaurant. Highway Officers had evaluated the parking plan and found it to be acceptable. There would be 25 staff on site who would mostly travel by car. The hotel provided 49 bedrooms and on the rare occasions that these would all be occupied, there would be 64 remaining spaces. The restaurant could cater for 162 covers, therefore an average of 2.5 spaces per cover should be sufficient as it was expected that most customers would travel as a group, rather than as individuals. Traffic around the site would increase, but this would be at off-peak times.
7. The Chairman invited the Environmental Health Officer to discuss the acoustic assessments that had been carried out on the site. Joe Dray confirmed that:
 - Condenser - There were concerns about the level of back ground noise from the condenser. The assessment suggested that the day time noise level would be one decibel lower than the average night time level. This would be unusual, where road traffic was the main noise. He recommended that further tests should be carried out.
 - Restaurant - The noise assessment for the restaurant was based on no amplified music being produced. If music were to be played, this would cause an issue.
 - External seating – the assessment was initially based on one person per table, which was not a true reflection of how the space would be used. Officers had asked for the

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assessment to be revisited with more realistic modelling. The amended assessment looked at a worst case scenario of all the tables being occupied.

- Acoustic screening – the end of the terrace was exposed, therefore more protection for this area was needed.
 - Deliveries and disposal – further assessment was requested. The assessment predicted that the noise from deliveries would be lower than the ambient noise. The applicant wished to restrict deliveries between 0900-1800 hours, to reduce the impact of noise on their neighbours. They would also install a glass-buster machine. This would mean that noise from glass disposal would mostly be contained within the bar area. The glass would be crushed and stored in large plastic containers which would then be emptied less frequently into waste containers outside the building.
 - Car parking – the ground had been used for car parking, however the provision of a restaurant would intensify the use and therefore the noise. A further assessment was requested. Officers had concerns about the traffic flow data that was used for the assessment, but considered that the noise would not be substantial. The assessment looked at the worst case scenario and Officers considered the noise level was acceptable.
 - Plant and machinery – this had been recorded at five decibels. The intermittent and tonal nature of the noise was accounted for by BS4142. However, Officers asked for this to be re-assessed for night time, background levels, which found that the noise would be audible. Officers asked that the enclosure for the plant be redesigned to reduce the level of background noise.
 - Cumulative noise – this had not been assessed as the applicant considered it as inappropriate.
8. The Chairman asked Officers to talk through the block plan of the site, so that the positions of the applications were clear to the Committee.
9. Ms Richards and Mr Sharp, in addressing the Committee raised the following points:
- Mr Sharp explained that they were representing 22 inhabitants of the six houses next to the proposed restaurant. For the last 18 months they had observed the noise levels and the ecology of the area and believed the noise impact would be a nuisance when sleeping and at the weekends.
 - The residents of no. 48 had lived there for 18 years and they had, at times, needed to close their windows to shut out the noise and had their sleep disturbed by car doors being slammed, loud conversations in the car park and noise as people checked out of the hotel. According to the noise level assessment, this could be categorised as low level disturbance (level three out of five). Residents predicted that this development would raise the noise to the fourth level, where they would have difficulty getting to sleep and suffer sleep deprivation. There would only be seven and a half hours between closing and opening hours. When clean-up and set-up activities were included, there would be very few quiet hours on the site.
 - Sources of noise included: people standing, talking in the break out areas; car doors slamming; people talking in the car park and motorbike exhausts. The removal of the greenery from the boundary would expose the houses to more noise and less privacy.
 - Ms Richards considered the noise impact assessment to be flawed, as the cumulative impact of noise across the site should have been taken into account.

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- The noise from the car park had been understated. In 2015 there had been 50 car parking spaces. This would increase to 129 if the proposal was approved. There had been no noise impact assessment following the expansion in the number of bedrooms.
 - The application was contradictory as the noise assessment was only for the restaurant area and did not include the rest of the site. There were discrepancies in the supplementary documents, which raised the question in confidence in the whole proposal.
 - Ms Richards asked the Committee to imagine hosting a party for 50 people in their home and the noise as their guests entered and left. If the application were approved, it would be the equivalent of 150 guests and it would not just be for one evening, but every day. That was what it would be like for the neighbours.
 - The West Berkshire Local Plan stated that there should be minimal adverse impact and loss of amenity.
 - The proposed restaurant was five metres from their home. The removal of the boundary screening to enable parking had removed their privacy.
 - The residents had suggested changes to the plans which they felt would mitigate the concerns and officers had included these in the update report.
 - Mr Sharp continued that the ecology report had failed to find bats and water voles on the site. However, he had photographic evidence of the existence of voles and had seen bats in the area. He expressed concern over the accuracy of the ecology assessment.
 - There was an existing restaurant on the site called the River Bar that was further away from the neighbours. The residents of no. 48 confirmed that they had not been impacted by this when it had been in operation.
 - He rejected the noise assessment conclusion. He believed there would be real, significant disturbance to sleep. The modelling was inaccurate as it had not considered cooking odours, smokers on the terrace and in smoking zones, the loss of privacy from the removal of the boundary trees, and possible trespassing on the amenity land of no. 56.
 - The residents were very supportive of the refurbishment of the site, but this plan brought the restaurant ten times closer to their homes and increased its size. The impact of noise, odour and loss of privacy could not be mitigated if the development was brought closer to their homes.
 - The Committee had the power to decide and what they decided the residents would have to experience every day.
10. Councillor Paul Bryant asked the objectors to confirm that it was the applications relating to Mill Waters Cottage that they objected to and not the changes to conditions on the rest of the site. Mr Sharp confirmed that this was the case.
 11. Councillor Anthony Pick inquired if the residents had been consulted about the new proposals by the developer. Mr Sharp confirmed that they had not. Councillor Pick further queried if the objectors felt that the acoustic fence would have a mitigating affect. Mr Sharp explained that the fence would reduce the noise of diners on the terrace, but not if they chose to move onto the grass area.
 12. Councillor Adrian Edwards asked if the objectors opposed music on the site in all circumstances. Mr Sharp ventured that he would not oppose music that could be

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contained within the restaurant, but that any sound spillage out onto the terrace area would disturb resident's sleep. Ms Richards agreed that if the bi-fold doors were open music would spill out into the open space.

13. Councillor Pick sought clarification as to the distance of Mr Sharp's house from the development. Mr Sharp confirmed that it was sited five metres from the edge of the restaurant.
14. Councillor Clive Hooker asked Mr Sharp to describe the current greenery on the boundary. Mr Sharp observed that the trees extended to five metres high, in places and were quite deep. This provided noise damping and privacy. Should the greenery be removed, there would only be a wooden fence remaining.
15. Mr Brown and Ms Renwick, in addressing the Committee raised the following points:
 - Mr Brown wanted to make a few key points.
 - The agent had been involved with the site for three years and the hotel had been closed for two years. When it was brought back into use it would create 85 jobs.
 - It was a significant investment for the client and the use of the site as a hotel was well established.
 - The applicant had worked closely with officers to address environmental concerns, and believed that the remaining issues could be mitigated through conditions.
 - With regards to the cumulative noise assessment, they considered that as the hotel was already established it was only relevant to look at what additional noise would be created by the restaurant.
 - They had carried out a public consultation in 2016 and had invited neighbours to the event.
 - Ms Renwick was representing the applicant. She understood the duty they had to be a good neighbour. The company also ran the Coppa Club at Sonning. The intention was to make as little impact as possible on local residents, who they hoped would become loyal and valued customers. This desire was reflected in the restricted delivery times, opening hours and the use of the glass-buster.
16. Councillor Jeff Beck asserted that he was extremely disappointed that the closest residents had not been consulted. Mr Brown noted that the residents had been invited to the event on 18 July 2016. Councillor Beck observed that the plan had changed over the last two years. Ms Richards explained that the restaurant plan had not changed since the event.
17. Councillor Beck referred to the update sheet for Agenda Item 4(4) where it stated that the location for the Variable Refrigerant Volume (VRV) condenser had not yet been finalised and enquired if there was going to be a further application. Mr Brown explained that there had been a lack of clarity on the number and location of the units needed for the kitchen and the dining room and the final siting had not yet been agreed. The plan was indicative.
18. Councillor Beck further inquired as to the use of the exiting River Bar building. Ms Renwick assured the meeting that there were currently no plans to use the building as a restaurant as it would not provide enough capacity and was in need of refurbishment.
19. Councillor Bryant wanted to get it clear in his mind that there would be a single restaurant for the whole site. Ms Renwick advised that there was an event space to

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the north west of the site. However, this only finished and served food that was prepared in the restaurant, for events such as weddings and conferences.

20. Councillor Bryant further queried the landscaping of the boundary between the residential properties and the restaurant, where car parking and motorbike bays would be close up against the boundary. He asked if there was any flexibility in the boundary treatment. Mr Brown explained that the increase in parking had been on the advice of Highways Officers and that to accommodate the additional spaces, the greenery would have to be removed.
21. Councillor Hilary Cole noted the concerns of Joe Dray and the objectors and queried they the applicant felt it was not appropriate to consider the cumulative noise on the site. She also wondered why they had not brought an expert to the meeting who could be questioned by the Committee.
22. Mr Brown answered that as the Environmental Health Officer was content that the noise issue had been addressed, it had not been thought necessary to bring an expert and that perhaps this had been an oversight.
23. Councillor Cole observed that the officers concerns might have been addressed, however the Committee might take a different view. Councillors needed the full facts in order to make a decision.
24. Councillor Pick sought clarification on the ownership of the land to be used for car parking, as it was leased. Ms Renwick advised that this was a permanent arrangement. He further asked about music, odours and light emanating from the restaurant and. Ms Renwick confirmed that music would be focused into the restaurant to prevent accidental creep into the outside areas. The restaurant would be vented out over the seating area. Mr Brown explained that the boundary fence would shield the neighbours from car headlights. The parking area would have to be lit for health and safety reasons. Ms Renwick added that the restaurant could ensure reduction in light pollution as soon as it had stopped serving customers.
25. Councillor Garth Simpson enquired as to how often the bi-fold doors would be operated. Ms Renwick explained that they would only be fully open in fine weather.
26. Councillor Edwards noted that in the update report for this item, the objectors had suggested moving the motorbike bays to the north west of the site. Mr Brown confirmed that the bays could be moved and the green boundary retained, if Highways Officers were content with the resultant loss of car parking spaces.
27. Councillor James Cole conjectured that the noise and traffic from the events area would accumulate with those of the restaurant. He was unsure why the applicant was differentiating between the events and the restaurant. Ms Renwick explained that wedding guests would be in the event space and therefore not using the restaurant. The hotel block was situated between the event space and the restaurant.
28. Councillor Hilary Cole was concerned that the vegetation was to be removed from the boundary and whether the acoustic fence was appropriate and the new treatment would be sympathetic to the Site of Special Scientific Interest (SSSi) and Special Areas of Conservation (SAC) of the river Lambourn. Ms Renwick replied that they had attempted to maximise the number of parking spaces, but would have preferred to retain the planting.
29. Councillor Pick noted that the objectors had suggested an area to the east of the kitchen to be set aside for staff to smoke and that the restaurant should be a no smoking zone. Ms Renwick explained that the terrace would be a no smoking zone,

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but that it would be unreasonable to expect the whole of the restaurant area to be a no-smoking zone.

30. Councillor Paul Hewer asked whether customers would be able to smoke on the grass area by the river. Ms Renwick replied that she had not observed this behaviour in the past.
31. Councillor Beck asked for clarification as to whether the restaurant would reduce the number of covers it provided if an event was taking place. Mr Brown explained that in his experience, when the event space was booked out, the guests either booked rooms in the hotel or occupied the parking spaces. This naturally led to a reduction in the number of covers in the restaurant as customers simply could not get on site.
32. Councillor Hooker questioned how seriously the applicant and the architect had taken into consideration the impact of this plan on their neighbours. The number of conditions attached to the application suggested that there should have been more thought before the plan was submitted.
33. The Chairman asked the Planning Officers to comment on the applications. Michael Butler advised the Committee that, notwithstanding the proposed conditions, the applications should be considered on their merits and not what might be amended. Conditions had to be reasonable and enforceable. Should Members consider the scheme to be an over development, then they should refuse it. He reminded the Committee that if they were minded to grant permission, it would not be a personal permission. The applicant could sell the site and the permission onto another developer.
34. The National Planning Policy Framework (NPPF) paragraph 123, stated that planning policy and decisions aimed to avoid significant impact on health. Through the applied conditions, officers considered the impact acceptable, however Members might think differently. The plan would create some noise for the neighbours. The Committee should also be aware of the fall-back position of the extant permission on the site, which could be implemented. For every application, officers had to balance various factors. In this case, they had decided that the balance was in favour of the scheme and that it would be a valuable facility for the town. However the Committee might hold a different view.
35. Councillor Beck, in addressing the Committee as Ward Member raised the following points:
 - He asserted that he and the residents were very much in favour of the renovation of the site. It would be of great use to the community. He hoped that the applicant and agent did not regard their concerns as a vendetta.
 - He drew the Committee's attention to page 46, point 5.4 of the agenda where it was stated that officers considered the proposed extension, "on balance, not to impact the Neighbouring amenity to an unacceptable extent". Councillor Beck reflected that this was a subjective statement. The main area of concern for himself and the residents was the proposed changes to the area around Mill Waters Cottage.
 - The Newbury Society had asked if there could be a conditions added for monitoring heritage aspects. It was understood that there was not a case for a full-blown archaeological survey, however they would like a watching brief due to the significance of the historic mill.
 - He queried the apparent missing text from the Environmental Health statement on page 72 of the agenda.

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- With regard to the Tree Officer's statement on page 73 of the agenda, he noted that the requested information had not been forthcoming.
 - He noted condition 6. BS4142 Requirement Noise Restriction on page 79-80 of the agenda and asked that the distance of the extension from the main body of the hotel not be used as a 'cop-out'. Consideration should be given to the impact of the noise on the residents.
 - There had been no details given for the boundary treatment and acoustic fencing. It was impossible for Members to decide without all the information available. At the site visit he was appalled that the green barrier would be removed. He observed that this would also affect the hotel and the atmosphere and visual aspect for the guests as there would be considerable exposure of the houses and flats.
 - The Conservation statement on page 87 of the agenda stated that the proposed vent on the roof was acceptable as it would not be seen from ground level. However, the site was overlooked by flats who would clearly be able to see the vent.
 - The Newbury Society was concerned about the effect of the development on the residents.
 - The Environmental Health officer had been led a bit of a dance, however his queries had been largely satisfied through the applied conditions.
 - In conclusion, he was concerned that there were so many uncertainties with the scheme that the applicant should go back to the drawing board and take a lot more account of the impact on the neighbours.
36. The Chairman invited the Committee to question officers.
37. Councillor Bryant commented that the problem of the boundary treatment had occurred due to the demand for more parking spaces. He asked for officers views on the balance between a good boundary treatment and whether this was worth the loss of a few parking spaces. Paul Goddard replied that he had carefully considered the application. Highways officers had pushed hard for car parking spaces. If Members were minded to increase the landscaping, this would result in the loss of six spaces. His advice was that this would not change his support of the application. However, this would require an adjustment to the layout and therefore the plans would need to be resubmitted.
38. Councillor Bryant queried whether the adjustments could be made through conditions for the current plan. Michael Butler explained that should the plans be changed in Committee, they might inadvertently impact a different resident who would have no opportunity to have their view heard. The application before the Committee was the one under consideration. If Members were not content with the scheme, they should refuse it.
39. Councillor Pick observed that the objectors had made powerful remarks regarding the potential disturbance from car doors and conversations in the car park and had commented that not all noise had been taken into account. Joe Dray explained that it was notoriously difficult to assess noise levels as it was dependent on how people behaved. He acknowledged that the assessment had been modelled from the standard and had not included any rowdy behaviour.
40. Matthew Shepherd noted that the area next to the hotel could be used as the car park for the restaurant. It was currently being used for this function and had an entrance and surface laid out for this purpose.

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41. Councillor Pick further noted that a great emphasis had been put on noise, but that he had had difficulties in finding mitigation for the impact of odours and light pollution. Matthew Shepherd explained that this was covered under condition 6 as it was contained within OVS 5 and OVS6. Councillor Pick asked if further conditions could qualify the amount of music allowable. Matthew Shepherd considered the existing conditions to be strong enough.
42. Councillor Hilary Cole noted that there were significant trees on the site. She asked what weight had been given to their protection and to the fact that Mill Waters cottage was so close to the SSSI and the SAC. She queried why this had not been taken into account when the boundary treatment had been considered. It was not satisfactory in such a sensitive area.
43. Matthew Shepherd noted that the Tree Officer's concerns had been satisfied by the applied conditions. He had also taken into consideration that there were extant permissions on the site, what was a reasonable request, and that the Tree Officer had not wanted to raise an objection.
44. Councillor Simpson noted that Commercial Odour had been mentioned on page 122 of the agenda. He observed that the prevailing winds were unstable and would send the vented air up into the direction of the flats. He asked if this could be adjusted through conditions.
45. Joe Dray explained that the venting might cause an issue due to its appearance, however he would expect the air to be relatively odour free due to the carbon filters used by a commercial kitchen.
46. *(The Chairman adjourned the meeting for a five minute comfort break under Rule 7.6.2 (Motions Which May Be Moved Without Notice) of the Constitution.)*
47. The Chairman invited the Committee to debate on the three areas of the hotel, the plant room and the cottage.
48. Councillor Hilary Cole noted that it was self-evident that Agenda items 4(1-3) held no issues and that the particular unease was over Items 4 and 5. She was concerned that the application required twenty-six conditions to make it acceptable. This was too many and she could not see how they could be policed and enforced effectively. The presence of the SSSI and SAC and the impact on the trees meant that the Committee would be derelict in their duty if they did not consider the boundary treatment. She was not convinced that the applicant and agent had done all they could to mitigate the impact of the proposed development.
49. Councillor James Cole supported Councillor Hilary Cole's view. He had come to the meeting thinking that the plan could be adjusted through conditions. However, he now believed that Members should not approve the Mill Waters Cottage applications. The Chairman asked for reasons for refusal for Agenda Items 4(4-5).
50. Michael Butler suggested that reasons for refusal could be regarding adverse impact on the neighbours from noise and odour (NPPF paragraph123) and impact to the boundary and trees (CS18 and CS19 of the West Berkshire Core Strategy). He also noted that these reasons for refusal could not be applied to application 17/03238/LBC2 as this related to listed building permissions. He advised Members that they should approve Agenda Item 4(5), in the knowledge that no development could take place without the approval of 17/03237/COMIND.
51. Councillor Pick noted that the application had been submitted before concerns had been adequately addressed. He was surprised that such a complex application had come forward. He recognised that some effort had been made but it was not

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sufficient. He hoped that eventually concerns about odour, light and noise would be addressed. He was unhappy about the removal of the current screening and thought that issues about the motorbike bay should be addressed. He felt that Agenda Items 4(4-5) required more work to make them acceptable.

52. Councillor Bryant believed that this could be made into an acceptable scheme if the adverse effect on the residents was addressed. He thought that loss of a few car parking spaces would not make the scheme unacceptable. He noted that officers had advised that a fresh application was needed and he would err on the side of a resubmission.
53. The Chairman ensured that the debate had been concluded and invited Members to make their proposals.
54. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03232/FUL. This was seconded by Councillor Pick.
55. The Chairman invited the Committee to vote and the motion was passed unanimously.

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

Conditions

1. Commencement date 3 Years from previous approval

The development hereby permitted shall be begun before the expiration of three years (29th April 2019) from the date of the initial permission 16/01171/FUL which was given on the 29th April 2016.

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

2. Approved Plans

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

Drawing title "Proposed Elevations (Sheet 1 of 2)" Drawing number P-03.01 -. Date stamped 27th November 2017.

Drawing title "Proposed Elevations (Sheet 2 of 2)". Drawing number P-03.02-. Date stamped 27th November 2017.

Drawing title "Ground Floor Plan". Drawing number P-02.01-. Date stamped 27th November 2017.

Drawing title "First Floor Plan". Drawing number P-02.02-. Date stamped 27th November 2017.

Drawing title "Second Floor Plan". Drawing number P-02.03-. Date stamped 27th November 2017.

Drawing title "Roof Plan". Drawing number P-02.04-. Date stamped 27th November 2017.

Drawing title "Hotel Extension Surface Water Drainage Strategy". Drawing no. 36034/4001/002 Rev B. Date received 01/09/2016

Drawing title "Proposed Site Plan". Drawing number 01. Date received 16/05/2016

Drawing title "Ground Floor Plan Demolition". Drawing number J-284_DD_P2_A21_00. Date received 16/05/2016

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Drawing title "Sections". Drawing number J-284_DD_P2_A21_06. Date received 16/05/2016

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

3. Details of Spoil use to be submitted to and approved by the Local Planning Authority

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

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

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

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS17 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

4. Submission of Construction Ecology Management Plan

No development shall take place until a Construction Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. Natural England shall be consulted upon the details submitted in the interest of the SAC/SSSI. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) Measures to ensure no sediment or polluted runoff enters the river when undertaking activities such as wheel washing, refuelling of machinery, storing materials etc.
- (i) Measure to ensure best practice and Environmental standards will be adhered to where practically possible

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and the safeguarding of the SAC/SSSI. This condition is imposed in accordance with the National Planning Policy Framework (March 2012),

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Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Parking in accordance with plans

The development shall not be brought into use until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. Cycle Parking

The development hereby permitted shall not be occupied until 10 covered and secure cycle parking spaces have been provided. These cycle parking spaces shall be retained for this purpose at all times.

The development hereby permitted shall not be occupied until 2 motorcycle parking spaces have been provided. These motorcycle parking spaces shall be retained for this purpose at all times.

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

7. Hours of Construction Work

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers. In accordance with CS14 of the West Berkshire Core Strategy (2006-2026) and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

8. Landscape Management Plan in accordance with details submitted

The Landscaping, Landscape Management for a minimum period of 5 years shall be in accordance with the details submitted to the Local Planning Authority under application 17/00865/COND1 to which details in relation to condition 8 were discharge in accordance with the below listed documents;

- Drawing 149/LA/PP/00/01 Rev A. Landscape Planting Plan and
- Document 149 Newbury Manor Landscape Management Plan Rev A.

These documents were submitted on the 15th June 2017 via email from the agent and contain satisfactory details. The development shall be carried out in accordance with this details irrespective of the details provided in this application.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the National Planning Policy Framework (March 2012), Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

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9. Arboricultural Methods in accordance with details submitted

The development shall be carried out in accordance with the document titled Arboricultural Method Statement 149/AMS/9.13, containing information in regards to the sites Arboriculture method, tree survey, and tree protection plan produced by Astley Partnership Ltd prescribes the measures relating to tree protection, method of work to minimise the impact on the trees and Arboricultural supervision of the site, submitted to and discharged under application 17/00865/COND1. Confirmation that the Arboricultural Consultants would be used to ensure the Arboricultural Supervision of the site was carried out in line with the details contained within the document 149/AMS/9.13 was received in an email the agent dated 06/06/2017. The development shall be carried out in accordance with this details irrespective of the details provided in this application.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

10. Protective Fencing in accordance with details submitted

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan 1504-01. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

11. Sustainable Drainage Methods in accordance with details submitted

The development hereby permitted shall not be brought into use until the sustainable drainage measures identified in Drawing title "Hotel Extension Surface Water Drainage Strategy". Drawing no. 36034/4001/002 Rev B. Date received 01/09/2016 and drainage note TN001 (Rev A) have been provided in accordance with the approved details. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design - Part 4 Sustainable Design Techniques (June 2006).

(2) Application No. and Parish: 17/03233/LBC, Newbury Manor Hotel, London Road, Newbury

1. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03233/LBC. This was seconded by Councillor Pick.
2. The Chairman invited the Committee to vote and the motion was passed unanimously.

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

Conditions

1. Commencement date 3 Years from previous approval

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The development hereby permitted shall be begun before the expiration of three years (29th April 2019) from the date of the initial permission 16/01171/FUL which was given on the 29th April 2016.

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

2. Approved Plans

This listed building consent relates only to work described on the drawings/and/or/in the documents identified below:

Drawing title "Proposed Elevations (Sheet 1 of 2)" Drawing number P-03.01 -. Date stamped 27th November 2017.

Drawing title "Proposed Elevations (Sheet 2 of 2)". Drawing number P-03.02-. Date stamped 27th November 2017.

Drawing title "Ground Floor Plan". Drawing number P-02.01-. Date stamped 27th November 2017.

Drawing title "First Floor Plan". Drawing number P-02.02-. Date stamped 27th November 2017.

Drawing title "Second Floor Plan". Drawing number P-02.03-. Date stamped 27th November 2017.

Drawing title "Roof Plan". Drawing number P-02.04-. Date stamped 27th November 2017.

Drawing title "Hotel Extension Surface Water Drainage Strategy". Drawing no. 36034/4001/002 Rev B. Date received 01/09/2016

Drawing title "Proposed Site Plan". Drawing number 01. Date received 16/05/2016

Drawing title "Ground Floor Plan Demolition". Drawing number J-284_DD_P2_A21_00. Date received 16/05/2016

Drawing title "Sections". Drawing number J-284_DD_P2_A21_06. Date received 16/05/2016

No work shall be carried out other than in accordance with the above drawings and documents.

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

3. Materials

Materials to be used externally shall be as approved under application 17/00866/COND1, which were set out in the email from Dennis Smith sent on the 21st August):

Facing Brick

Manufacturer - Imperial Bricks

Range - Reclamation Shire Blend.

Roof Tiles

Manufacturer - Dreadnought

Range - Smooth Red

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

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4. Details of windows and Glazing/external doors

Details of all new windows/areas of glazing/external doors shall be as approved under application 17/00866/COND1 as shown on drawing numbers C.001 A which is an amended plan showing the revised doors on the south-west elevation; it was attached to the email from the applicant dated the 25th July 2017 saved under application 17/00866/COND1. In addition drawing no. C002 (showing the remaining elevations) is as originally submitted and has not been amended.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. Making good retained works

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

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6. Rainwater Goods

Notwithstanding what is shown on the approved drawings or other approved documents, unless otherwise agreed in writing by the Local Planning Authority, all new rainwater goods shall be cast iron, painted to match existing, and any existing metal rainwater goods and accessories shall not be removed or modified without the prior written approval of the Local Planning Authority on an application made for that purpose.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

(3) Application No. and Parish: 17/03223/FUL, Newbury Manor Hotel, London Road, Newbury

1. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03223/FUL. This was seconded by Councillor Pick.
2. Councillor Beck asked the Committee to consider taking into account the Newbury Society request for a watching brief and requested an additional evaluation to ensure that the level of noise was acceptable. Councillor Hilary Cole referred to the Archaeology statement on page 72 of the agenda which stated that, "previous construction will have disturbed any features of archaeological significance". She therefore felt this negated the need for a watching brief. Members voted against the inclusion of Councillor Beck's additions.
3. The Chairman invited the Committee to vote on Councillor Cole's proposal and the motion was passed unanimously.

RESOLVED that the Head of Development and Planning be authorised to **grant** planning permission 17/03223/FUL, subject to the following conditions/for the following reasons:

Conditions

1. Full planning permission time limit

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

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

2. Standard approved plans

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

- Drawing title "Proposed Plant Room+ Sub-Station Block Plan.". Drawing number PB.01 A. Date stamped 11th December 2017.
- Drawing title "Proposed Plant Room+ Sub-Station Site Plan". Drawing number PP.01 A. Date stamped 11th December 2017.
- Drawing title "Proposed Plant Room+ Sub- Station Location Plan". Drawing number PL.01 B. Date stamped 11th December 2017.
- Drawing title "Plant Room- Plans Elevations & Sections". Drawing number PP.01 -. Date stamped 11th December 2017.
- Drawing title Substation Technical Storage (No drawing title present). Drawing number ESM.0000.A3.0055.DWG Rev A. Date stamped 11th December 2017.

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

3. Materials to be submitted

No development shall take place until a schedule of all materials and finishes visible to the external of the building have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. Tree protection scheme

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the

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objectives of the National Planning Policy Framework (March 2012) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

5. Arboricultural Method Statement

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

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

6. BS4142 Requirement Noise Restriction

Noise resulting from the use of this plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142, at a point one metre external to the nearest noise sensitive premises.

Reason: In the interests of the amenities of people living in the area in accordance with the objectives of the National Planning Policy (March 2012) and Policies CS14 of the West Berkshire Core Strategy 2006-2026 and OVS.5 and OVS.6 of the West Berkshire Local Plan (1991-2006) (Saved 2007).

(4) Application No. and Parish: 17/03237/COMIND, Mill Waters Cottage at Newbury Manor Hotel, London Road, Newbury

1. Councillor Hilary Cole proposed to reject officer's recommendation and to refuse planning permission 17/03237/COMIND. This was seconded by Councillor Pick.
2. The Chairman invited the Committee to vote and the motion was passed unanimously.

RESOLVED that the Head of Development and Planning be authorised to **refuse** planning permission for the following reasons:

Reasons:

1. Neighbouring Amenity

The development would have an unacceptably harmful impact upon the neighbouring amenity of adjoining dwellings within Two Rivers Way, Newbury. The location of the plant and extraction machinery is directed towards neighbouring property, without sufficient justification that the level of noise and odour will be mitigated.

The development is accordingly contrary to policies OVS5 and OVS6 of the West Berkshire Local Plan Policies 1991-2006 (Saved 2007) and policy CS14 of the West Berkshire Local Plan (2006-2026) which seeks to ensure a high level of quality of design and a positive contribution to the wider locality and quality of life in West Berkshire. Additionally the development would be contrary to Paragraph 123 of the National Planning Policy (2012) which seeks to avoid noise that gives rise to adverse impact on health and quality of life as a result of new development.

2. Harm to Trees on the Site

The proposed development by virtue of its size and setting will result in an unacceptable level of damage to trees within the Newbury Conservation Area of which this site forms a part. The proposal will neither preserve nor enhance the

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landscape character of the area as a result. The development will have a significant and unacceptable level of harm to the eastern boundary of the site through the removal of large amounts of landscaping screening and trees. In addition, this level of tree removal and impact would have an adverse impact on the setting of the River Lambourn which is an SSSI and SAC protected under European legislation.

The development is accordingly contrary to Policies CS17, CS18 and CS19 of the West Berkshire Local Plan (2006-2026). The latter seeks to preserve the local distinctiveness and character and the sensitivity of areas to change. Additionally CS18 seeks green infrastructure to be protected and enhanced. The development would also fail to comply with para. 118 of the National Planning Policy Framework which seeks to ensure biodiversity of sites is conserved and enhanced.

(5) **Application No. and Parish: 17/03238/LBC2, Mill Waters Cottage at Newbury Manor Hotel, London Road, Newbury**

1. Councillor Hilary Cole proposed to accept officer's recommendation to approve planning permission 17/03238/LBC2. This was seconded by Councillor Pick.
2. The Chairman invited the Committee to vote and the motion was passed. Councillors Pick and Edwards abstained and asked for this to be recorded in the minutes.

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

Conditions:

1. Time Limit on Planning Permission

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

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

2. Approved Drawings

This listed building consent relates only to work described on the drawings identified below:

- Drawing title "Proposed Restaurant Elevations- Sheet 1". Drawing number RP.05. Date stamped 28th November 2017
- Drawing title "Proposed Restaurant Elevations- Sheet 2". Drawing number RP.06. Date stamped 2nd May 2018
- Drawing title "Proposed Restaurant Sections". Drawing number RP.07. Date stamped 28th November 2017
- Drawing title "Proposed Restaurant Ground Floor Plan". Drawing number RP.02 A. Date stamped 2nd May 2018
- Drawing title "Proposed Restaurant First Floor Plan". Drawing number RP.03. Date stamped 28th November 2017.
- Drawing title "Proposed Restaurant Roof Plan". Drawing number RP.04. Date stamped 28th November 2017.
- Landscaping plan: Overlay and mark up of Landscape planting plans of the approved hotel plan and current restaurant plan dated 27.03.18

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- Drawing title "Proposed Restaurant Site Plan". Drawing number RP.01 C. Date stamped 16th March 2018
- Drawing title "Proposed Restaurant Block Plan". Drawing number RB.01 A. Date stamped 28th November 2017.
- Drawing title "Proposed Restaurant Location Plan". Drawing number RL.01 A. Date stamped 28th November 2017
- Drawing title "Kitchen Ventilation". Drawing number CCN-01. Date stamped 28th November 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-02. Date stamped 28th November 2018.

No work shall be carried out other than in accordance with the above drawings and documents.

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

3. Schedule of Materials

No development shall take place until samples and an accompanying schedule of all materials and finishes visible external to the building have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. Facing Brickwork Making good shall match

All new facing brickwork, including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. Making good and repair to retained fabric

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

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026)

6. Rainwater Goods

Notwithstanding what is shown on the approved drawings or other approved documents, unless otherwise agreed in writing by the Local Planning Authority, all new rainwater goods shall be cast iron, painted to match existing, and any existing metal rainwater goods and accessories shall not be removed or modified without the prior written approval of the Local Planning Authority on an application made for that purpose.

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Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7. Window Details

No development shall take place until details of all new windows/areas of glazing/external doors, including materials and finishes, at a minimum scale of 1:20 and 1:2, have been submitted to and approved in writing by the Local Planning Authority. The windows/areas of glazing/external doors shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 9.15 pm)

CHAIRMAN

Date of Signature