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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, 29 AUGUST 2018

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

Also Present: Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control) and Rachel Craggs (Principal Policy Officer (Information Management))

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

Councillor(s) Absent: Councillor Paul Hewer

PART I

14. Minutes

The Minutes of the meeting held on 27 June 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Page 8: The following paragraphs were to be inserted in relation to the reason for the refusal of planning application 18/00861/HOUSE:-

‘The proposed two storey side extension, by virtue of its relationship with the neighbouring property, No.1 Church Street, represented an overly dominant form of development that would cause an unacceptable level of overbearing to the private amenity area, specifically the rear courtyard of this property.

The proposal therefore failed to secure a good standard of amenity for existing and future occupants of neighbouring properties as required in the provisions of the National Planning Policy Framework 2012 and policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026, which sought to ensure that new development was appropriate in terms of location, scale and design. In addition the proposed extension would run contrary to Supplementary Planning Guidance 'House Extensions' Part 5 - The Effect on Neighbours’.

15. Declarations of Interest

Councillors Jeff Beck, Jeanette Clifford, Billy Drummond, Adrian Edwards and Anthony Pick declared an interest in Agenda Item 4(1), 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.

Councillors Clive Hooker declared an interest in Agenda Item 4(2), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

16. Schedule of Planning Applications

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(1) **Application No. and Parish: 18/01001/HOUSE - 25 Buckingham Road, Newbury**

(Councillors Jeff Beck and Anthony Pick declared a personal interest in Agenda Item 4(1) 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.)

(Councillors Jeanette Clifford, Billy Drummond and Adrian Edwards declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Foundation Governors at St Bartholomew's School and the school owned a property at 5 Buckingham Road. As their interest was personal and not prejudicial they determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/01001/HOUSE in respect of 25 Buckingham Road, Newbury for the erection of a single storey rear extension; garage conversion to playroom and utility; re-tile existing house with slate tiles; render existing house and extension; removal of existing chimney stacks; alterations to existing porch and bay windows; internal alterations.
2. In accordance with the Council's Constitution, Simon Weaver and Matthew Scaplehorn, applicant/agent and Councillor Anthony Pick, Ward Member addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which had been called in to the Committee by Councillor Pick due to concerns about the impact on the character of the area. The application took account of all the relevant policy and other material considerations and Derek Carnegie concluded that the proposals were acceptable. Therefore, on balance Officers recommended the Committee should grant planning permission.
4. The Chairman added for clarity that Councillor Pick had called the item into the Committee because of his concerns about the use of slates on the roof of the property and the removal of the chimneys.
5. Simon Weaver in addressing the Committee raised the following points:
 - He was the applicant, had lived in Newbury all his life and had purchased the property as a home for his family.
 - The property required a considerable amount of modernisation both internally and externally and he wanted it to last beyond his family's forthcoming requirements. Therefore they wished to bring the house up-to-date through the use of modern materials.
 - However, they wanted to be good neighbours and did not want to cause any offence with the alterations. Consequently he had attended the meeting so that he could understand the various objections.
6. Councillor Hilary Cole asked why the chimneys were being removed. Mr Weaver replied that as there was no purpose in retaining the fire places, there did not seem any reason to retain the chimneys. In addition, it seemed appropriate to remove them whilst the construction work was being undertaken, as there might come a time in the future when they would need to be removed.

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7. Councillor Pick asked about the motivation for rendering the house. Mr Weaver responded that they had liked the look of the dwelling opposite and felt this would be in keeping with the neighbourhood.
8. Councillor James Cole commented that he had just reinstated two chimneys at his own property and consequently he was curious about this decision, as it would be difficult for future occupiers to put them back. Mr Weaver noted that although his family did not have any use for the chimneys, future occupants might have a different view.
9. Councillor Garth Simpson enquired as to whether the batons on the roof had been reusable and Mr Scaplehorn advised him that the roof had leaked and it had not been possible to reuse the existing roof tiles.
10. Councillor Pick in addressing the Committee raised the following points:
 - The properties in Buckingham Road dated from the Edwardian period to the 1930s and made an important contribution to Newbury's historical background, which should be conserved.
 - Councillor Gina Hawkins had tried to obtain conservation status for Buckingham Road in 2006, but this had been unsuccessful.
 - The property was of special interest in the road due to its location and the change in style was very drastic.
 - He did not object to the property being modernised but he felt that the changes would make it stand out from the neighbouring properties.
 - In conclusion, he felt the application should be refused and the applicant requested to make more sympathetic changes to the property.
11. Councillor Clive Hooker asked if Councillor Pick had raised any objections to the planning application for the new property on the corner of Fifth Road and Buckingham Road referred to in Derek Carnegie's presentation. Councillor Pick replied that he could not remember if he had.
12. Councillor Hilary Cole asked if Councillor Pick's concerns were objective or subjective in nature, as she noted that the Newbury Historical Society had not commented on the proposals. Councillor Pick advised that he was objecting to the subjective content and his observations were based on the character of the area.
13. Councillor Simpson asked how closely the proposals had followed the architecture of the Edwardian period, to which Councillor Pick replied that he did not know.
14. Councillor Edwards questioned whether it would have been possible for the new houses built on the site of the old school to have been developed in the same style as the rest of Buckingham Road. Councillor Pick noted that these houses should have been more in keeping with the neighbourhood and reiterated that his remarks were based on his concerns for the impact of this development on the area.
15. Councillor Drummond commented that as there had only been one objection to the proposal, it did not warrant the Committee voting against the Officer's recommendation to approve the application. Councillor Pick responded that he had called in the application to enable Members to consider it and he encouraged them to maintain the character of the area.
16. Councillor Beck remarked that the application did not include any conditions relating to the contractors' working hours or parking of their vehicles and since this development was near a school, it would be useful for these to be included.

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17. Derek Carnegie drew Members' attention to the fact that most of the work being carried out was permitted development, the Highways Authority had not raised any concerns and the agent and contractors were working sensibly on the site. However it would be possible to add these two conditions if Members required him to do so.
18. Councillor James Cole enquired whether the roof was being constructed with slate or base slate and he was advised that it was base slate.
19. Councillor James Cole further added that Derek Carnegie had mentioned the site would be screened by trees, however trees did not maintain their leaves all year round. Derek Carnegie replied he was not suggesting the site should be landscaped with screening but, as the road was tree lined, the development would not have a considerable impact on the neighbourhood.
20. Councillor Edwards referred Members to Point 5.2 on Page 21 of the report, which noted that dwellings in Buckingham Road had been extended and altered and he commented that this was not the case with all the properties. He further added that Point 5.3 stated the site was set back and vegetation provided screening, however this had all been removed. Derek Carnegie clarified that the report referred to the large tree on the footpath outside the property, which had a softening effect and the plans also included some landscaping.
21. In considering the above application, Councillor Bryant commented that although he would like to see the chimneys and roof tiles retained, Buckingham Road was not a conservation area. In addition, the chimneys could be removed under Permitted Development Rights and consequently, it would be perverse to refuse the application. In addition, a refusal was unlikely to be upheld by the Planning Inspector and therefore, Councillor Bryant proposed that Members should approve the application. This was seconded by Councillor Beck.
22. Councillor Simpson pointed out that the roof tiles of a number of properties in Buckingham Road needed to be replaced and it was not possible to be prescriptive about the materials used, as this would be determined by householders' budgets. However he was concerned about the removal of the chimneys, as this would have an impact on the street scene.
23. Councillor James Cole confirmed that he would not be able to vote in favour of the proposal and would abstain if necessary, as he did not agree that the change in the street scene was necessary.
24. Councillor Edwards commented that he had lived near to Buckingham Road for over 40 years and he was aware from the previous owner that the roof leaked. He had every sympathy with Councillor Pick's concerns as he had helped to draft the Town Design Statement, which stated that street scenes should be retained where possible. It was not possible to change the policy that allowed for alterations to properties under Permitted Development Rights but he felt consideration should be given to the Town Design Statement. Consequently he would also be abstaining, although he had respect for the applicant's endeavours to modernise the property.
25. Councillor Clifford interjected that she knew Buckingham Road well and felt the alterations would make it a handsome house. As a result, it would not be appropriate to refuse the application.
26. Councillor Simpson reiterated that a number of the houses in the road were not in good condition and it would be necessary for householders to update them. Some of the properties had already been rendered with pebbledash and consequently the diversity in the road would change over time.

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27. Councillor James Cole noted that the street scene had to begin somewhere and in this instance it started at the junction with Fifth Road. Therefore the new property on the roundabout opposite was not part of the street scene.
28. Councillor Hilary Cole drew Members' attention to the fact they had spent 45 minutes discussing an application that could have been allowed under Permitted Development Rights. However it was right that the Committee considered the various Town and Parish Design Statements when forming their conclusions. Nevertheless, there had been a considerable amount of subjective comment on the application and it was now necessary to look at it objectively. Councillor Cole concluded that Members did not live in a society where the status quo could be maintained and they had to accept a degree of change.
29. The Chairman invited the Committee to vote on the proposal from Councillor Bryant, as seconded by Councillor Beck to approve the application, with the two additional conditions. At the vote, five Members voted in favour of the application, one Member voted against it and Councillors James Cole, Adrian Edwards and Garth Simpson abstained.

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

Conditions

1. The development hereby permitted shall be started within 3 years from the date of this permission and implemented in strict accordance with the approved plans.

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

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - (i) Location Plan (1:2500) received on 30.04.2018;
 - (ii) Block Plan received on 31.07.2018;
 - (iii) Drawing No.002 received on 10.08.2018.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies CS14 and CS19 of the West Berkshire Core Strategy (2006 - 2026).

3. A schedule of the materials to be used on the external surfaces of the hereby permitted works is required to be submitted within 2 weeks of the decision and is required to be approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 04/2 House Extensions (July 2004) and the Newbury Town Design Statement (July 2018).

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4. The proposed first floor opening on the north-west elevation shall be fitted with obscure glass within 1 month of being installed. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of 27 Buckingham Road in the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

5. 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 (July 2018), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

6. A Construction Method Statement is required to be submitted within 2 months of the decision and is required to be 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 including delivery times;
 - (c) Storage of plant and materials used in the construction of the development.

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

Reason: In interests of highway safety due to the close proximity of St Bartholomew's School. This condition is imposed in accordance with the National Planning Policy Framework (July 2018) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

(2) Application No. and Parish: 18/01553/OUTMAJ - Land Off Faraday and Kelvin Road, Newbury

(Councillor Clive Hooker declared a personal interest in Agenda Item 4(2) by virtue of the fact that he had been lobbied at the site meeting. 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.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/01553/OUTMAJ in respect of Land off Faraday Road, Newbury for a Section 73 application to vary the conditions of approved application APP/WO340/W/14/3002040, in order to permit a phased approach.
2. In accordance with the Council's Constitution, Steven Smallman, agent addressed the Committee on this application.
3. Michael Butler introduced the report to Members, which had been brought to the Committee because West Berkshire Council owned the freehold of the site and it was a major application. However Michael Butler stressed that the proposal was not to extend the lifetime of the original permission, which was due to expire on 1

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February 2019, but to amend a number of planning conditions attached to the original permission to allow phasing of the development to be permitted. This phasing would necessitate a range of alterations to the conditions, taking into account any new policies or material changes on the ground since the appeal decision, and the Committee was asked to take into account the material considerations in the report. Michael Butler concluded that on balance Officers recommended that the planning permission should be granted with conditions varied, subject to the first completion of the Section 106 obligation as amended under 18/01454/mdopo.

4. Steven Smallman in addressing the Committee raised the following points:
 - The purpose of the Section 73 application was only to amend the conditions to allow the development to be delivered in phases, but unfortunately it did not extend the time limits.
 - The only reason the original planning permission did not include the phasing was because the practicalities of how it would be delivered were not considered at the time. For example, condition 14 that related to noise, stated that a scheme of works had to be submitted and approved for the whole site before any of the units could be occupied.
 - Therefore, phasing of the works would allow a standard construction approach and would also improve the funding of the scheme, so making it more attractive to investors.
 - If the application was approved it would be likely that the scheme would be delivered earlier than expected, as the building out of phases in turn would assist cash flow and the viability of the overall scheme.
 - This was an important part of the London Road Industrial Estate and local planning policies stated that the Council should be supporting the delivery of this key site.
 - If the Council had not owned the freehold of the site, it was likely that the permission would have been granted under a delegated decision and would not have come to Committee.
 - If permission was granted, he requested that condition 6 relating to the submission of a phasing programme of works within one month of the decision, was extended to three months to take account of the holiday season.
5. Councillor Paul Bryant stated that the Fire Authority was trying to ensure that water sprinklers were installed in new buildings. He was aware that it was not possible to impose this, but he asked whether the developer was intending to install them. Mr Smallman replied that in his position as the agent, he was not able to provide confirmation of this, as the decision would be made by the developer.
6. Councillor Jeff Beck noted the request to amend Condition 6 to allow the phasing programme to be submitted in three months and he questioned how the 1 February 2019 deadline for the permission to be implemented would be met. Mr Smallman advised that the reserved matters application was progressing well and would be submitted in advance of this date.
7. Councillor Beck further requested that the developer was asked to seriously consider the installation of sprinklers.

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8. Councillor Hilary Cole asked for assurance that the developer was committed to the delivery of the Section 106 obligation in relation to the affordable housing and Mr Smallman replied in the affirmative.
9. Councillor Anthony Pick questioned why there was no mention of any archaeological implications in the conditions. Councillor Hilary Cole responded that this was because there were no archaeological sites of interest in the development area.
10. Councillor Clive Hooker asked Mr Smallman whether it would be possible for any of the premises to be sold, after notice had been given to the current tenant, but Michael Butler interjected that this was not a planning matter.
11. Councillor Pick enquired about the relationship between this application and the original one. Michael Butler responded that if the Committee was minded to approve the Section 73 application, it would be a new permission and there would then be two permissions covering the site. However, if the permission was granted without the Section 106 obligation, it would be possible for the site to be developed without affordable housing. This was the reason officers were recommending that the Section 106 obligation was attached to this planning application.
12. Councillor Beck proposed that the agent's request to extend the deadline in Condition 6 from one month to three months was agreed. Michael Butler confirmed that it would be possible to do this and it would not affect the reserved matters.
13. Councillor Jeanette Clifford asked whether it was correct that the phasing of the construction work had been overlooked as suggested by Mr Smallman. She was assured by Michael Butler that this was probably the case and it was reasonable to add it in.
14. Councillor Clifford further enquired what officers meant by the phrase 'flexibility is encouraged by the National Planning Policy Framework (NPPF) guidance' in Point 7.1. Michael Butler explained the NPPF stated that schemes could be built out in a phased fashion in appropriate circumstances.
15. Councillor Bryant asked if the end result would be the same whether the site was built out in a phased way or not and was assured by Derek Carnegie that this would be the case. Councillor Bryant went onto enquire whether the Section 73 application was therefore purely for the convenience of the developer. However Derek Carnegie clarified that it would assist the practicality of building a complex development.
16. In considering the above application Councillor James Cole commented that he had listened to the officers and as he could see no reason for any delay, he proposed that Members approved the application. This was seconded by Councillor Bryant and Councillor Beck added that it should include the amendment to Condition 6.
17. Councillor Hilary Cole noted that the application had not changed since 2009 and she agreed that Members should approve it, as the phasing of the development would ensure that construction commenced. However, it was important that it included the Section 106 obligation.
18. The Chairman invited the Committee to vote on the proposal from Councillor James Cole, as seconded by Councillor Bryant to approve the application and at the vote the motion was carried unanimously.

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions and subject to the first completion of the S106 obligation 18/01454/mdopo:

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Conditions

Time

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - i. on or before 1st February 2019.
 - ii. the expiration of two years from the final approval of the reserved matters [as phased] or, in the case of approval on different dates, the final approval of the last such matter approved.

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

Reserved Matters

2. Full details of the appearance, landscaping and layout of the building(s) (the 'reserved matters') shall be submitted to the Local Planning Authority not later than 1st February 2019 and shall be approved in writing by the Local Planning Authority before any building or other operations start on site having due regard to the parameters and principles for such matters as contained or referred to in the approved drawings originally forming part of planning permission 2/00772/OUTMAJ which is replaced by this permission .

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

Build out

3. The development must be carried out in accordance with the reserved matters approvals obtained in accordance with condition 2 and other relevant approvals to be obtained from the Local Planning Authority in accordance with the conditions set out in this permission.

Reason: To ensure the correct development is built out on site in accord with the advice in the NPPF2.

Height

4. No building, hereby permitted, shall be higher than 26m above the agreed prevailing ground level of the existing site within the application site area.

Reason: To ensure the future visual impact of the scheme is acceptable having regard to the advice in policy ADPP2 in the WBCS of 2006 to 2026.

Floor levels

5. No phase of the development shall commence until details of floor levels, in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority; that phase of the development shall be carried out in accordance with the approved levels.

Reason: To ensure potential visual impact of the scheme is acceptable having regard to policy ADPP2 in the WBCS of 2006 to 2026.

Phasing.

6. Within three months of the date of this decision a phasing programme of works shall be submitted to and approved in writing thereafter by the Council. Each phase shall indicate the location and number of affordable units to be provided on site. The development shall then be carried out in strict accord with this phasing plan, unless

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otherwise agreed in writing by the LPA. For clarity this condition relates to all of the scheme as permitted, not just the residential element.

Reason: To facilitate the implementation of the scheme in accord with the advice in the NPPF2.

Limits on floor space

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, none of the uses permitted by this planning permission shall exceed the following specified gross external floor-space:
 - i. the floor-space for B1 office uses shall not exceed 7,234m²,
 - ii. the floor-space for Class A1 retail uses shall not exceed 2,200m² and the combined floor-space for use classes A1 and A2 shall not exceed 3,984 m²,
 - iii. the floor-space for A3 and A5 uses shall not exceed a combined total of 1,376m², and
 - iv. the floor-space for C1 hotel uses shall not exceed 3,562m² or 100 bedrooms.

For clarity and the avoidance of doubt the floor-space specified above relates to the gross external area of buildings (or parts of buildings) used for the specified purpose.

No more than 330 car parking spaces shall be provided.

Reason. To specify the application approved in accord with the advice in the DMPO of 2015.

Total space permitted.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the total gross external floor-space of the buildings permitted by this decision shall not exceed 26,554m².

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

Access Link.

9. The development hereby permitted shall be accessed off Faraday Road, Kelvin Road, and Fleming Road - the latter as now reconfigured in accordance with planning permission number 14/03039/ful as shown on plan number 3595/PL21.

Reason. To ensure that the expected traffic generation and accessibility of the scheme is acceptable in accord with the advice in policy CS13 in the WBCS of 2006 to 2026, and the original parameters of the planning permission 12/00772/xoutmaj.

Drainage Strategy

10. No phase of development shall commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by, [for the particular phase in question,] the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public sewer system, from the phase in question, until the approved drainage works have been completed

Reason: The site must be drained satisfactorily, in accord with the advice in policy CS16 in the WBCS of 2006 to 2026.

Flooding

11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2012,

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and produced by SMA, and the following mitigation measures detailed within the FRA:-

- i. limiting the surface water run-off generated by the 1:100 year critical storm event plus 30% (to allow for climate change) so that it will not exceed the greenfield run-off from the undeveloped site and not increase the risk of flooding off-site:-
- ii. plus identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

Reason: The development must not place future occupants at risk of flooding or adjacent land occupiers, in accord with the advice in NPPF2.

SUDS

12. No phase of the development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority, for that phase alone. That phase of the scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied and where appropriate shall continue to be implemented after occupation. The scheme shall also include details of how the scheme shall be maintained and managed after it is occupied, SUDS selection based on the management train outlined in the FRA, measures to ensure there are no soak-aways through contaminated land and where soak-aways are shown to be suitable they shall be constructed such that they do not penetrate the water table, and they shall not in any event exceed two metres in depth below existing ground levels.

Reason: To ensure the scheme complies with policy CS16 in the WBCS of 2006 to 2026.

Piling

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

Reason: To ensure that there is no risk of harm or noise to adjacent land occupiers, in accord with the advice in the NPPF2.

Noise

14. No phase of the development shall commence until a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The details submitted need only relate to the phase in question. All works forming part of the approved scheme shall be completed before any dwelling is first occupied. There shall be no open balconies overlooking the western boundary of the site onto the A339. Noise levels in any amenity area provided shall not exceed $Leq=55dB(A)$, as recommended in WHO guidance. No residential facade shall be less than 10m from the edge of the A339.

Reason: To protect future occupiers from external noise nuisance, in accord with policy OVS6 in the WBDLP of 1991 to 2006.

Noise

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15. No phase of the development shall commence until the following has been submitted to the Local Planning Authority:-
- i. the findings of a noise survey (undertaken in accordance with BS 4142 (or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed development;
 - ii. written details and calculations showing the likely impact of noise from the development;
 - iii. a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;
 - iv. written approval of a scheme under (iii) above has been given by the Local Planning Authority.

All works forming part of the scheme shall be completed before any of the dwellings are first occupied, in that phase only.

Reason: To protect surrounding amenity in accord with policy OVS6 in the WBDLP of 1991 to 2006.

Noise

16. The daytime internal noise level (0700-2300) arising from external sources shall not exceed $Leq=40dB(A)$ within any bedroom of the hotel development. The internal night time noise level (2300-0700) arising from external sources shall not exceed $Leq=35dB(A)$ within any bedroom of the hotel. Individual noise events measured with F-time weighting, during the night time period, shall not exceed $L_{max}=45dB(A)$. Details of compliance with this standard shall be submitted to the Local Planning Authority prior to any part of the hotel being occupied. Where compliance to this standard is only achievable with windows closed, an alternative scheme of ventilation shall be submitted to and approved by the Local Planning Authority.

Reason: To protect future occupiers of the hotel from external noise nuisance in accord with policy OVS6 in the WBDLP 1991 to 2006.

Air handling plant

17. No phase of the development on those parts of the scheme where air handling plant is to be incorporated and used shall commence until details of the following have been submitted to the Local Planning Authority:-
- a. written details concerning any proposed air handling plant associated with the relevant part of the development including:-
 - i. the proposed number and location of such plant as well as the manufacturer's information and specifications;
 - ii. the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice;
 - iii. the intended operating times;
 - b. calculations showing the likely impact of noise from the relevant part of the development;
 - c. a scheme of works or such other steps as may be necessary to minimise the effects of noise from the relevant part of the development;

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The relevant part of the development shall not commence until written approval of a scheme prepared under (c) above has been given by the Local Planning Authority. All works forming part of the scheme shall thereafter be completed before any of the development is first occupied, within the relevant phase/part of the scheme.

Reason: To ensure that there is no undue noise nuisance arising from air handling plant, in accord with policy OVS6 in the WBDLP 1991 to 2006.

Odour and Noise Suppression – Preparation of Food.

18. No phase of the development, where relevant, shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of odour and noise from the preparation of food associated with the development. The relevant part of the development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The scheme once approved shall be implemented and maintained on the site. For clarity the details submitted need only relate to that phase in question.

Reason: To protect local amenity in accord with the advice in the NPPF of 2018.

Tree Protection.

19. No phase of the development shall commence until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to any development works taking place and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To protect trees on the site in accord with policy CS17 in the WBCS of 2006 to 2026. For clarity the details submitted need only relate to the phase in question.

Ecology

20. No part of the development, hereby permitted, shall be occupied until a scheme to position 10 bat and 10 swift nest boxes of a type to be agreed has been submitted to, and approved in writing by, the Local Planning Authority. Such approved plans will be implemented and the features shown maintained thereafter.

Reason: To conserve local ecology in accord with policy CS17 in the WBCS of 2006 to 2026.

Land contamination

21. No phase of the development shall commence until full details of how the spoil in that phase will be removed from the site have been submitted to and approved in writing by the Local Planning Authority. The spoil shall be disposed of in accordance with these approved details. No phase of the development shall commence until two copies of a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority. The contaminated land assessment shall include a desk study, details of investigative works and sampling, a risk assessment and a remediation strategy:-

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- i. the desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study;
- ii. a suitably qualified Consultant shall be appointed to investigate the nature and extent of any contamination, if any, in, on or under all parts of the land to which this permission refers. All investigative works and sampling on site, together with the results of analysis must be submitted to the Local Planning Authority; if a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to wildlife, livestock, ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons. Approved remediation works shall be carried out in full on site. If during any works any significant underground structure or contamination is discovered which has not previously been identified then the additional structure or contamination shall be fully assessed. No further remediation works shall take place until a report detailing the nature and extent of the previously unidentified structures and contamination, together with a further remedial action plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan. On completion of all remediation works in each phase, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice; consignment notes demonstrating the removal of contaminated materials; certification to show that new material brought to the site is uncontaminated; and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority.

For clarity the details to be submitted need only relate to the specific phase in question.

Reason: To ensure protection of public health in accord with the advice in the NPPF of 2018.

Hours of working.

22. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to 07.30hrs to 18.00hrs on Mondays to Fridays, 07.30hrs to 13.00hrs on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: To protect local amenity in accord with policy OVS6 in the WBDLP of 1991 to 2006.

Control of dust.

23. No phase of the development shall commence until the applicants have submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The scheme once approved shall be implemented and maintained on the site. For clarity the details to be submitted need only relate to that phase in question.

Reason: To protect local amenity, in accord with the advice in the NPPF2.

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CEMP

- 24. No phase of the development shall commence until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for both the preparatory and construction works. The Plan should detail items such as phasing of construction, lorry routing and potential numbers, types of piling rig, pneumatic breakers and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations. In addition the Plan should make note of any temporary lighting that will be used during the preparatory and construction phases of the development. The Plan shall be implemented in full and retained until the development has been fully constructed. Any deviation from the Plan shall be first agreed in writing with the Local Planning Authority. For clarity the details to be submitted need only relate to the phase in question.

Reason: To ensure that the development is built out in a manner which will not disrupt local traffic flows or local amenity in accord with the advice in policy CS13 in the WBCS of 2006 to 2026.

17. 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 7.57 pm)

CHAIRMAN

Date of Signature