

Notice of Meeting



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District Planning Committee

Wednesday 11 July 2018 at 6.00pm

**in the Council Chamber Council Offices
Market Street Newbury**

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday 3 July 2018

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.00pm and 6.00pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: planapps@westberks.gov.uk



Agenda - District Planning Committee to be held on Wednesday, 11 July 2018 (continued)

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Linda Pye on (01635) 519052
Email: linda.pye@westberks.gov.uk



Agenda - District Planning Committee to be held on Wednesday, 11 July 2018 (continued)

- To:** Councillors Pamela Bale, Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Vice-Chairman), Richard Crumly, Clive Hooker, Alan Law (Chairman), Alan Macro, Graham Pask, Anthony Pick and Garth Simpson
- Substitutes:** Councillors Lee Dillon, Billy Drummond, Paul Hewer, Marigold Jaques, Mollie Lock, Tim Metcalfe and Virginia von Celsing
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Agenda

Part I

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1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 20
To approve as a correct record the Minutes of the meetings of this Committee held on 23 August 2017 and 8 May 2018.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).

- (1) **Application No. & Parish: 18/00837/FULEXT - Land at Station Yard, Hungerford** 21 - 52

Proposal:	Proposed erection of 30 flats with associated car parking and coffee shop, with external amenity space.
Location:	Land at Station Yard, Hungerford.
Applicant:	Oakes Bros Limited.
Recommendation:	To note the resolution made by the Western Area Planning Committee on 27 June 2018 and resolve to approve the application, subject to conditions and a Section 106 obligation.

Andy Day
Head of Strategic Support



West Berkshire
C O U N C I L

Agenda - District Planning Committee to be held on Wednesday, 11 July 2018 (continued)

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



DRAFT

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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 AUGUST 2017

Councillors Present: Jeff Beck, Paul Bryant, Hilary Cole (Vice-Chairman), Clive Hooker, Marigold Jaques (Substitute) (In place of Richard Crumly), Alan Law (Chairman), Tim Metcalfe (Substitute) (In place of Pamela Bale), Graham Pask, Anthony Pick and Garth Simpson

Also Present: Derek Carnegie (Team Leader - Development Control), Shiraz Sheikh (Principal Solicitor) and Linda Pye (Principal Policy Officer)

Apologies: Councillor Pamela Bale, Councillor Keith Chopping, Councillor Richard Crumly and Councillor Alan Macro

PART I

3. Minutes

The Minutes of the meetings held on 15th December 2016 and 9th May 2017 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

Councillors Jeff Beck, Hilary Cole, Clive Hooker, Anthony Pick and Garth Simpson 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.

5. Schedule of Planning Applications

Councillor Alan Law introduced the Committee to the Officers present and advised that this was a quasi-judicial committee with formal set procedures and conduct. Firstly, the Planning Officer would introduce the application. Only those persons who had pre-registered would be allowed to speak and the time limit of five minutes for each category of speakers would be strictly adhered to. All speakers were requested to remain in their seats to answer any questions from Members of the Committee seeking clarification of what had already been said. It was not permissible for Members or speakers to introduce any new topics during this time. Following all presentations the Planning Committee Members would consider, question and seek clarification on the application in order to reach a decision which might or might not agree with the Planning Officers' recommendation.

The District Planning Committee considered recommendations deemed by the Development Control Manager and/or his representative to have:

- A possible conflict with a policy that would undermine the Local Plan or the Local Development Framework;
- A district-wide public interest; or
- The possibility for claims for significant costs against the Council.

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(1) **Application No. and Parish: 17/01235/COMIND, Plantation Farmhouse, Beedon**

(Councillor Clive Hooker declared a personal interest in Agenda Item 4(1) by virtue of the fact that he had been lobbied. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Clive Hooker, Jeff Beck, Hilary Cole, Anthony Pick and Garth Simpson declared a personal interest in Agenda Item 4(1) by virtue of the fact that they had been present at the Western Area Planning Committee when this item had first been discussed on 9th August 2017. They confirmed that they would listen to all evidence afresh prior to making a decision on the application. 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.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/01235/COMIND in respect of the erection of a free range egg laying unit.

The Western Area Planning Committee considered a report on 9th August 2017 regarding the application as identified above. This was an application for the erection of a free range egg laying unit as well as associated egg collection and packing facilities, two feed bins and external hard standings and concrete aprons. Planting was proposed around the building. It was proposed that the building would operate a multi-tier system and would accommodate 16,000 hens.

The application site was located in the countryside in the North Wessex Downs AONB. To the south of the site were two existing units, and a third, but mobile unit was also located on the farm.

The Western Area Planning Committee had been made aware that Officers considered the proposal to be contrary to the Development Plan and National Planning Policy due to the harm arising from the proposal on the NWD AONB, but Members at the Western Area Planning Committee had considered that the proposed landscaping would provide sufficient screening. There was also support from the Committee for the economic benefit that would result from the unit. The Development Control Manager under his delegated powers determined that approval of the scheme would comprise a departure from the Development Plan, and therefore the policy issues involved should be considered by the District Planning Committee.

Derek Carnegie, the Planning Officer, confirmed that the application sought outline planning permission for the erection of a free range egg laying unit, as well as associated egg collection and packing facilities, two feed bins and external hard standings and concrete aprons. It was proposed that the building would operate a multi-tier system and would accommodate 16,000 hens. The application site was located in open countryside outside of any defined settlement boundary, approximately 0.8km north of Chieveley and 1.3km south east of Peasemore. It was within the North Wessex Downs AONB, and was bordered on all sides by public rights of way. To the south of the site were two existing free range egg laying units which had been granted planning permission in 1999 and 2002, in addition to a mobile building. Combined these housed 20,700 hens, of which 1,900 were located in the mobile unit, which was to be removed as part of this scheme. A number of footpaths and bridleways traversed and surrounded the site.

The building would be 91 metres long, and 19.8 metres wide and would have a dual pitched roof, with the height to the ridge being approximately 5.7 metres, and to the eaves, approximately 3.05 metres. It was proposed that the building would be clad in

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polyester coated profile sheeting in juniper green on the walls and dark grey on the roof, with black ventilation chimneys.

There had been a number of responses to the consultation on this application and in particular the following were specifically mentioned:

- It was noted that no comments had been submitted by Beedon Parish Council as two members of the Parish Council were associated with this business. Chieveley Parish Council had raised concerns in respect of the visual impact in the AONB.
- The Public Rights of Way Officer had raised no objection subject to condition and informatives.
- The Rambler's Association were supportive of the proposal but noted that the access road crossed footpath BEED/16/1 and it was felt that this could present a hazard to footpath users and therefore requested that suitable warning signs should be added for the benefit of HGV drivers and pedestrians.
- The Ecological Officer referred to comments made in relation to a previous application 16/02744/COMIND.
- The Tree Officer raised no objections subject to condition.
- Natural England advised that great weight should be given to the advice given by the AONB Board in guiding the decision. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, should be considered as an extremely valuable contribution to the planning decision. The historic environment was recognised as one of the special qualities of the AONB, and consequently it was Natural England's opinion that it had not been given appropriate consideration. Users of the public right of way (PROW) footpaths surrounding the site, would experience sequential views of the development thus altering the scenic beauty of the area.
- North Wessex Downs AONB felt that the scale and type of development proposed amounted to an extended industrialisation of the open farmed landscape which typified the 'Brightwalton Downs' Landscape Character Area. The AONB Management Plan identified that a key issue for the 'Downland with Woodland' landscape, which included the Brightwalton Downs, was "... to maintain the remote, secluded and relatively undeveloped character of these wooded downs". The proposed development conflicted with this objective and was thus considered neither to conserve nor to enhance the natural beauty of the North Wessex Downs AONB. The North Wessex Downs AONB remained of the view that the proposed screening mitigation would appear incongruous in the landscape, out of character with the historic pattern and form of field boundaries and consequently it maintained its objection to the proposed development.
- One letter of support had been received which stated that demand for free range eggs was increasing and it was important that more egg production was developed in the region to utilise returning delivery vehicles.
- Eleven letters of objection had been received which cited the following grounds:
Impact on AONB and Landscape:
 - Very large, would require additional space for access. Due to location would have a major impact on appearance of the valley and views from properties and PROW users;

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- The Beedon Common area was relatively unspoiled and should be protected against such development;
- Large industrial scale out of keeping in a green field site and an AONB;

Impact on Neighbouring Properties:

- Increase in vermin infestations, rats. Thatched properties would be at risk;

Location:

- The simulated views showed what a “blot” on the landscape the development would be from a northern viewpoint. More sensitive site selection would avoid these issues and be hidden from all public rights of way;

Public Rights of Way:

- Would impact on views from footpaths and bridleway, in particular that running north to south to Beedon Common from the ridge above;

Ecology:

- Concerned about the effect on local wildlife from the extensive electric fencing to enclose the site. There should be measures in place to allow small mammals especially hedgehogs to pass through;

Traffic:

- Roads to Beedon Common were not built for large HGV lorries. HGVs already came down small tracks onto the Common and got stuck;

Other:

- “Thin end of the wedge” – concerns that this development would result in more along the valley - creeping industrialisation.

In terms of the principle of development the Core Strategy policy ADPP1 was clear that development should follow the existing settlement pattern. The policy went on to state that within open countryside, where the application site was located, only appropriate limited development would be allowed which was focused on addressing identified needs and maintaining a strong rural economy. The use of the land for an agricultural business was considered an acceptable use in principle on this site. This application however, was for a substantial building within a sensitive, designated landscape. There needed to be a balance between the requirements for physical developments within the site, the ability of the business to operate effectively and the protection of the NWD AONB and local amenities. The criteria contained within the policy stated that development should contribute positively to local distinctiveness and sense of place. Proposals were expected to make efficient use of land whilst respecting the density, and character of the area.

Natural England had been consulted and had commented, stating that the development of a significantly larger egg laying unit at this location would impact upon the rural, tranquil setting. They also commented that the proposed screening did not follow the present historic field patterns and hedge lines, and could therefore draw the viewer’s eye to the egg laying unit rather than taking the focus away; consequently it would not be fulfilling its purpose. The NWD AONB remained of the view that the proposed screening mitigation would appear incongruous in the landscape, out of character with the historic pattern and form of field boundaries and, based on the ‘Mitigation Planting’ landscape visuals presented, rather similar in character to the block of plantation woodland adjacent to the existing egg laying units. The submitted landscape and visual impact assessment had been assessed and had been found to not fully represent the visual impact of the

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development with further work required before the full extent of the visual effects could be considered.

There would be minimal changes in the number of highway movements as currently vehicles leaving the site were often only half full.

In terms of neighbouring amenity it was felt that the proposed development was sufficiently distant from nearby dwellings, such that it would not impact on neighbouring amenity in terms of sunlight, daylight, overlooking or loss of privacy.

In the Planning Officer's view the proposal had the potential for economic benefit. However this was outweighed by the impact that the unit would have on the environment in terms of adverse visual impact on the AONB and social aspects in terms of adverse impact on the public rights of way network. It was therefore concluded that having taken account of all the relevant policy considerations and other material considerations referred to above, it was considered that the application was contrary to development plan policies in respect of the impact on the North Wessex Downs AONB and green infrastructure and the Officer recommendation was that planning permission should be refused.

The Update Sheet advised that an e-mail had been received from the agent confirming that the feed bins would be of a steel frame construction, with the bins themselves made of plastic, measuring 7m in height and 3m in diameter. The proposed dirty water storage tank would be under ground, measuring 3m (length) x 1m (width) x 1m (depth). The Update Sheet also contained the recommended conditions and informatives which covered all of the issues raised at the Western Area Planning Committee.

Councillor Alan Law clarified that the principle of development was acceptable on the site as stated in paragraph 6.1.3 but that the proposed building was too large within such a sensitive designated landscape.

In accordance with the Council's Constitution, Mr. Adrian Cubitt and Mr. Martin Griffiths, objectors, and Mr. Roger Gent and Mr. Sam Harrison, applicant/agent, addressed the Committee on this application.

Mr. Cubitt and Mr. Griffiths in addressing the Committee raised the following points:

- It was necessary to defend the North Wessex Downs AONB which was an asset in the district and therefore the application was strongly opposed;
- The proposed development would be highly visible from the Public Rights of Way and adjacent properties;
- The first application submitted in 2016 had been refused and the same application made in 2017 had been referred to Committee by Councillor Clive Hooker. The Western Area Planning Committee had recommended approval against professional advice despite there being no exceptional circumstances and no economic justification;
- Agriculture contributes less than 1% of the UK economy and that figure was even less in this area where broadband had transformed the economy by assisting small businesses and allowing people to work from home;
- Whilst it was necessary to work with the farming community to find a way forward the arguments made at the Western Area Planning Committee did not stack up;
- The production of 500,000 eggs would not have much of an impact on the economy and would only benefit the family;

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- Mr. Roger Gent was a neighbour and his friendship was valued, however, this development should not be allowed in this location;
- It would take Usain Bolt 8.71 seconds to run from one end of the proposed new building to the other;
- Views of the landscape would be lost to local residents if this development was permitted.

Councillor Jeff Beck asked where the objectors lived in relation to the application site. It was noted that the straight line distance was around 200m.

Mr. Roger Gent and Mr. Sam Harrison in addressing the Committee raised the following points:

- Mr. Gent confirmed that he had started egg production in 1999 following the outbreak of Bovine Spongiform Encephalopathy (BSE) Production had been increased in 2001 following the Foot and Mouth outbreak. He stated that there was still some cows on the farm but it would only be a matter of time before they became infected with Tuberculosis (TB) and he therefore considered that free range egg production would now be the mainstay and was the safest way forward;
- Mr. Gent had taken care to protect the countryside and had invested in woodland schemes and environmental work;
- Mr. Gent could not afford to stand still and expansion was necessary in order to safeguard the business;
- The proposed development would offer employment opportunities and trees and hedgerows would be planted;
- The demand for free range eggs had risen by 7-8% and this was a large investment for the farm as regulations meant that all hens had to be free range by 2025. Consequently a robust plan would need to be put in place in order to safeguard the business;
- The application had received support at the Western Area Planning Committee and Officers were only recommending refusal because of the appearance in the AONB. It was in the gift of this Committee to determine whether the proposal was acceptable;
- At the site visit Members of the Committee would have seen that existing buildings on the site were well landscaped and that the colour scheme meant that they visually blended;
- The proposed development was an agricultural building and the farm was in the AONB along with the majority of West Berkshire. Whilst it was recognised that the AONB needed to be protected a balance needed to be met to ensure the viability of the business.

Councillor Graham Pask noted that most of the objections related to the position of the building and he asked if alternatives had been considered. Mr. Gent responded that there was around 10 miles of footpaths in the vicinity of the site and the visual impact would be the same if the building was relocated. When looking at the location of the building he had tried to find a dip in the valley so that it would not be so intrusive. The soil also needed to be self draining. Mr. Gent confirmed that other sites had been considered and dismissed as not being suitable.

Councillor Tim Metcalfe referred to the mobile unit which currently housed 1,900 hens and which would be removed as part of this scheme. He felt that mobile units would be

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more effective in some ways as they could be moved around the site in order to prevent staleness of the ground. Why was the applicant moving to a fixed location. Mr. Gent stated that a large part of the site was sloped in one way or another and mobile units had to be located on level ground as they were not designed for undulating ground. Eight mobile units would be required in order to house 16,000 hens and double the amount of ground would be required so that one site could be rested each year.

Councillor Metcalfe referred to the other two units on the site and asked if there had been any objections raised to those. Mr. Gent recalled that the first application had raised some concerns and that both had been considered by the Planning Committee.

Councillor Marigold Jaques noted that the two units already on the site were well screened. However, trees took 10-12 years to mature and she queried whether it would be possible to plant trees which were more mature in order to speed that process up. Mr. Gent confirmed that he had indicated at the Western Area Planning Committee meeting that he would be prepared to plant clumps of more mature trees in order to screen the site and that clumps could be planted in front of the building in order to break up the initial impact. Mr. Sam Harrison confirmed that this was something which could be considered further as part of the conditions should the application be approved.

In response to a query on employment numbers it was noted that the expansion of the business would double the number of people currently employed.

Councillor Garth Simpson referred to the sustainability issue and whether it would be necessary to buy in additional manure. Mr. Gent responded that it would reduce the amount bought in. Indeed over the last 18 years a reduction had been seen and this would reduce the amount required even more.

Councillor Clive Hooker, as Ward Member, in addressing the Committee raised the following points:

- Councillor Hooker thanked the objectors and the applicant/agent for their presentations and he appreciated the views which had been expressed;
- The Officer recommendation was for refusal as it was in the AONB but the Committee had the power to overturn this recommendation for exceptional circumstances;
- This was a third generation family run business whose business model was free range egg production;
- A number of footpaths crossed the land but the people who farmed this site also needed to make a living;
- The AONB needed to be able to grow and develop to accommodate agricultural units as businesses needed to expand in order to ensure that they remained viable;
- Councillor Hooker felt that a precedent had already been set by approving the previous units which were both on a more elevated position. Due to careful screening there was little impact on the surrounding area. Once the tree line had been established the new building would also blend in;
- The expansion of the farm would provide an opportunity to employ an additional 1.5 people into the business;
- 78% of the district was in an agriculturally maintained AONB and was the Council saying that none of the businesses in that area could expand. The family had done

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all it could to contribute to the AONB in their area and he therefore hoped that the Committee would support the application.

Councillor Paul Bryant queried why the two existing units had been given planning permission. The Planning Officer confirmed that permission had been granted some time ago and policy both nationally and locally had changed over that time to ensure that the AONB was protected. Members would need to make a judgement around the level of impact on the AONB when determining this application.

Councillor Bryant referred to other similar applications which had been approved in respect of the grain store at Eastbury and the development on the Showground at Chieveley, both of which had been prominent buildings. The Planning Officer stated that in regard to the Showground there was a distinct benefit to the local economy. Such decisions were difficult but policies to protect these areas were in place and Members would need to evaluate and weigh up protection of the AONB against protecting the local economy etc.

Councillor Garth Simpson noted that the Environment Officer had said that noise and odour was not an issue and he asked if there were any details around that. The Planning Officer confirmed that the Environment Officer had undertaken a detailed examination and had come to the conclusion that there would be no significant environmental damage to local residents.

Councillor Simpson referred to paragraph 6.2.15 where it stated that the submitted landscape and visual impact assessment had been assessed and had been found to not fully represent the visual impact of the development with further work required before the full extent of the visual effects could be considered. How significant was that? The Planning Officer stated that the report did analyse the visual impact and Officers were satisfied in that respect.

Councillor Simpson asked what the traffic was like on the footpaths. The Planning Officer confirmed that the Rights of Way Officer had not raised any objections and that it was more about the impact on the environment for one person rather than the amount of people who used them.

In considering the above application, Councillor Hilary Cole stated that she was the adjacent Ward Member and actually lived nearest to the application site. She had lived in the area for 31 years and was familiar with it. It was a wooded downs area in the AONB and was a working landscape which should not be treated with contempt. Generally she would endorse AONB policies but the AONB was not always helpful to West Berkshire. Farming had become industrialised which meant larger tractors which were not always able to negotiate the narrow country lanes. However, if the Council wanted to support farmers then it needed to accept that changes needed to be made. A mixed economy was vital in the area and farming needed to be embraced. There had been a considerable amount of discussion on the visual impact of the new building but not a lot of consideration for policy CS10 – the rural economy. This application was supporting farm diversification as it tried to move away from cattle farming which had suffered as a result of TB in a move to something more sustainable. She proposed that the decision made by the Western Area Planning Committee should be endorsed.

Councillor Anthony Pick stated that if the community wanted the AONB to remain idyllic then it and the numerous footpaths needed to be maintained by landowners. However, they would only be able to do this if their businesses were successful. Therefore the AONB could only be sustained by a strong rural economy.

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Councillor Graham Pask cared deeply about the AONB and felt strongly that although the new building would be visually intrusive it would not be quite so bad once the screening had matured. The building would already be below the top of the existing tree line.

Councillor Jeff Beck stated that the AONB included vast tracks of farmland. Farming was a business that needed to change in order to be viable. The Rambler's Association had raised no objections and he felt that the new building would not be out of place against a backdrop of existing trees.

Councillor Garth Simpson was of the opinion that the market had moved ahead and that this would see more agricultural units popping up.

Councillor Paul Bryant felt that farming was an important industry. He remembered the debate on the grain store at Eastbury which was a large building which could be seen from a distance. The argument in that case was that the Council needed to change its approach to farming development in rural areas. Councillor Marigold Jaques agreed and said that although she lived in an urban area, 75% of West Berkshire was in the AONB but that it was also a working area.

Councillor Tim Metcalfe had a lot of sympathy with the objectors as it was a large structure. Farmers always tried to keep the farmstead in one area. Free range egg production was a country pursuit and the trees when they reached maturity would not seem out of place.

Councillor Clive Hooker stated that he was encouraged by the practical approach to this application which would be a lifeline to the community and a benefit to the local economy.

Councillor Alan Law asked if Members were happy with the condition in respect of the trees. The Planning Officer confirmed that the applicant would work with the local authority to submit and agree a scheme of planting for the trees.

Councillor Hilary Cole proposed that planning permission should be granted subject to the conditions and informatives contained in the Update Sheet. This was seconded by Councillor Clive Hooker.

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

Conditions

1. Time

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

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

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below, unless otherwise agreed in writing by the local planning authority:

- Location Plan A1 received via email from the agent on 17/07/2017
- Site Plan A1 received via email from the agent on 28/06/2017
- Elevations A1 received via email from the agent on 02/08/2017
- Landscape Proposals IPA21032-11 received via email from the agent on 17/07/2017
- Soft Landscape Specification
- Topographical Survey and Sections IP/RG/04

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- Design, Access and Planning Statement
- Email from agent confirming dimensions and material of feed bins received on 16/08/2017.

All received with the application on 28/04/2017 unless otherwise stated.

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

3. **Materials**

The materials to be used in the development hereby permitted shall be as specified on the application form and the design and access statement. The feed bins shall be as specified in the email from the agent confirming dimensions and material of feed bins received on 16/08/2017.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. **Hard surfacing**

No development shall take place until a schedule of the materials to be used in the construction of the hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on site 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 (March 2012), Policies CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5. **PROW - Warning Signage Required**

No development shall commence until details of warning signage for both drivers and pedestrians using Beedon Footpath 16/1 at the crossing point of the access to site have been submitted to and agreed in writing by the Local Planning Authority. The approved signage will subsequently be erected on site in accordance with the approved details, prior to work commencing on site. The warning signage will be retained thereafter for the lifetime of the development.

Reason: To protect the public using of the Public Right of Way. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS 18 of the West Berkshire Core Strategy (2006-2026).

6. **Surface water**

No development shall commence until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The submitted details shall include the size of the silt traps, run-off volumes, soakaway capacities and infiltration rates, and all associated calculations. Prior to the building being brought into use the scheme shall be implemented in accordance with the approved details and the sustainable drainage measures shall be maintained in the approved condition thereafter.

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Reason: Proposed operation could generate significant quantities of potentially contaminating material/waste. Soakaways associated with the proposed sheds should not be located in areas where excess chicken fouling are likely to be deposited.

To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is 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).

7. **Spoil**

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

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove 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 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 2012 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

8. **External Lighting**

No development of the building shall commence until details of the external lighting to be attached to the building and used in the areas around the new building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the luminance, operation and timings of the external lighting proposed. The external lighting shall be installed in accordance with the approved scheme before the building hereby permitted is brought into use. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained and operated in accordance with the details approved.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development within the AONB. Inappropriate external lighting would harm the special rural character of the locality and AONB. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

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9. **Construction Method Statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include safeguards that shall be implemented during construction to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

The Construction Method Statement shall cover:

- (a) the use of plant and machinery, oils/chemicals and materials;
- (b) the use and routing of heavy plant and vehicles;
- (c) the location and form of work and storage areas and compounds;
- (d) the control and removal of spoil and wastes.

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

Reason: To minimise the risks of pollution and detrimental effects to the water interests in and around the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. **Boundary Treatments**

No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatments to be erected have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved scheme before the building hereby permitted is brought into use. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatments are an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

11. **Levels**

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

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

12. **Waste and dirty water**

Prior to the building hereby approved being brought into use, details of the collection, storage and spreading of waste and dirty water from the development must be submitted to and agreed in writing by the local planning authority. The

DISTRICT PLANNING COMMITTEE - 23 AUGUST 2017 - MINUTES

waste and dirty water shall thereafter be dealt with in accordance with the approved details.

Reason: The application site is located in a Source Protection Zone III (SP3) which required protection from pollution. This condition is imposed in accordance with the National Planning Policy Framework 2012 and policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

Prior to the building being brought into use the vehicle parking and turning space shall be surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking at all times for the lifetime of the development.

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

14. **Trees**

All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing numbers IPA21032-11 dated March 2017 during the first planting season after completion. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Notwithstanding the submitted details, 10% of trees planted must be semi-mature.

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

15. **Hours of Construction**

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

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS 14 of the West Berkshire Core Strategy 2006-2026 and Policies OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Recommended Informatives

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has

DISTRICT PLANNING COMMITTEE - 23 AUGUST 2017 - MINUTES

secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.
3. Nothing connected with either the development or the construction must adversely affect or encroach upon the Public Right of Way, which must remain available for public use at all time. Information on the width of the PROW can be obtained from the PROW Officer.
4. The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.
5. No alteration of the surface of the Public Right of Way must take place without the prior written consent of the Rights of Way Officer.
6. Damage to footways, cycleways and verges - The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
7. Damage to the carriageway - The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

(The meeting commenced at 6.30pm and closed at 7.37pm)

CHAIRMAN

Date of Signature

DRAFT

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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 8 MAY 2018

Councillors Present: Pamela Bale, Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Vice-Chairman), Richard Crumly, Lee Dillon (Substitute) (In place of Alan Macro), Paul Hwer (Substitute) (In place of Garth Simpson), Clive Hooker, Marigold Jaques (Substitute) (In place of Graham Pask), Alan Law (Chairman) and Anthony Pick

Apologies: Councillor Alan Macro, Councillor Graham Pask and Councillor Garth Simpson

PART I

1. Election of Chairman

RESOLVED that Councillor Alan Law be elected Chairman of the District Planning Committee for the 2018/19 Municipal Year.

2. Appointment of Vice-Chairman

RESOLVED that Councillor Hilary Cole be appointed Vice-Chairman of the District Planning Committee for the 2018/19 Municipal Year.

(The meeting commenced at 7.45 pm and closed at 7.46 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item (1)	Land at Station Yard, Hungerford.
Title of Report:	Proposed erection of 30 flats with associated car parking and coffee shop, with external amenity space. Oakes Bros Limited. Application number 18/00837/FULEXT.
Report to be considered by:	District Planning Committee
Date of Meeting:	11 July 2018

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00837/FULEXT>

Purpose of Report: For Committee to determine the application.

Recommended Action: To note the resolution made by Western Area Planning Committee on 27th June 2018 and resolve to approve the application, subject to conditions and a Section 106 obligation.

Reason for decision. The decision has District-wide implications which are of equal relevance in Eastern and Western Area Planning locations.

Key background documentation: Planning Committee agenda report dated the 27th June 2018 to Western Area, draft minutes of that meeting, and the planning case file. Core Strategy for West Berkshire 2006 to 2026.

Key aims.	To ensure broad consideration of all the interests relating to development across the District.
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Portfolio Member Details	
Name & Telephone No.:	Hilary Cole
E-mail Address:	Hilary.cole@westberks.gov.uk
Date Portfolio Member agreed report:	29 th June 2018.

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel. No.:	01635 519499
E-mail Address:	Michael.butler@westberks.gov.uk

Implications

Policy:	The decision requires the Council to consider the application of a balance to the intentions of different policies within the Core Strategy.
Financial:	The Council will receive a contribution towards cycle store provision at Station yard –£30,000.
Personnel:	Nil
Legal/Procurement:	Legal will be involved in the completion of the s106 planning obligation.
Property:	Nil.
Risk Management:	Consideration of the specific circumstances by DPC is appropriate as the decision in one part of the District could conceivably be quoted District-wide in attempts to support similar application cases.
Equalities Impact Assessment:	Nil.

EXECUTIVE SUMMARY

1 INTRODUCTION

- 1.1 Application number 18/00837/FULEXT was submitted to the Council on the 19 March 2018. It is a full application to redevelop the existing temporary private car park at the Station Yard, to a new 5 storey scheme of 30 flats with associated undercroft parking (33 spaces) , with 9 of the flats (30%) being affordable. Associated with the proposal is a communal amenity space to the rear, and a new coffee shop for the public on the west aspect of the site. Vehicular access will continue to be from Station Road.
- 1.2 The application site is within a defined protected employment area [PEA] as designated under adopted policy CS9 in the Core Strategy. This means that any non employment generating use approved on the site will not be consistent with that policy: clearly, housing is not employment generating, (beyond initial construction) so would, if approved, be contrary to the policy. The Council constitution requires that the District Planning Committee considers applications where there is a possibility of conflict with a policy that would undermine the Development Plan and where there is a district-wide public interest.
- 1.3 The appended Western Area Planning Committee agenda report, sets out the reasoning by officers as to why in this case, policy CS9 does not need to be the dominant planning policy consideration in these specific circumstances. To summarise the reasoning is as follows.
- a) A recent appeal decision on land in the same PEA in 2017 was allowed, for housing. The Inspector in his decision letter made it clear that there was no justification to reject the appeal, on the basis of continuing to protect

employment land, when the land had been vacant for some considerable time and had been marketed for employment uses for a considerable time, to no avail: the same situation applies at the current application site. In addition, he noted the advice in para 22 in the NPPF on this issue. This notes that planning authorities should avoid the long term protection of sites allocated for employment use, where there is no reasonable prospect of the site being used for that purpose. Where this is the case applications for alternative uses, should be treated on their merits.

b) There are clear regeneration benefits arising from the project, should it be granted planning permission, which (inter alia) the local Town Council are fully supportive of, notwithstanding the loss of the car parking on the site. In addition, not only will more dwellings be built out in a very sustainable location, but there will be the advantage of 9 more affordable units in the town.

c) The economic vitality and viability of the local area will also be enhanced by the new coffee shop proposed, which will be a local community benefit.

d) Officer conclusions are that in the specific circumstances approving a residential scheme on the Station Yard PEA, does not undermine the protection of the remaining CS9 sites in Hungerford, such as at Charnham Park, and nor will it undermine similar PEA sites in other parts of the District

- 1.4 Officers are recommending that the application be approved, subject to the necessary Section 106 planning obligation noted in the report and the full recommendation. DPC Members' attention is drawn to the objections raised by the Transport Policy Officer and GWR, in response to the permanent loss of the 96 space car park on site, identified as valuable to train users/commuters in particular. This was an issue carefully considered by Officers in making the recommendation and by Members at Western Area Planning Committee, as the minutes will show.

2. RECOMMENDATION

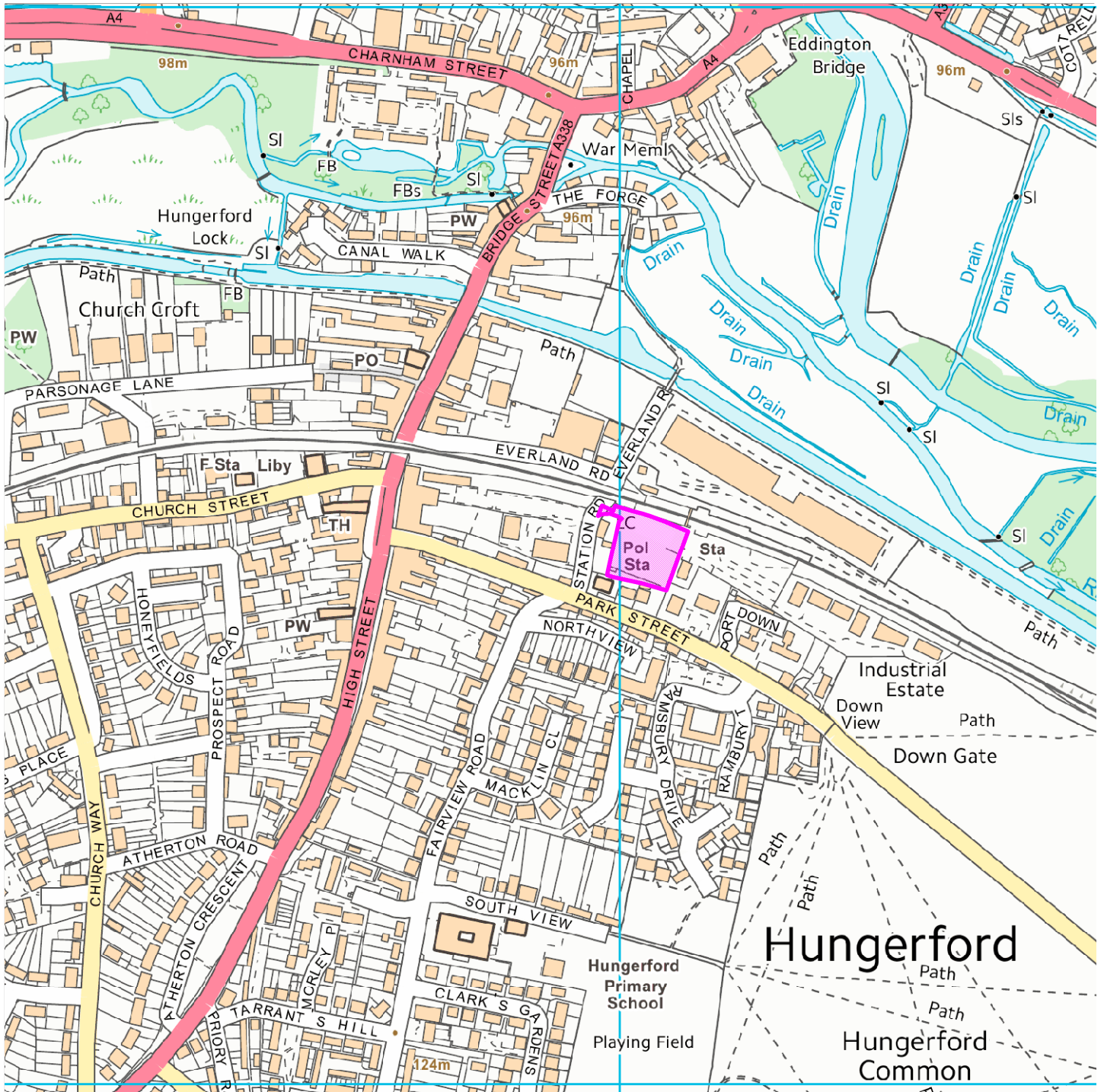
- 2.1 That the District Planning Committee delegate authority to the Head of Development and Planning to grant approval of application number 18/00837/FULEXT, subject to conditions as noted in the attached report and subject to the prior completion of the s106 obligation to deliver the 9 affordable housing units and the £30,000 cycle parking contribution.

3. APPENDICES

- 1 - Western Area Agenda Report 18/00837/FULEXT on the 27th June 2018.
2 - Draft minutes of the above meeting for item 2.

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Hungerford Railway Station Car Park, Station Road, Hungerford



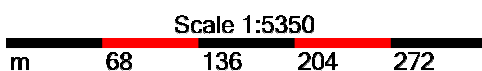
Map Centre Coordinates :

Scale : 1:5349

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	14 June 2018
SLA Number	0100024151



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Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	18/00837 /FULEXT Hungerford Town Council.	18 th June 2018.	Erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop. Land at former Oakes Bros site, Station Yard, Hungerford. Oakes Bros Limited.

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00837/FULEXT>

Member(s):

Councillor Hewer
Councillor Podger

Reason for Committee determination:

Councillor Hewer has called the application in whatever the officer recommendation. In addition the application is a departure.

Committee Site Visit:

21st June 2018.

Recommendation.

The Head of Development and Planning be authorised to GRANT planning permission. Subject to the completion of a s106 obligation.

Contact Officer Details

Name:

Michael Butler

Job Title:

Principal Planning Officer

Tel No:

(01635) 519111

E-mail Address:

michael.butler@westberks.gov.uk

1. Site History

12/02732/FUL. Change of use from industrial to temporary car park for 96 vehicles. Expired February 2016 but remains in use. Officer comment – not considered expedient to enforce.

Application 16/00787/FULD. Erection of 8 dwellings on car park. Refused but allowed at appeal on 28 July 2017. [NB - not on application site but in Station Yard].

17/01833/fulext. Erection of 30 dwellings on the site with associated parking and landscaping. Refused September 2017.

2. Publicity of Application

Site notice displayed 11th April 2018. Expiry 2nd May 2018.

Advertised as departure 19th April 2018.

3. Consultations and Representations

Hungerford Town Council Strongly supported.

Highways

Whilst further clarification is required on detailed points including pedestrian routes, the application only now involves the loss of 3 network rail car parking spaces so on balance now acceptable. The loss of the 96 private car park is still regrettable however, in the interests of sustainability. The on-site parking for the 30 flats is accepted.

Education

CIL will be sufficient to offset any additional impact from new residents on local schools.

SuDS

Following drainage testing on the site it is considered that conditional permission is now acceptable.

Planning Policy

Objection. The scheme is residential and so as the site lies on a protected employment site under policy CS9, the development is contrary to this policy. In addition the Council has in excess of a 5 year housing land supply. No objection to the coffee shop.

Housing

Support. This is a brown field site in the town where the Council would expect 30% of the units to be for affordable purposes i.e. 9 in number - s106 required to achieve this.

Environmental Health

Two principal issues correspond to the site. The first is noise [from the rail line, the Tavern, and the coffee shop] the second is possible land contamination. These can both be resolved by appropriate conditions.

Network Rail

Initially objected to the loss of car parking. Now note the loss is just 3 car parking spaces, This is arising and is subject to control by NR. In addition the Council must take into account noise arising from the Railway Line and

Yard.

Tree Officer	No objections. Conditional permission. Impact on local tree accepted as is the proposed landscape scheme.
Environment Agency	No objections. Conditional permission.
Fire and Rescue Service	No further hydrants needed.
Thames Water	Conditional permission is recommended. Regarding waste drainage, and no piling. [Pre conditions].
Waste Services	Suitable waste collection/storage facilities are available on the site as is access recently demonstrated by the appeal on the Yard further to the east for 8 dwellings. Conditional permission.
Conservation	The application site lies outside but adjacent the town conservation area. The proposed elevations are generally considered to be acceptable, although there will be some impact on the "ambulance" site to the east should the extant permitted scheme for 6 flats be built out on that site. Impact on Railway Tavern to the west is accepted. No objections.
Natural England	No objection re. any impact on SSSI or protected species. However, as the site lies in the AONB, the advice in paras 115 and 116 of the NPPF must be taken into account.
Archaeology.	No objections to the site itself being developed but the historical context of the two adjacent non listed but historic buildings i.e. the Railway Tavern and the Old Police Station should be taken into account.
Public Rights of Way	No objections.
Transport Policy	Objection to the application. It will result in the loss of an important car park at the Station, which will impinge upon wider strategic and longer term objectives for encouraging commuter use of Hungerford Rail line, in the interests of sustainability. If approved recommends a £30,000 contribution towards new cycle parking at the Station to offset the loss of the 3 NR parking spaces.
Great Western Railway	Strongly objects to the application. Will result in the loss of a very valuable car park serving the rail station. Services will be enhanced in 2019 so to reduce car parking at this location is unacceptable.

Public Representations

4 letters of objection received. Seriously concerned about the loss of over 90 parking spaces at the Rail Station. The loss will have an immediate impact on Hungerford viability and commuters and in addition increase local on street parking. Safety will be an issue as well, plus impact on existing local coffee shop, and other retail uses in the town centre.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

Policies ADPP5, CS6, CS9, CS14, CS19.

West Berkshire District Local Plan 1991 to 2006. Policy OVS6.

5 Description of development.

- 5.1. The application site comprises an existing temporary car park operated by the applicants on a private commercial basis. It has capacity for up to 96 vehicles and is well used during the working week for local employees and commuters. The site itself is 0.3 ha in extent and roughly square in shape. It lies in the Station Yard employment area immediately to the south of the railway station, and to the east of the Railway Tavern. It lies to the north of the former Police Station and Crofton House a scheme of flats. To the east of the application site lies the former ambulance station which has an extant permission for 6 flats. The site itself lies adjacent to, but not in the Town Conservation Area, and also lies in the North Wessex Downs AONB, which washes over the identified settlement boundary of Hungerford as identified under policy C1 in the now adopted HSADPD of May 2017. Finally, the site lies in a protected employment area [PEA] under policy CS9 in the Core Strategy.
- 5.2. Members will have noted from the site visit that the levels in the area have a considerable height difference: the land to the south is some 5/6 m higher than that on the car park itself, with some significant trees on the existing southern boundary.
- 5.3. The applicant is proposing to redevelop the site for 30 flats [9 of which are to be affordable] over a maximum of 5 floors. It is proposed that 15 will be one bedroomed and 15 will be 2 bedroomed. There is to be associated landscaping, with a new ground floor coffee shop on the eastern frontage. On the ground floor will be 33 parking spaces [undercroft]. On each of the next 3 floors there will be 10 flats, 2 of which will be duplex, so creating a 5th floor to the east – flats 21 and 22. There will be communal bin storage and cycle storage provided, with vehicle access obtained via Station Yard onto Station Road to the west. There will be some external amenity space of 893m² in addition. It is also proposed to erect a new coffee shop on the site frontage. Finally 18 existing network rail parking spaces will be retained across the site frontage, entailing a net loss of 3 spaces, in addition to the 96 lost on the existing private car park.
- 5.4. In terms of elevational treatment, the proposal has an “interesting” curved roof form with a varied palette of external facing materials including brickwork, vertical timber cladding, metal cladding panels, and render, the precise nature and colour of which will be agreed at discharge of conditions stage should the application be approved. The maximum height of the building when taken from the north perimeter will be 16m and the full frontage width of 40m. The depth of the site is 45m bringing the site

forward building line further to the north than existing built form in the vicinity. Finally the application would comprise a net density of circa 100 dwellings per ha if built out.

- 5.5. The Council, on 29th September 2016, wrote to the applicant's agent in regard to a pre application enquiry on the site for 31 flats under reference 16/00026/pre app. In addition under the Environmental Impact Assessment Regulations of 2017, the Council informed the applicants on the 6th June 2018, that no Environmental Statement was required to be submitted with the application. Members will also need to be aware that the application was advertised as a departure from the Development Plan on the 19th April 2018, as it comprises a non-employment generating use on a protected employment area as designated under policy CS9 in the CS. Finally the Committee may recall that in September last year a similar but not identical application was considered and refused –that application was not appealed.

6. Consideration of the application.

The application will be considered under the following issues:-

Design, massing and scale
Planning policy position
Access and car parking and
Other issues.

6.1. Design, massing and scale.

- 6.1.1. As noted above the application site lies immediately to the north and east of the town conservation area. Accordingly, any new development here should fully respect the setting and value of that conservation area, without detriment, if it is to accord with policy CS19 in the Core Strategy and the advice on respecting designated heritage assets as noted in the NPPF. Para 137 of the latter notes that proposals that enhance or better reveal the significance of such areas should be treated favourably. In addition, CS19 replicates this advice in principle. Firstly, it is recognised that whilst the existing car park forms a highly useful function in the local context of pressured parking capacity, its visual appearance is relatively very poor and does little to enhance the conservation area; it merely provides a feeling of openness in an otherwise built up area. On the other hand it is concluded by officers that the introduction of this new built form will obviously remove this open character, but given the proposed design and massing will not harm the overall balance and setting of the local urban context and indeed will potentially improve that visual appearance. Whilst design is of course a subjective matter to a degree, and the case officer appreciates that a contemporary appearance is not to all tastes, the degree of both horizontal and vertical articulation through the use of varying materials and roof form over 5 floors, is on balance, attractive and so satisfactory in the local context and street scene.
- 6.1.2. Clearly the nature of the area will change considerably should the scheme proceed, but the area is already/will become more built up with the advent of the 8 dwellings to the east, which in itself is a dense scheme, although not of the same height. It is the physical relationship with adjoining buildings around the site which the Committee is required to carefully address, to see if the scheme is acceptable. Officers, including the Council conservation officer has accepted that this relationship is satisfactory, given the levels difference and the separation afforded by the new amenity space to the houses to the south, and the good separation to the Railway Tavern to the west; this is helped by the set down to 3 floors only of the scheme on the western side.
- 6.1.3. Some have commented upon the forward building line of the new scheme particularly in relation to the St Johns Ambulance Scheme to the east - by 14m. This is substantial. However, should this current

application be approved it is quite conceivable that a fresh application for the latter can be considered in its new context: the planning history is a material consideration but does not carry so much weight as an implemented scheme. In addition the forward building line of the current scheme, accords with the Railway Tavern to the west.

- 6.1.4. Accordingly, having regard to the advice in the NPPF, the advice in policy CS19, and the surrounding visual context, it is considered in terms of impact on the conservation area, the massing and scale is acceptable as is the design. However, the Council also needs to examine if the application is a major development in the AONB albeit in the settlement. If it were to be taken as major then the advice in para 116 of the NPPF would apply and exceptional reasons would be needed to permit the application. Officers have determined that it is NOT major development and thus the tests in para 115 applies: i.e. great weight needs to be given to any visual impact which might arise. It is “fortunate” that the application site is bounded by built form to all sides and has a very mature tree screen to the north in addition. Any wider visual impact on the AONB is thus minimal, and so the thrust of policy ADPP5 is met. This is important in relation to the advice identified in the consultation response from Natural England. In addition, it is important to note that the Council in defending a housing planning appeal at Kintbury recently, concluded that a 32 dwelling scheme was not major for the purposes of para 116 in the NPPF.

6.2. Planning Policy

- 6.2.1 Hungerford is defined as a Rural Service Centre in the Council Core Strategy. Policy ADPP1 notes that most development will be within these settlements, in conjunction with the urban areas and service villages. In addition, under bullet point 4 in policy ADPP5 relating to the AONB, it is noted that Hungerford will be the prime location for new housing. Next, policy CS1 relates to the delivery of new homes. This application site corresponds to the first bullet point, being brown field lying in a settlement. The location is obviously highly sustainable. Next policy CS4 examines the type of housing to be delivered. More dense schemes can be delivered in town centres and this site is one such type. The density at about 100 dwph is considerable, but the policy does allow for densities in excess of 50. This in turn makes efficient use of urban land. Policy CS6 seeks to ensure that affordable housing is delivered. If this application were to be approved it would need to combine 9 units as affordable to comply with this policy. The next policy is certainly the most contentious for both officers and the Committee to consider. CS9 seeks to conserve employment land over the Plan period, such that the Council is not placed in a position where fresh allocations of employment land are made on green field sites, in order to supply enough jobs for an increasing population. It is clear that the planning policy objection is based on this very point.
- 6.2.2 Officers, in advising the Committee are required to take into account other factors which might sway this policy position. The first is that the site has been marketed for some considerable time for employment purposes to no avail. The only material interest according to the submitted marketing report has been for housing. Secondly para 22 in the NPPF makes it clear that planning authorities should avoid the long term protection of employment sites where there is little prospect of a site being used for that purpose. Thirdly, a recent appeal decision at Station Yard for the approval of 8 dwellings on land to the east of the application site was published in July last year. [16/00787/fuld refers]. The Inspector at that appeal specifically mentions the advice in para 22 in his letter, in para 7, and thought the site would remain undeveloped in the future, so making no meaningful contribution to the towns economy. The test for the Council is whether this recent and relevant appeal decision should be brought to bear on this application site—which is for a much larger scheme. On balance, given the Governments continuing advocacy of pressing for more homes, especially in sustainable locations, the application is not recommended for rejection on the basis of policy CS9, This officer recommendation is **ONLY made on the basis that the specific PEA at Station yard should not continue to be protected;** it

does not relate to other employment areas in the Town such as Charnham Park which continue to serve a very valuable economic function.

6.2.3 Next, policy CS11 considers the hierarchy of centres in the District. Hungerford is identified as a Town Centre second down in the overall range. Policies seek to sustain the vitality and viability of such centres. The inclusion of the coffee shop in the scheme is considered to be a useful adjunct to the application, which will assist such diversification and be helpful in social terms. It is considered to accord with CS11 on this basis. Policy CS13 considers access and transport, which will be examined later in this report. Policy CS14 considers design which has already been examined. Policy CS17 considers ecological and biodiversity issues: the applicants have submitted a phase 1 ecological assessment, which has concluded that no species or sites of special ecological value relate to the application site. Policy CS19 considers the historic environment, which has been examined earlier in the section on design.

6.2.4 Officers now conclude that the application scheme conforms to all policies in the Core Strategy, apart from CS9 for the reasons identified. Members are reminded in this context that should they conclude in approving the application, it will have to be taken to District Planning Committee since it would comprise a departure from the Development Plan.

6.3. Access and parking

6.3.1 The applicants' highway consultants have projected traffic generation for the previous, current and proposed use is as shown within the table below:

	Previous use – agricultural business		Current use – temporary car park		Proposed use – 30 flats	
	Arrivals	Departures	Arrivals	Departures	Arrivals	Departures
AM peak 08.00 to 09.00 hours	11	11	30	0	2	6
PM peak 17.00 to 18.00 hours	11	11	0	30	6	4

The applicants therefore suggest that the proposed use will result in a reduction in traffic generation. Highway officers agree with this to an extent as it is possible that many commuters that use the temporary car park will seek parking elsewhere within Hungerford and will therefore still travel to and from Hungerford. There is also concern that the traffic projection for the previous agricultural business maybe somewhat excessive. Overall highway officers conclude that there is likely to be a reduction in traffic but not as much as has been claimed.

6.3.2 The proposal complies with Council's new car parking standards, and Highway Officers are generally content with the overall layout of the site internally. By retaining the 18 spaces across the new site frontage, the minimum width obtained for vehicles accessing the Station Yard will be 3.8m. This is considered to be satisfactory, although it will only allow for one way traffic at any one time. Given low flows in the Yard even at peak times and low traffic speeds this is acceptable.

6.3.3 Highway Officers still have concerns regarding the loss of the RCP Parking Ltd temporary car park approved with planning application 12/01229/FUL, because it is likely that the car parking will be displaced elsewhere within Hungerford as commuters would have got used to using the car park. However as this car park is temporary, [and is private so can be closed at any time] it is clearly difficult to object to its loss but highway officers will be keen to cooperate with Network Rail and GWR in seeking a longer term solution for additional parking for Hungerford Station. It is also the case of

course that should an employment application be submitted on this car park this would be fully compliant with local policy, but still entail the loss of the 96 spaces.

- 6.3.4 While it may be difficult to object to the loss of the temporary car park, highway officers are now on balance satisfied that the net loss of just 3 car parking spaces from the public network rail car park in the Yard will not be so harmful as to merit a recommendation of refusal. This is clearly different from the past rejected scheme, which proposed the loss of all 21 spaces, which was not acceptable. In lieu of this loss a £30,000 contribution towards cycle parking at the Station, will be requested.
- 6.3.5 A further concern that highway officers have is the somewhat poor pedestrian routes to and from the site up to and across Station Road, along with no convenient place to cross Station Road itself. Routes into Hungerford town centre are also relatively poor. The route via Park Street is disjointed in some locations along Park Street with footways being narrow without any dropped kerbing around the Park Street / Station Road / Fairview Road crossroads. Highway officers consider it essential to ensure a safe pedestrian route to and from the site and to encourage walking as a sustainable mode of travel. Further detailed plans are to be submitted by the applicant to cover this point.
- 6.3.6 In conclusion highway officers therefore recommend approval of this application now, in the light of the above, with appropriate conditions to be applied, and any CIL funding to be directed towards improving local pedestrian links into the town centre.

6.4 Other issues.

- 6.4.1 One of the environmental factors which need to be taken into account on this site is the effect of noise on future occupants from the rail line to the north. Policy OVS6 in the Saved Local Plan makes it clear that applicants and the Council must take this into full account prior to determining applications. The application site at its closest point lies just 20m from the rail line. Accordingly the applicant has submitted a detailed acoustic report, which has concluded that if appropriate conditions are applied to the most sensitive fenestration on the north elevation, such as double glazing with windows that cannot be opened, the internal living environment will be acceptable. The Environmental Health [EH] officer has concurred with this. In addition, the same Report has analysed the potential for vibration impinging on the new scheme from the rail line. Again if proper building regulation approvals are applied, the rail line will not have a detrimental impact. Next, the proximity of the Railway Tavern to the west has been examined, particularly if noisy outdoor music events are occurring. Via the design of the floor plans in the western-most units, and the positioning of windows on the west elevation, this impact will be reduced satisfactorily and the EH officer has agreed. Finally, with respect to noise, the use of the cafe has been considered. This would be conditioned in regards to opening times so as not to impact on amenity, should the application be approved.
- 6.4.2 The Council requires all new dwellings to have at least a degree of external amenity space available for future residents. A total of just under 900m² is to be provided on the site, namely a communal garden area to the south and a hard paved area to the west. This is almost 30m² per flat which is considered to be acceptable. It is recognised however that the rear amenity space will be unfortunately rather dark with the new building to the north and the significant rise in levels to the south - but at least it is south facing.
- 6.4.3 The Council is also required to examine any harmful amenity issues which might arise from overlooking or overshadowing impacts. The dwellings to the south are significantly higher than the application site. This means that any possible overshadowing or indeed overlooking will be minimal if non-existent. If the application is approved and built out, there will however be an amenity impact on the approved residential scheme to the east , via overshadowing - but given this may never be implemented this

application should not be rejected on that basis. The application thus complies with policy CS14 in the CS.

- 6.4.4 In terms of CIL the application, if approved, would comprise a total net gain of circa 3457m² of new C3 space. This is currently charged @ £125/m². Taking out the 30% affordable housing, which is not CIL liable, this equates to a sum of approximately £301,500 under CIL. It is stressed that this figure is for illustrative purposes alone.

7.0 Conclusion

- 7.1. All planning applications are required to be determined in accord with the three principles of sustainability in the NPPF. In economic terms the application is neutral, to negative, since if approved it will involve the loss of employment land and of course if refused that employment land will remain available for future users - although there is no guarantee that this would occur over the Plan period. The build out of the scheme would create local employment and the perhaps 60 new occupants in the flats will spend additional money in the local economy. In social terms the benefits are clear since 9 further affordable units would be created, with new activity being brought into Station Yard, with the advent of the coffee shop. In environmental terms the benefits are less apparent. Whilst officers have accepted the built form mass and scale of the new scheme in regard to the conservation area, the loss of the 99 car parking spaces need to be taken into careful account. This is a matter for the Committee to consider, but officers, on balance, given the reasoning on highways issues as above, have accepted this position.
- 7.2. Given the above reasons on which a decision can be justified to approve the application, officers recommend that the application be granted conditional planning permission, subject to the completion of a s106 planning obligation.

8. Recommendation.

Western Area Planning Committee resolve to recommend approval to the District Planning Committee, with conditions, subject to the first completion of a s106 planning obligation to secure the 9 affordable dwellings, and the £30,000 cycle contribution towards on site cycle store facilities at the Station.

CONDITIONS.

3 years

1 The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

Materials

2 No development, shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall

where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Floor levels

3 No development shall commence until all 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 and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Contamination

4. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

i) A preliminary risk assessment which has identified:-

- a) all previous uses
- b) Potential contaminants associated with those uses
- c) a conceptual model of the site indicating sources, pathways and receptors
- d) potentially unacceptable risks arising from contamination at the site.

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

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

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

Reason. To protect Controlled Waters from pollution. In accord with the advice in the NPPF.

Verification report

5 No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results

of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. In accord with advice in the NPPF of 2012.

Unforeseen contamination

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

Reason. To protect Controlled Waters from pollution. In accord with advice in the NPPF.

Tree fencing

7 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 980-02. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. In addition, no trees, shrubs or hedges shown as being retained on tree survey 980-02 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation. In addition, no development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) completion of the approved landscaping within the first planting season following the completion of the development; and b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species. In addition the as approved landscaping plan 5 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

Waste Water Network.

8 No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. In accord with the protection of public health in accord with the NPPF advice of 2012.

SUDS

9 No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:-

a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;

b) Include and be informed by a ground investigation survey which confirms the soil characteristics, infiltration rate and groundwater levels (to be monitored through the winter months);

c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;

d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm + 40% for climate change;

e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;

f) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;

g) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West

Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

Noise mitigation

10 The applicant shall implement the noise mitigation measures recommended in the submitted 'Assessment of Noise and Vibration '(Ian Sharland Limited Ref M3863 Dated 09/03/18 v.4) to achieve suitable internal noise levels in accordance with BS8233 guideline values. Noise from building plant services shall not at any time exceed a level 10dB below the prevailing background sound when measured at the facade of the nearest noise sensitive location.

Reasons: To protect the amenity of future residents and to minimise the potential commercial impact on the existing public house, in accord with policy OVS6 in the WBDLP of 1991 to 2006.

Construction method statement

11 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Footway/cycleway details

12 The development shall not be brought into use until the 1.5 metre wide footway fronting the site from the proposed Café eastwards has been constructed in accordance with the approved drawing(s) and any statutory undertaker's equipment or street furniture located in the position of this footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

Vehicle parking

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).

Gradient of private driveway

14 The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

Access construction

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

Reason: To ensure that the accesses into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

Train station cycle parking

16 No dwelling shall be occupied until a financial contribution of £30,000 has been provided for the provision of addition cycle storage facilities within Hungerford Train Station.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Station Road footway improvements

17 No dwelling shall be occupied until dropped kerbing and tactile paving is provided across Station Road south of the Railway Tavern under a Section 278 Agreement or other appropriate mechanism.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the encouragement of walking as a sustainable mode of travel. 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).

18 Approved Plans.

The development must be carried out in accord with the following approved plans--site plan number 2478, P1-02 Rev B, floor plans P2-06, A, P2-01, Rev B, P2-05 A, P2-04A, P2-03B, P2-02A, 2478-P5-01, P3-02 A, P3-01 A.

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

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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

EXTRACT FROM THE MINUTES OF THE MEETING HELD ON WEDNESDAY, 27 JUNE 2018

Councillors Present: Dennis Benneyworth, James Cole, Billy Drummond, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

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

Apologies for inability to attend the meeting: Councillor Jeff Beck, Councillor Paul Bryant, Councillor Hilary Cole and Councillor Adrian Edwards

PART I

11. Declarations of Interest

Councillor Anthony Pick declared an interest in Agenda Item 5(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.

Councillor Dennis Benneyworth and Paul Hewer declared that they had been lobbied on Agenda Item (2).

12. Schedule of Planning Applications

(2) Application No. and Parish: 18/00837/FULEXT - Land at former Oakes Bros site, Station Yard, Hungerford.

(Councillor Anthony Pick declared a personal interest in Agenda Item 5(2) by virtue of the fact that he had held a conversation with the objector, Nicola Scott from Great Western Railway, regarding a separate matter. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Dennis Benneyworth and Paul Hewer declared that they had been lobbied on Agenda Item (2).)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/00837/FULEXT in respect of an application for the erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop on land at the former Oakes Bros site, Station Yard, Hungerford.
2. In accordance with the Council's Constitution, Councillor Carolann Farrell and Councillor Keith Knight, Parish Council representatives, Nicola Scott, Assistant Regional Development Manager East, Great Western Railway, objector, and Mr James Cleary, agent, addressed the Committee on this application.
3. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the reports detailed that although the proposals were contrary to the Council's policy to protect employment land, the site had been unsuccessfully marketed as such

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for a considerable length of time and the Planning Inspectorate had allowed at appeal a smaller block of flats on a similar site nearby. Officers had considered whether the appeal decision carried weight in this case and considered that the Planning Inspector's determination in addition to the Government's advocacy of homebuilding led to a conclusion that the proposals were on balance acceptable and conditional approval was justifiable. As the proposals were contrary to policy Officers recommended the Committee refer the application to the District Planning Committee with a recommendation to grant planning permission.

4. Paul Goddard noted that the application was similar to a scheme refused by the Committee in September 2017. Among the reasons for refusal were inadequate pedestrian routes and the loss of parking for commuters. Pedestrian routes were improved in the scheme before the Committee and officers had negotiated with Thames Valley Police regarding the construction of a footway on land in their ownership. In the previous application 21 parking spaces would have been lost on land owned by Network Rail, in the current application that would be reduced to 3 spaces lost. The developer had also agreed to make a contribution to cycle storage at the train station. From a Highways perspective the reasons for refusal had been overcome. Transport Policy Officers had expressed concerns similar to Great Western Railway regarding the loss of parking spaces for rail commuters. It was difficult to quantify the impact that the displacement of parking spaces would have on the town. Finally Paul Goddard highlighted that the site, while currently used as a car park, was temporary and its permission had expired two years previously. The car park could close at any time. Highways Officers agreed with the balanced recommendation for approval from Planning Officers.
5. Councillor Knight and Councillor Farrell in addressing the Committee raised the following points:
 - The Town Council supported the application because the area needed to be developed and the development would improve the gateway into Hungerford.
 - The development would offer housing to 60 people and 30% of the units would be affordable housing.
 - The Town Council had a track record of working with West Berkshire Council and would work collaboratively to consider other parking options such as a park and ride service.
 - At present there was no incentive for people to get off the train at Hungerford and the coffee shop would improve the offer for commuters and families using the train station.
 - The Town Council was working with Network Rail and Great Western Railway on the community rail scheme.
6. Councillor Paul Hewer asked Councillor Knight to elaborate on some of the parking solutions that had been considered. Councillor Knight advised that he had held discussions with Clive Tombs to consider improving bus services in the town to prevent residents from driving across Hungerford to park closer to the station. There was scope to run a park and ride from the Triangle, land owned by the Town Council.
7. Councillor Hewer asked for a view on improvements to existing car parks. Councillor Knight advised that he would like to see them tiered.
8. Councillor Pick asked whether the town Council had conducted a survey regarding the extent to which existing car parks were used, noting that the car park at the

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Oakes Bros site was not full on the day of the site visit. Councillor Knight advised that they had received data from West Berkshire Council regarding the revenue generated from council-run car parks and they were usually busy.

9. Councillor Pick further asked if there would be any concerns with commuters parking at other locations in the town. Councillor Knight advised there were some concerns which he hoped would be mitigated by establishing a residents parking scheme. Councillor Farrell noted that as the car park was temporary and could be withdrawn at any time the Town Council needed to consider alternative parking in any event.
10. Councillor Cole asked how many of all the users of the car park would be commuters. Councillor Knight estimated that over 90% would be commuters. Councillor Cole asked if the Town Council were satisfied to accept the parking impact in the event that commuters did not use any of the proposed park and ride. Councillor Knight suggested that there were a number of piecemeal solutions that would need to be pursued.
11. Councillor Garth Simpson expressed the view that it was unlikely that commuters would use a park and ride and would instead prefer to find parking spaces closer to the station. He questioned whether the Town Council could provide the parking spaces required. Councillor Knight stated that the Town Council were looking at what options could be delivered.
12. Ms Scott, in addressing the Committee raised the following points:
 - The proposals would have a significant impact on parking at the station when Great Western Railway were seeking to increase the available parking for rail users in Hungerford.
 - In 2019 there would be new five-carriage trains serving the station which would increase capacity and enable further growth.
 - Rail passenger trips had increased by 78% from Hungerford railway station since 2006 and a further 60% growth was anticipated by 2023/24.
 - Other car parks in the area did not have the capacity to accommodate the displaced cars, should the application be approved.
 - Great Western Railway would like to work with the landowner and West Berkshire Council to consider options to protect the parking provided on the site.
13. Councillor Simpson asked for more information regarding the new trains. Ms Scott advised that from January 2019 new trains would provide an additional 350-400 seats. Councillor Simpson asked how much additional parking was required to accommodate the anticipated growth in rail passengers. Ms Scott confirmed this figure had not yet been calculated.
14. Councillor Hewer noted that Ms Scott had confirmed GWR would be willing to work with the applicants but noted that the applicants had received no offers to purchase the land in the ten years it had been marketed. Ms Scott advised that GWR now took a different view to that of some 8 years ago.
15. Councillor Virginia von Celsing noted that permission to operate a temporary car park expired two years previously and could only be treated as a bonus, rather than parking provision to be lost if the application was approved. Ms Scott replied that although it was private land it was well used by rail passengers.

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16. Councillor Dennis Benneyworth asked why GWR had waited until this stage in the process to raise an objection. Ms Scott advised that the perspective of the rail industry had changed and there was now certainty regarding partial electrification of the Bedwyn to London Paddington line. Councillor Benneyworth asked whether GWR would object to an application for employment use. Ms Scott confirmed it would be considered on a case-by-case basis.
17. Councillor Drummond asked whether there was scope to use Network Rail's land on the other side of the railway. Ms Scott advised that any acquisition was unlikely to be a quick solution.
18. Mr Cleary in addressing the Committee raised the following points:
- The scheme had not been simple to design and issues with previous schemes had now been addressed including the Sustainable Urban Drainage System (SUDS) and there would be a green roof.
 - No objection had been raised by the Environment Agency or Thames Water. Network Rail had objected to the previous scheme and had now agreed that a reduction in spaces to 18 was acceptable.
 - The car park was temporary and would be closed shortly.
 - Officers now accepted that the site could be used for residential development following there being no demand for employment use.
 - Neither GWR nor Network Rail had ever sought to buy the site.
 - Passengers would also travel to the railway station on foot and by bicycle.
 - Other local car parks had capacity and were constantly underused.
 - The scheme would provide 30 dwellings including 9 affordable units which would benefit the area.
19. Councillor Hewer asked when the car park would be closed. Mr Cleary advised that the current owners were happy to keep using the site but the operators wished to withdraw and it was anticipated it would close in summer 2018.
20. Councillor Cole asked who would manage the open space on the site. Mr Cleary advised that a management company funded by the residents would maintain the open space.
21. Councillor Hewer, in addressing the committee as Ward Member, raised the following points:
- If the site were to be converted into a multi-storey car park there would be a greater increase in traffic movements than for residential housing.
 - The 9 affordable units were desperately needed and it was likely the flats would be affordable for first time buyers.
 - The Committee had heard there had been a 78% increase in passengers on the railway. Parking across Hungerford was cheap and there was scope to improve it.
 - He urged the Committee to support the application.
22. Councillor Cole asked whether it would be possible to apply a condition to require acoustic glazing. Michael Butler advised that condition 10 covered the matter and relevant officers would need to be satisfied in order to discharge the condition.

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23. Councillor Pick asked for clarity regarding the comment from Network Rail on page 34. Michael Butler advised that there appeared to be a typographical error and 'arising' should be replaced with 'acceptable'.
24. In commencing the debate, Councillor Cole stated that although he did not personally like the design he accepted that it would provide a gateway into the town. He expressed the view that GWR had missed their opportunity to influence how the site was used. The Town Council were satisfied with the proposals and therefore the Committee should find them acceptable. He proposed that the Committee support officers' recommendation to refer the application to the District Planning Committee with a recommendation to grant planning permission. Councillor Hewer seconded the proposal.
25. Councillor Pick advised that he was uncomfortable with some elements of the proposal however he was of the view that it would be a good use of space.
26. Councillor Benneyworth noted that had the application been for business use the Committee would not have such an involved conversation. The site was valuable land which had been vacant for too long.
27. Councillor Hewer echoed Councillor Cole's views that GWR has missed their opportunity to have more influence over parking on the site.
28. Councillor Simpson expressed the view that there were issues for other parties to resolve however he supported the proposal.
29. The Chairman invited the Committee to vote on the proposal put by Councillor Cole, as seconded by Councillor Hewer, to approve the application. At the vote the motion was carried unanimously.

RESOLVED that Western Area Planning Committee resolve to recommend approval to the District Planning Committee, with conditions, subject to the first completion of a s106 planning obligation to secure the 9 affordable dwellings, and the cycle parking contribution of £30,000.

Conditions

3 years

1 The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

Materials

2 No development, shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Floor levels

3 No development shall commence until all details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local

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Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Contamination

4. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

- i) A preliminary risk assessment which has identified:-
 - a) all previous uses
 - b) Potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason. To protect Controlled Waters from pollution. In accord with the advice in the NPPF.

Verification report

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

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. In accord with advice in the NPPF of 2012.

Unforeseen contamination

6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation

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strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason. To protect Controlled Waters from pollution. In accord with advice in the NPPF.

Tree fencing

7 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 980-02. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. In addition, no trees, shrubs or hedges shown as being retained on tree survey 980-02 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation. In addition, no development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) completion of the approved landscaping within the first planting season following the completion of the development; and b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species. In addition the as approved landscaping plan 5 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

Waste Water Network.

8 No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. In accord with the protection of public health in accord with the NPPF advice of 2012.

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SUDS

9 No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:-

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which confirms the soil characteristics, infiltration rate and groundwater levels (to be monitored through the winter months);
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm + 40% for climate change;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- g) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

Noise mitigation

10 The applicant shall implement the noise mitigation measures recommended in the submitted 'Assessment of Noise and Vibration' (Ian Sharland Limited Ref M3863 Dated 09/03/18 v.4) to achieve suitable internal noise levels in accordance with BS8233 guideline values. Noise from building plant services shall not at any time exceed a level 10dB below the prevailing background sound when measured at the facade of the nearest noise sensitive location.

Reasons: To protect the amenity of future residents and to minimise the potential commercial impact on the existing public house, in accord with policy OVS6 in the WBDLP of 1991 to 2006.

Construction method statement

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11 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Footway/cycleway details

12 No development shall take place until details of a 1.5 metre wide footway to be constructed fronting the site have been submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

Vehicle parking

13 No development shall take place until details of the vehicle parking and turning space have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. 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 which 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). The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Gradient of private driveway

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14 The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

Access construction

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

Reason: To ensure that the accesses into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

Train station cycle parking

16 No dwelling shall be occupied until a financial contribution of £xxxx [tbc] has been provided for the provision of addition cycle storage facilities within Hungerford Train Station.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Station Road footway improvements

17 No dwelling shall be occupied until dropped kerbing and tactile paving is provided across Station Road south of the Railway Tavern under a Section 278 Agreement or other appropriate mechanism.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the encouragement of walking as a sustainable mode of travel. 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).

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