

# Notice of Meeting



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## Eastern Area Planning Committee

### Wednesday 3rd June 2020 at 6.30pm

**This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”).**

**Please note:** As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights have been removed for virtual Council meetings. This right is replaced with the ability to make written submissions. Written submissions are limited to no more than 500 words and must be submitted to the Planning Team no later than midday on Monday 1 June 2020. Please e-mail your submission to [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

The Council will be live streaming its meetings.

This meeting will be streamed live here: <https://www.westberks.gov.uk/easternareaplanninglive>

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<https://www.westberks.gov.uk/councilmeetingslive>

#### **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, 26 May 2020

#### **FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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](mailto:planapps@westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 3 June 2020**  
*(continued)*

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Stephen Chard / Jessica Bailiss on (01635) 519462/503124 Email: [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk) / [jessica.bailiss@westberks.gov.uk](mailto:jessica.bailiss@westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 3 June 2020**  
(continued)

- To:** Councillors Jeremy Cottam, Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask and Joanne Stewart
- Substitutes:** Councillors Peter Argyle, Graham Bridgman, Owen Jeffery, Nassar Kessell, Richard Somner and Keith Woodhams
- 

# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting.
2. **Minutes** 5 - 20  
To approve as a correct record the Minutes of the meeting of this Committee held on 13<sup>th</sup> May 2020.
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: 19/02879/FULD - Theale Motor Ltd, Theale** 21 - 40  
**Proposal:** Demolition of former commercial unit and erection of a retail unit, 9 dwellings including parking, bins and landscaping.  
**Location:** Theale Motor Ltd, Church Street, Theale  
**Applicant:** Red Line Land Theale Ltd  
**Recommendation:** Delegate to the Head of Development and Planning to grant planning permission.

### Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and



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- relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
  - (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
  - (e) The Human Rights Act.

Sarah Clarke  
Service Director (Strategy and Governance)

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

### **EASTERN AREA PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 MAY 2020**

**Councillors Present:** Jeremy Cottam, Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Graham Pask, Joanne Stewart and Keith Woodhams (Substitute) (In place of Geoff Mayes)

**Also Present:** Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), Bob Dray (Development Control Team Leader), Kevin Griffin (Head of Customer Services & ICT), Phil Rumens (Digital Services Manager) and Shiraz Sheikh (Legal Services Manager)

**Apologies for inability to attend the meeting:** Councillor Geoff Mayes

#### **PART I**

##### **1. Election of the Chairman**

Stephen Chard invited Members of the Eastern Area Planning Committee to nominate and vote on the position of Chairman for the coming year.

**RESOLVED that** Councillor Alan Law be elected as Chairman of the Eastern Area Planning Committee for the 2020/21 Municipal Year.

##### **2. Election of the Vice-Chairman**

The Chairman invited Members of the Eastern Area Planning Committee to nominate and vote on the position of Vice-Chairman for the coming year.

**RESOLVED that** Councillor Alan Macro be elected Vice-Chairman of the Eastern Area Planning Committee for the 2020/21 Municipal Year.

##### **3. Minutes**

The Minutes of the meeting held on 11 March 2020 were approved as a true and correct record and signed by the Chairman.

##### **4. Declarations of Interest**

There were no declarations of interest received.

##### **5. Schedule of Planning Applications**

The Chairman explained that there would be a single debate for agenda items 6(1) and 6(2). These two applications sought planning permission and listed building consent for the same site, West Streatley House. There would however be two separate votes on the items.

###### **(1) Application No. & Parish: 20/00221/HOUSE - West Streatley House, High Street, Streatley**

The Committee considered two reports (Agenda Items 6(1) and 6(2)) concerning Planning Application 20/00221/HOUSE in respect of the demolition of the side extension (utility room) and the rebuilding of the extension to be more in keeping with the

## **EASTERN AREA PLANNING COMMITTEE - 13 MAY 2020 - MINUTES**

architectural style of the main house and concerning Planning Application 20/00222/LBC2 which sought listed building consent.

Mr Bob Dray, Development Control Team Leader, introduced the reports and highlighted the following points:

- The application site was located in the defined settlement boundary of Streatley. The principle of the extension was acceptable subject to compliance with the relevant adopted policies.
- The Conservation Officer had commented that the existing single storey extension was unsympathetic to the main dwelling for a number of reasons. The Conservation Officer therefore raised no objections to the principle of replacing the existing extension with an improved extension that removed existing issues.
- The applicant's motivation for the proposed demolition and rebuilding of the side extension was not a material planning consideration. This application needed to be considered on its own merits.
- Additional conditions were proposed in the update report for the granting of listed building consent as requested by the Conservation Officer.

As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

In accordance with the Extraordinary Council resolution, written submissions had been received from Mr Lloyd Jenkins, objector, and Ms Maria Peralta, agent. These submissions related to both applications.

Written submissions were read out by the Clerk to the Committee:

### **Objector Representation**

The written submission of Mr Jenkins was read out as follows:

- This was a joint submission by 11 separate households of local residents who objected to the applications. Mr Jenkins acted as signatory on their behalf.
- The objectors had reviewed the committee reports prepared by Ms Lucinda Pinhorne-Smy and made the following further representations to the Members of the Committee:
  - a. The Planning Officer had rightly dismissed the applicant's stated primary motivation for these applications – namely to gain temporary access to the rear of the property for building works – as not being a valid basis for planning consent.
  - b. However, rather than reject the applications on this fundamental basis, the Planning Officer continued to review secondary proposals for minor works to the extension itself. Clearly, the scope of these works did not require the entire extension, a listed building, to be fully demolished and rebuilt; a purpose serving only to achieve the (irrelevant) access described above. As such, objectors did not believe enough emphasis was placed on the excessive nature of the proposals to demolish and rebuild the extension, given only the ancillary works to it.
  - c. The Committee had a duty to consider the wider impact of individual applications. In this case, two dangerous precedents risked being set:

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- i. Allowing an unnecessary demolition of a listed building could open the flood gates to similarly excessive applications, contrary to the interests of the Secretary of State; and
  - ii. Providing the applicant with grounds to pursue a legal case for access across protected land owned by Streatley Parish Council. If consent was granted, the applicant would use temporary access to build a garage and standing area for six cars in the garden; with the extension rebuilt and no front access, the garage's existence could be used in a legal case to force access to it from the rear, over ground not intended for vehicular use. This too risked opening the flood gates to similar applications.
- In summary, local residents remained united in their objections to these applications, driven solely by an intent to build to the rear of West Streatley House and force access from that direction, something the community would at no point contemplate.
  - Press coverage in the Reading Chronicle was noted.

### **Agent Representation**

The written submission of Ms Peralta was read out as follows:

- The single storey northerly extension to be replaced was built in the 1970s as a garage and was refurbished at the turn of the 21st Century to a storage/ancillary space for the Grade II listed building of West Streatley House.
- The design of the existing extension was poorly constructed and out of character with the main house, with incorrect proportions and inadequate detailing at the eaves where it abutted the house.
- The current proposal rectified the short-comings of the existing structure whilst aiding the construction of the consented scheme for the rear single storey extension – one project aiding the other. This scheme would:
  - Deliver improvements to the proportions of the street-side elevation to West Streatley House.
  - Enable the build to take place prudently and as drawn.
  - Deliver improved efficiency of the construction process for the consented scheme by the management of construction vehicle movement, where possible, to reduce any potential pressure on the already busy High Street.
  - Enable the construction work to be completed within a satisfactory building programme.
- West Streatley House was in a sad state of repair and in urgent need of the construction programme commencing. The applicant was keen to occupy the building as her home with the improvements completed. The building would undergo a scheme of consented refurbishment and extension that would benefit the property for many years to come. The programme would include landscaping and general enhancement of the setting, a scheme befitting a Grade II Listed Building of such quality.
- The consented and recent proposals had been beset by rumours and inaccuracies through social media and the local parties, but had also gained much local support.
- The applicant was currently living in a rented property and ultimately was wanting to start work on site to be able to live in the house as her main residence and thrive

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within the local community; where West Streatley House would be allowed to embrace its standing as an asset of Streatley's High Street.

### **Ward Member Representation**

Councillor Alan Law in representing the Committee as Ward Member made the following points:

- He commented that the application, to demolish an existing extension and replace with a new extension, appeared straight forward.
- A key question, as this was a listed building, was whether or not the proposal would enhance the building. The Conservation Officer was of the view that the proposal would be an improvement over the existing extension.
- Objectors had raised a concern that a main reason for the proposal to demolish the existing extension was to secure temporary access to the rear of the property in order to carry out consented building works. Access to the property from the rear was disputed. The agent's statement concurred by stating that an ancillary reason for the application was to 'aid the construction of the consented scheme for the rear storey extension.' This related to consented application 19/01227/HOUSE.
- Consented application 19/00878/HOUSE had also received objections. This was for a single storey detached outbuilding comprising a double garage with associated car port and store, and parking for six vehicles at the rear of the house. A particular concern of residents, not mentioned by the agent, was that this scheme would be built despite the ongoing vehicle access dispute to the rear to enable the garage to be used. Planning Officers would likely advise that this was a civil matter and not a planning matter, but Councillor Law felt that this brought the reasoning for today's planning applications into question.
- The second main concern of objectors, one that was shared by Councillor Law, was the harmful impact of construction traffic and parking on the High Street. Traffic congestion and parking was the major issue for the village. Traffic measurement work was ongoing prior to the potential implementation of mitigation measures. However, the use by construction vehicles of the few remaining spaces would add to this problem. The delivery of construction materials was also a concern in this regard as traffic flow would be blocked while deliveries took place.
- These were important points for the Committee to consider.

### **Member Questions of the Ward Member**

In response to a question from Councillor Graham Pask, Councillor Law confirmed that planning permission had been granted for 19/01227/HOUSE and 19/00878/HOUSE, both of which related to the rear of West Streatley House.

Councillor Law also confirmed the view that if the permitted garage was built but not used, this was a legal matter and not a planning matter.

### **Questions to Officers**

Councillor Alan Macro queried whether the Council could enforce the build of the replacement extension once the existing extension had been demolished. Mr Dray explained that completion would not ordinarily be a condition as this would be considered as unreasonable. However, if during the debate, a planning reason was identified for work to take place swiftly then this could be looked at to see if a reasonable condition could be worded.



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Councillor Ross Mackinnon referred to the approved planning applications for works to the rear of the property and queried if any conditions for those applications related to this proposed extension. Mr Dray did not believe this would be the case as conditions would need to relate to the application in question.

Councillor Mackinnon then queried the level of consideration that had been and could be given to the impact caused by construction traffic and parking. The construction period could last for a significant period of time. In response, Mr Dray advised that no highways objections had been raised. However, the Committee could look at conditions that would enable some controls over construction traffic and parking during the construction process.

Gareth Dowding, Principal Engineer, agreed that conditions could be added to safeguard existing access points and residents from construction traffic and deliveries.

Councillor Tony Linden queried if the Council would be liable to costs if they refused these two applications. Mr Dray stated that the officer recommendations for approval were reasonably confident based on the merits of the applications. However, if during the debate the issue of costs became a potential concern, then Mr Dray would raise this.

### **Debate**

Councillor Pask opened the debate by stating that he understood the concerns raised by objectors. However, the Committee had to focus on the applications before them. The existing side extension proposed for demolition was not of a good quality. Once demolished, Councillor Pask felt it was likely that the already permitted works would take place to the rear of the property and access would be achieved via the temporary access that would be created. A question would remain about ongoing use of the garage when the replacement extension was built when there appeared to be no legal right of access at the rear of the property, however Councillor Pask did not feel that was a planning consideration for this debate.

Councillor Pask supported the proposal to rebuild the extension to a much higher standard than the existing extension.

He agreed that parking and traffic congestion were particular issues in Streatley and stated that, if approved, it was imperative that delivery of construction materials took place outside of rush hours. Control of construction vehicle parking should also be considered.

Councillor Jeremy Cottam agreed that the proposal would be an improvement on the existing extension. This was particularly important as this was a listed building.

Councillor Macro, at a recent site visit in Streatley, observed that traffic had gridlocked due to a bus being unable to pass a parked vehicle. He therefore agreed that the delivery of construction materials and storage of materials needed to be conditioned. Conditions were also needed to ensure the completion of works within a timescale and to set working hours to limit disruption to neighbouring residents.

Councillor Jo Stewart agreed that conditions should look to ensure that the replacement extension was built. She also agreed that these applications needed to be considered in isolation from the already granted applications.

Councillor Law referred to the agent's representation. This made reference to only seeking access to the rear for the build of the conservatory extension, but not the car port. Councillor Law queried whether approval of the applications could enable the build of the car port. Mr Dray stated that this would not be part of any permission, should permission be granted, on today's applications, but there would be nothing to stop them doing so. There were no conditions in the already approved applications that would tie in

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with a decision notice following today's meeting. Mr Dray felt that nothing could prevent the applicant from using the access to build the car port once the side extension had been demolished.

Mr Dray then commented on the potential for a completion condition and reiterated the need for this to be reasonable. He felt that a condition preventing demolition until a full scheme of works had been commissioned to complete the demolition and rebuild as a single project may be an appropriate condition. Should Members be minded to approve the application, then Mr Dray felt that they could delegate to officers to form the necessary wording for such a condition. Councillor Law offered to input with local knowledge in terms of setting timescales for works including working hours and delivery hours.

Councillor Pask then proposed acceptance of Officers' recommendation to grant planning permission for planning application 20/00221/HOUSE subject to the additional conditions proposed in relation to needing to commission the full scheme of works before the existing extension was demolished, for a construction method statement, and for time restrictions on construction deliveries and working hours.

Councillor Keith Woodhams seconded the proposal. He queried whether there would be scope for construction workers to park away from the site and be transported in via mini-bus.

Mr Dray then clarified that the proposal was to grant conditional planning permission in accordance with the Officers' recommendation in the reports, together with three additional conditions on the planning permission: hours of work, hours to make construction deliveries, and for a Construction Method Statement. The Construction Method Statement would incorporate a number of factors into a single plan including parking and unloading of materials. This could potentially encompass the mini bus for construction workers.

Hours of work and deliveries would be restricted to 9.45am – 4.00pm (Monday to Friday) and 8.30am – 1.00pm on Saturdays.

Mr Dray also confirmed that a condition would be formulated that required the commissioning of the full scheme of works before the existing extension was demolished. This would ensure the works took place as a single project. Members would be asked to delegate authority to officers for formulate the wording of this condition.

Delegated authority would also be sought for officers to agree the pre-commencement conditions with the applicant.

Both Councillor Pask as proposer and Councillor Woodhams as seconder were content with the conditions outlined by Mr Dray.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission (pursuant to application 20/00221/HOUSE) subject to the following conditions:

### **Conditions**

#### **1. Commencement of development**

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**

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The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

1618-L04 (Block Plan), received 28th January 2020

1618-P31 (Existing Elevations), received 28th January 2020

1618-L01 (Location Plan), received 28th January 2020

1618-P30B (Proposed floor plans), received 10th March 2020

1618-P32C (Proposed Elevations), received 10th March 2020

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

### 3. Samples

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

Reason: To ensure that the materials are appropriate to the special qualities of the Conservation Area, and the setting of nearby listed buildings. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### 4. Rainwater goods

All new rainwater goods shall be cast iron painted to match the existing.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### 5. Construction method statement

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include measures for:

- (a) 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) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (e) Temporary access arrangements to the site, and any temporary hard-standing;
- (f) Wheel washing facilities;
- (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (h) Hours of construction and demolition work;
- (i) Hours of deliveries and preferred haulage routes.

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

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is

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required because the CMS must be adhered to during all demolition and construction operations.

### **6. Hours of work (construction/demolition)**

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

Monday to Fridays: 09:45 to 16:00

Saturdays: 08:30 to 13:00

No work shall be carried out at any times on Sundays or Bank Holidays

Reason: To safeguard the amenities of adjoining land uses and occupiers and to avoid vehicular conflicts on the public highway. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **7. Delivery hours (construction/demolition)**

No deliveries during the delivery phase shall be taken at or despatched from the site outside the following hours:

Monday to Fridays: 09:45 to 16:00

Saturdays: 08:30 to 13:00

No deliveries shall be carried out at any times on Sundays or Bank Holidays

Reason: To safeguard the living conditions of surrounding occupiers and minimise the impact on the local road network during peak hours. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8. Contract for demolition and rebuild**

No works for the demolition of the existing side extension shall take place until a valid contract for the carrying out and completion of its full demolition and the erection of the replacement side extension (for which planning permission is hereby granted) has been entered into, and evidence of that contract submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the demolition is followed by rebuilding within a single programme of works to ensure the timely rebuild of the replacement extension, in order to maintain the character and appearance of the grade II listed building and the conservation area. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

Councillor Pask then proposed acceptance of Officers' recommendation to grant listed building consent for planning application 20/00222/LBC2 subject to the conditions in the planning report and the update report. This was seconded by Councillor Woodhams.

**RESOLVED that** the Head of Development and Planning be authorised to grant listed building consent subject to the following conditions:

#### **Conditions**

##### **1. Commencement of works**

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

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

### **2. Approved plans**

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

1618-L04 (Block Plan), received 28th January 2020

1618-P31 (Existing Elevations), received 28th January 2020

1618-L01 (Location Plan), received 28th January 2020

1618-P30B (Proposed floor plans), received 10th March 2020

1618-P32C (Proposed Elevations), received 10th March 2020

The works shall be carried out in strict conformity with the approved plans and associated approved submitted information.

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

### **3. Samples**

No above ground development shall take place until samples and an accompanying schedule of all materials and finishes visible external to the building have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **4. Rainwater goods**

All new rainwater goods shall be cast iron painted to match the existing.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **5. Making good**

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

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **6. Details of openings**

No works to window or door openings shall take place until detailed plans and specifications of such works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows and doors shall be installed in strict accordance with the approved details.

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Reason: To protect the special architectural or historic interest of the building. This condition is applied in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **7. Details of roof eaves and fascias**

No works shall take place to the roof until detailed plans and specifications of the eaves and fascia have been submitted to and approved in writing by the Local Planning Authority. Such details shall be provided at a minimum scale of 1:20. Thereafter the eaves and fascias shall be installed in strict accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is applied in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **(2) Application No. & Parish: 20/00222/LBC2 - West Streatley House, High Street, Streatley**

The debate and resolution for Agenda Item 6(2), concerning Planning Application 20/00222/LBC2 which sought listed building consent, was contained within Agenda Item 6(1).

### **(3) Application No. & Parish: 19/02522/FUL - Church View Barn, Back Lane, Stanford Dingley**

The Committee considered a report (Agenda Item 6(3)) concerning Planning Application 19/02522/FUL in respect of the demolition of a side extension (utility room) and the rebuilding of the extension to be more in keeping with the architectural style of the main house.

Mr Bob Dray, Team Leader – Development Control, introduced the report and highlighted the following points:

- The application had been brought to Committee due to the level of objections and because Officers were recommending permission be granted.
- The application site was within the Area of Outstanding Natural Beauty (AONB) and had no settlement Boundary.
- The table on page 43 of the report showed comparative dimensions between the existing stable block and proposed building, which highlighted the increase in scale.
- Originally there had been plans to site a larger building to the west of the site against the boundary. There had however, been concerns raised about the loss of amenity to number five and that it had been positioned directly opposite the listed building. The design of the previous scheme had been considered to be bulky in the proposed position and was slightly taller the current proposal at 3.98 metres height.
- Regarding the change of use, there was no record of the western end of the site having consent for residential use, hence the proposed change of use was incorporated into this application.
- The main issues with the application were set out within the report and because the site was outside of the settlement, Planning Policy C6 applied to the

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application. This policy ensured extensions built in the countryside were subservient to a main dwelling.

- In the view of Officers the scaling and size of the proposal was subservient to the main dwelling. It would replace a building that was similar in scale.
- Officers were content regarding the impact on neighbouring amenity and that separation distances were acceptable. Any issues regarding the impact on amenity to number five relating to the previous proposal had been overcome. Any concerns raised by the Conservation Officer had also been overcome.
- Regarding the extension of the curtilage in the countryside this would ordinarily conflict with Planning Policy C8. However, based on evidence that was consistent with comments in the representations, the area in question had been used as a garden for at least ten years. This would mean that its use as a garden was immune from enforcement action. The ability for the applicant's to make a Lawful Development Certificate was therefore a material consideration for this application, including the ability to remove permitted development rights to conserve local character, and this outweighed the conflict in the view of Planning Officers.
- Regarding the update report, there had been no further representations received. The recommendation regarding the commencement condition had been amended to account for the change of use being retrospective. There was an additional condition to ensure the pedestrian gates were provided before the garage was brought into use.

As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

In accordance with the Extraordinary Council resolution, written submissions had been received from Mr Fullerton, objector.

Written submissions were read out by the Clerk to the Committee:

### **Objector Representation:**

The written submission of Mr Fullerton was read out as follows:

- Mr Fullerton was the direct neighbour of Church View Barn and owner of Chalk Pit Cottage.
- This updated planning application for a new garage (to be clear, not a replacement one, as the current structure is wooden stable block, designed for equestrian use and with a much lower roof line), change of use to residential use, associate parking and landscaping was an improvement to the previous planning application siting which I objected to (and so did a further 10 residents), as the new proposed location had been moved away from being opposite to our Grade II listed cottage and nearer to the main building of the property. However, Mr Fullerton believed the Committee should still consider that this application was a fundamental change to the workings of the property, with a change to the main driveway and thus a change to how the original planning application for the build of the house was approved (some 12 years ago). Mr Fullerton had concerns about the change of use of the paddock area to residential use and if this was approved it must come with restrictions on any further building on the land whatsoever (I would not think it fair if this application was then

## **EASTERN AREA PLANNING COMMITTEE - 13 MAY 2020 - MINUTES**

only used for getting the change of use, followed by a new planning application to position the garage at the previous location).

- Mr Fullerton was also of the view that the Committee should consider how this planning design for the property was applied for in two parts, firstly by gaining planning application for the conversion of the existing internal garages into living accommodation and only then later applying for separate planning permission for this detached garage. This had been tried unsuccessfully by another new build near our property (Blossom Cottage) and this new application might set some precedent for such a method of getting new detached garages built, especially at the other property.

### **Ward Member Representation:**

Councillor Graham Pask in addressing the Committee as Ward Member raised the following points:

- What had been read out from Mr Fullerton, who represented the neighbours who lived opposite the application site, clearly reflected the concerns of residents.
- There had been much improvement from the original scheme, in that the proposed building would be positioned lower; would be smaller in size and was set back closer to the property itself, positioning it further away from the row of terraced houses.
- Councillor Pask thanked Planning Officers for the comprehensive report.
- Main concerns stemmed from development of the site that had happened 12 years previously, when the dwelling on the site had almost doubled in size. Recently the double garage had been converted into living space for the main house.
- The plot was located in the countryside where there were many bridleways. There were many riding establishments in the local area and many properties had stables/paddocks for equestrian use. Councillor Pask was concerned about the change of use of the land to domestic curtilage.
- It had been reported to the Committee that the land in question had been used for domestic use in excess of ten years. He highlighted that this was where concerns had stemmed from.
- Councillor Pask was interested to hear the Committee's view of the application.
- The current application was a huge improvement from the original scheme however, he sympathised with the concerns raised by residents.

### **Member Questions to the Ward Member:**

There were no Member questions.

### **Member Questions to Officers:**

Councillor Alan Macro stated that he had viewed the site on Google StreetView and it seemed that the stable block had already been demolished. Councillor Macro queried if this was the case and if it would impact on the context of the application.

Mr Dray stated that he was not aware that the stable block had already been demolished and queried the date of the image Councillor Macro had viewed. Mr Dray stated that he would check the image that Councillor Macro was referring to and report back to Members. Councillor Pask stated that he was also not aware that the stable block had been demolished. Mr Dray stated that if the Committee resolved to grant planning permission and it was subsequently found the stable block had been demolished, then



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any necessary minor amendments to conditions could be made under delegated authority in consultation with the Chairman.

Councillor Jeremy Cottam queried if there were any further stables on the site. Mr Dray stated the existing stables were the only stables on the site. If in the future there was a desire for a stable block on the land then this would need to be considered on its own merits however, previous extensions would help inform any decision making. Councillor Cottam referred to points raised by Councillor Pask regarding the eradication of good use of the countryside. He felt that it would be helpful to advise the applicant that the Council would be concerned about any future applications for further stables.

Councillor Alan Law stated that the report made the point that the original building was half the size of the dwelling that was erected on the site in 2008. Councillor Law felt that any extension should be judged against the original building that stood on the site prior to 2008. He noted that the report highlighted that the application contradicted planning policy however, stated that mitigation had taken place. Councillor Law queried the mitigation argument and asked for clarification. Mr Dray clarified that the starting point for assessing this application was against Policy C6, including whether the proposal was subservient to the original dwelling, and that the "original dwelling" in this specific policy context would be the replacement dwelling as built circa 2008, not the former dwelling that preceded it. However, he also advised that the historical growth of built form on the site was also relevant as a material consideration.

Councillor Law sought further clarification. In 2008 the building had been increased in size by 108% and he asked if he was correct in understanding that the building size prior to this increase could not be judged against. Mr Dray stated that in terms of the interpretation of Policy C6 the term 'original as built' must be taken as the new dwelling in its original form. Members could however, also consider growth over time if they believed it to be relevant. Section 6.9 of the report had taken into account the overall growth on the site and that the replacement dwelling in 2008 was a 108% increase in floor space compared to the dwelling that originally stood on the site prior to 2008. This section of the report also considered the character of the area and the scale of other buildings in the vicinity. All elements had supported Officers in making a decision regarding the proposal. Councillor Law confirmed that he was satisfied with the response from Mr Dray and the information contained in section 6.9 of the report.

Councillor Pask referred to the percentage increases that had once been used in planning and as far as he understood these increases were not supposed to be incremental. He noted that the dwelling on the site was already 108% larger than what had originally stood on the site. There was now a proposal to change the stable into a garage and therefore further increasing the domestication of the site and its character. Councillor Pask asked if it was irrelevant to the application that there had already been an increase of 108% from a small cottage on the site. Mr Dray stated that it was not irrelevant however that application was compliant to policy, regarding subserviency, design and being in-keeping. Officers had viewed other material considerations and it was felt that the proposal was acceptable.

### **Debate:**

Councillor Tony Linden stated that he had listened to the view of the Officer and of the Ward Member and he was minded to support approval of the application. He proposed that Members agree the recommendation by Officers to grant planning permission.

Councillor Cottam voiced his concern about the application and felt that the historical aspect that had been discussed must be taken into consideration when making a decision. He was concerned about the level of growth on the site given the rural location.

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He felt that the applicant had deliberately sought to change the use of the original garage into living space and now wanted to resolve this by creating a garage that was double the size.

Councillor Macro concurred with Councillor Cottam. He had viewed the current Google satellite view of the site and the stable block was present however, the street view for 2010 showed that it was not there at that point. Councillor Macro felt concerned about the amount of building that had taken place on the site and felt that it was stretching planning policy to its limit.

Councillor Keith Woodhams stated that he had listened to the debate and was happy to second the proposal by Councillor Linden.

Councillor Pask queried if Councillor Linden's proposal was subject to the removal of permitted development rights on the site and Councillor Linden concurred with Councillor Pask. Mr Dray stated that such matters were captured by the conditions in the recommendation.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Linden, seconded by Councillor Woodhams. At the vote the motion was refused.

Councillor Macro proposed that planning permission be refused, against the recommendation by Officers due to accumulation of development on the site and because the application conflicted with planning policies for the countryside. This was seconded by Councillor Cottam.

Mr Dray summarised that essentially the proposal failed to respect the character and appearance of the area and summarised the reasons for refusal including the amount of extensions that had taken place over time on the site; the effect on the character of the area with respect to rurality and because the proposal was against Planning Policy C6 and other linked policies.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Macro, seconded by Councillor Cottam to refuse planning permission. At the vote the motion was carried.

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

- 1) The application site is located in an area of open countryside within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The host dwelling is itself a substantial replacement dwelling that has doubled the amount of built form at the site since 2007. The integral garage has subsequently been converted to additional living accommodation. The site is therefore particularly sensitive to further inappropriate forms of development.
- 2) Owing to its location, size, height, scale, massing, character and appearance, the proposed building would not be an appropriate development in the context of the existing settlement form, pattern and character. The cumulative effect of the existing development on the site and the new development proposal would be to detract from the rural character and appearance of the area.
- 3) The proposal therefore conflicts with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD, the North Wessex Downs AONB Management Plan 2019-24, the Stanford Dingley Parish Design Statement (2010), Part 2 of the Council's adopted Quality Design SPD (2006) and the Council's House Extensions SPG.

**EASTERN AREA PLANNING COMMITTEE - 13 MAY 2020 - MINUTES**

*(The meeting commenced at 6.30 pm and closed at 8.08 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	19/02879/FULD Theale	16 <sup>th</sup> January 2020 <sup>1</sup>	Demolition of former commercial unit and erection of a retail unit, 7 dwellings including parking, bins and landscaping.  Theale Motor Ltd, Church Street, Theale, RG7 5BU.  Red Line Land Theale Ltd.

<sup>1</sup> Extension of time agreed with applicant until 5<sup>th</sup> June 2020.

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02879/FULD>

**Recommendation Summary:** The Head of Development and Planning be authorised to grant planning permission subject to the completion of a Section 106 Legal Agreement (otherwise refuse planning permission).

**Ward Member(s):** Councillor Alan Macro

**Reason for Committee Determination:** Called in by Councillor Macro because of potential effects on nearby listed buildings, conservation area, and the amenity of neighbouring residents.

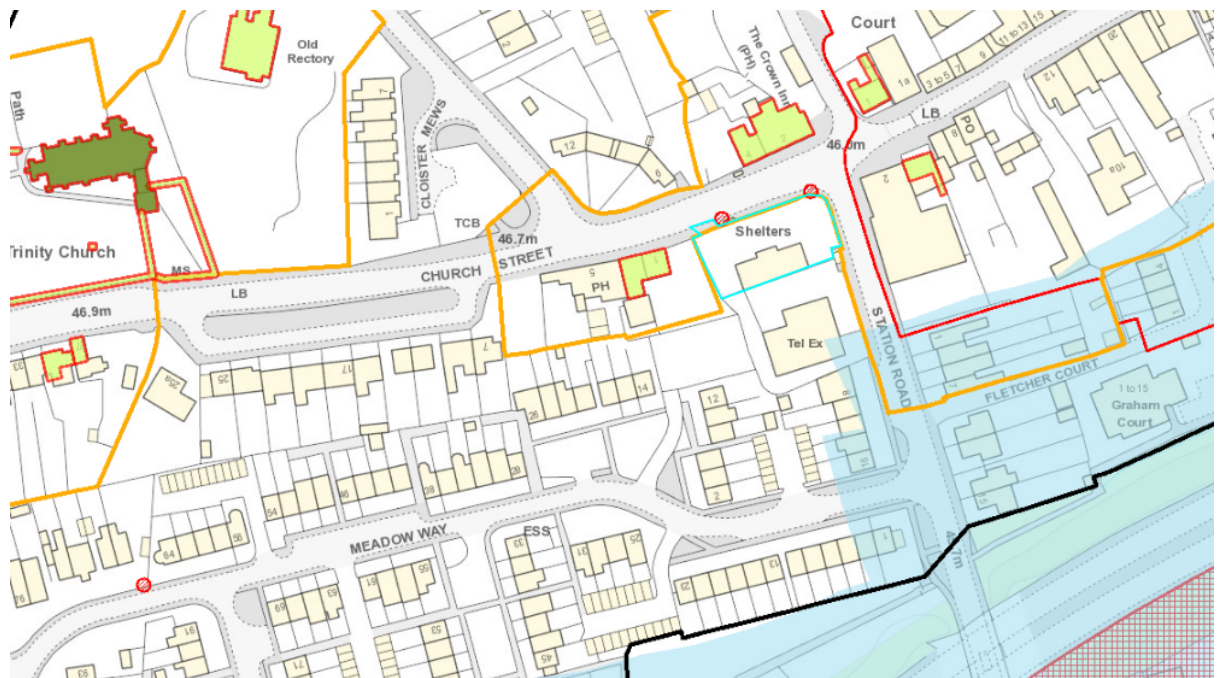
**Committee Site Visit:** Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

## Contact Officer Details

**Name:** Lydia Mather  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Lydia.mather@westberks.gov.uk](mailto:Lydia.mather@westberks.gov.uk)

# 1. Introduction

- 1.1 This application seeks full planning permission for demolition of the commercial unit on site and erection of a retail unit, 7 dwellings including parking, bin storage and landscaping. The site has been in use for car sales with a single storey building set to the rear of the site of 7.1m in height and the rest of the site open with a tarmac surface for the display of vehicles for sale.
- 1.2 Key constraints and designations are illustrated in the image below. The site is within the settlement boundary of Theale (black line), bounded on 3 sides by the conservation area (yellow line). There are 2 tree protection orders on the Church Street boundary (red circles), and several listed buildings (shaded green) including directly opposite and neighbouring to the west. The surrounding area is generally of archaeological interest, with numerous records in the Historic Environment Record centred around the former A4 Bath Road (a probably medieval road). The town centre commercial areas is to the east of the site (red line). The application site is within Flood Zone 1, but land to the south is within Flood Zone 2 (light blue). To the south, beyond the railway is a protected employment area.



- 1.3 The retail floor space would be 182m<sup>2</sup>. The remainder of the ground area would have 14 parking spaces, cycle storage, bin stores, an amenity area of approximately 65m<sup>2</sup> with some landscaping to the front of the building. Some of the parking would be undercroft parking. The vehicular access would be via the existing dropped kerb off Church Street to the west of the site.
- 1.4 Of the 7 flats, 2 would be on the first floor, and 5 would be duplex apartments across the first and second floors. The flats would vary in size from 39.9m<sup>2</sup> to 85m<sup>2</sup>. As well as the amenity area to the rear of the site at ground level all but one of the flats would have small balcony terraces to the rear of the building at first floor level totalling approximately 78m<sup>2</sup>.
- 1.5 The proposed building would be tiered in height, rising from west to east; from 6.4m, to 7.1m, to 8.3, to 8.5m. It would also increase in overall depth from 10.3m to the west to 15.6m to the east. The materials are stated on the plans as being a combination of red brick, grey brick, clay tile hanging, natural slate roof tiles, red clay roof tiles, stone/render

window surrounds, aluminium frame dormer cheeks & fascias, and aluminium framed windows for the retail unit.

## 2. Planning History

2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
19/00504/FUL	Demolition of former commercial unit and erection of a retail unit, 9 dwellings including parking, bins and landscaping.	Refusal 2019
14/01322/OUTMAJ	Outline application for the erection of 10 no. 1 bedroom apartments with associated amenity space and car parking. All matters reserved.	Withdrawn 2014
13/02958/ADV	Advertisement consent for fascia sign, two free standing welcome signs and wall sign.	Approval 2014
140820	Advertisement consent for pole sign, 2 canopy edge gulf logos and a poster sign.	Approval 1992
101580	Provision of car showroom.	Approval 1974
101732	5,000 gallon single compartment underground petrol tank in existing petrol filling station forecourt.	Approval 1974

## 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed on 28 November 2019 on a lamp post; the deadline for representations expired on 19 December 2019. A public notice was displayed in the Reading Chronicle on 28 November 2019.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floor space (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
- 3.4 The original submission was for 9 dwellings. The latest amendments have reduced this to 7 dwellings and the amended plans consulted on with all stakeholders.

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Theale Parish Council:</b>	Objection which was maintained with amended plans. Matters raised: loss of light to neighbouring properties; inadequate parking provision; lack of clarity re bin storage/collection; not in keeping with street scene; inadequate amenity for residents; overlooking gardens on Station Road; and inappropriate development in proximity to a conservation area and listed buildings.
<b>Environment Agency:</b>	Initially no comments to make. Subsequently no objection subject to conditions.
<b>Thames Water:</b>	No comments received.
<b>Highways Authority:</b>	Initial comments requested amendments to the access, parking layout and cycle storage layout. Amended plans resulted in no objection subject to conditions.
<b>Conservation:</b>	Initial objection. Last set of amended plans resulted in no objection.
<b>Archaeology:</b>	No objection.
<b>Waste Management:</b>	No comments received.
<b>Local Lead Flood Authority:</b>	No comments received initially. Subsequently no objection subject to condition.
<b>Environmental Health:</b>	No objection subject to condition.
<b>Housing Development Officer:</b>	Initial objection that affordable housing required as part of the scheme. Object to the small size of the proposed affordable unit.
<b>Tree Officer:</b>	Objection which was maintained with amended plans.

### *Public representations*

- 4.2 Representations have been received from 3 contributors, none of which support, and 3 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:



- Theale needs more industry, not dwellings – conversions into flats locally haven't sold;
- Impaired view of Theale Holy Trinity Church from Station Road;
- Proposal not in keeping with surrounding building or character of High Street;
- Residential development beyond capacity of local services;
- Lack of information on parking for the retail unit and who the retail unit would serve;
- Allowance on site to be made for off-road loading;
- Submitted Environmental Investigation appears to fall short of statutory guidance where the forecourt for the previous petrol filling station on site was and no review of planning history of the site; the intrusive survey isn't fully informed or testing robust, including groundwater quality, to adequately characterise the contamination on site and any associated mitigation; mitigation recommended is vague.

## 5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP4, CS1, CS4, CS6, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies ECON.5, TRANS.1, OVS.5, OVS.6, OVS.7, OVS.8 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage (2017)
- Manual for Streets

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Housing Mix and affordable housing
- Design, character and appearance including heritage
- Impact on quality of life
- Highways
- Flooding and drainage
- Biodiversity
- Green infrastructure

### ***Principle of development***

- 6.2 Policy ADPP1 directs development into settlements, Theale being identified as a rural service centre. Policy ADPP4 outlines that Theale and other settlements in the eastern area will accommodate new homes over the plan period. Policy CS1 states that new homes will be primarily developed on suitable previously developed land in settlement boundaries. Policy C1 of the Housing Site Allocations DPD states that there is a presumption in favour of development and redevelopment within a number of settlements, including Theale. Therefore the principle of new housing in this location is acceptable in principle under the policies of the local development plan.
- 6.3 With regard to the proposed retail element at ground floor level the site is located outside both the primary shopping frontage and town centre commercial area of Theale which terminate the other side of Station Road. As such policies ECON.5 and SHOP.1 do not directly apply in terms of seeking to maintain these areas for retail and commercial development. Policy CS11 identifies Theale as a district centre with regard to being a focal point for uses, services and facilities for the surrounding population and seeks to protect their vitality and viability. Being in close proximity to the town centre the proposed retail use is acceptable in principle under CS11 and provides units which could contribute to the viability and vitality of the town centre.
- 6.4 The proposal would result in the loss of an existing employment operation of the car salesroom. Whilst the loss weighs against the proposal there is no specific policy in this location to require its retention. Moreover, this is to be balanced against the proposed retail unit, which would provide a similar level of employment, in addition to the provision of housing. In this respect, the proposal is considered to be supported by policies within the development plan and NPPF that seek to make efficient use of land.

### ***Housing mix and affordable housing***

- 6.5 Policy CS6 requires 20% affordable housing for residential development of between 5 and 9 dwellings. For this development that equates to 1 unit. Under the National Planning Policy Framework paragraph 63 states that affordable housing should not be sought for non-major development unless it is in a designated rural area. Where vacant buildings are to be redeveloped affordable housing contribution should be reduced by a proportionate amount. In this instance the site is not in a designated rural area and it is not vacant.
- 6.6 The development plan is the starting point for determining planning applications. Policy CS6 is consistent with the National Planning Policy Framework paragraphs 60 and 61 in that it identifies the local need for housing, including tenure mix and affordable housing. There is a high need for affordable housing in the district, which is being addressed by this policy, and local affordability ratios are higher than the national average. As such local circumstances justify the seeking of affordable housing on non-major residential development, and the affordable housing requirement is set lower than for major development.
- 6.7 The original proposal did not include any affordable housing, but the amended plans include an affordable housing unit. The Council's Housing Service object to the size of the proposed unit as its floor space is 6.1 m<sup>2</sup> smaller than the Nationally Described Space Standard of 50 m<sup>2</sup> for a flat of this size. However, the Planning Practice Guidance stipulates that this standard may only be applied by reference to a policy in the adopted Local Plan. The standard is not referred to in any local development plan policy, and therefore an objection cannot be sustained on this basis. Whilst an objection cannot be made, the small size of the unit does temper the weight that can be applied to the benefit of the affordable unit in the planning balance.

- 6.8 Subject to negotiations on the detailed planning obligation, the proposed affordable housing offer accords with Policy CS6.
- 6.9 Policy CS4 on housing mix and density states that higher densities above 50 dwellings per hectare (dph) may be achievable in town centres, along main transport routes and close to transport nodes. Theale is close to main transport routes of the M4 and A4 and transport nodes with a train station and regular buses. As the scheme is for flats the dwellings per hectare is above 50 at 83.5 dph. Part of the housing mix consideration is the character of the surrounding area which is discussed in the next section.

### ***Design, character and appearance and heritage conservation***

- 6.10 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.
- 6.11 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 6.12 Policy CS 19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The policy also requires the conservation of heritage assets and their settings.
- 6.13 The application site is located in a prominent location adjoining the conservation area on three sides and in close proximity to a number of listed buildings. As such the Council's Conservation Officer was consulted. They note that the site is a prominent corner site that sits at the intersection of Church Street and Station Road. Therefore they advise that it is vital that the scale, height, form and design of any new buildings on this site are sympathetic to the character of the area, and successfully address both roads.
- 6.14 The application follows the recent refusal for redevelopment of this site (19/00504/FULD). The scheme was refused for a number of reasons, including its impact on the character and appearance of the conservation area. The current scheme has attempted to address this impact by replacing the previous mansard roof with a traditional pitched roof, and amending how the built form turns the corner. The height of the eaves has been reduced by just over 1m (when compared to the top of the previous parapet), and the overall height has been reduced by 0.4m on the previously refused scheme.
- 6.15 The shopfront is now more traditional, to identify this part of the building as having a different function, and add interest to the elevation. The balconies on the north facing gable have been removed where they were not a traditional feature of the conservation area, and where this part of the building faces directly into the historic thoroughfare that runs through the conservation area, so would impact on its character and appearance. The scale, and proportions of the 2 gables on the south elevation were considered out of keeping with the traditional narrow gables that characterise the area and have now been reduced to better reflect the scale and proportions of the surrounding buildings.
- 6.16 Where the site is in an area of potential archaeological interest the Council's Archaeological Officer has been consulted. They raise no objection. Under the previous application they advised that with the 2014 application they had advised an

archaeological investigation may have been required. They note a heritage impact assessment has been submitted although it does not cover archaeology. The submitted environmental assessment and borehole investigation indicate that there is likely to be little archaeological potential.

- 6.17 Overall the proposal is considered to respond to the setting of the conservation area in terms of the overall design, scale and height of the proposed building, in accordance with ADPP1, CS19 and CS14 subject to a condition on external materials.

### ***Impact on quality of life***

- 6.18 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design discusses light and private garden space.
- 6.19 Internally the layout provides windows for habitable rooms, with the exception of the kitchen area for unit 1 on the first floor. The internal areas of the units are roughly within the environs of the nationally described space standards for the 5x 2 bedroom units. Units 1, 2 are 10m<sup>2</sup> below the standards if occupied by 2 people, but would comply if occupied by 1 person. The Council has not adopted the standards as part of its development plan, which is a necessary precursor to apply the standard as a matter of policy, so this assessment is put forward solely as an indication or benchmark as to whether the quality of the design in terms of layout and amenity is acceptable.
- 6.20 The Quality Design SPD expects a minimum provision of 25m<sup>2</sup> external private amenity space for each 1 and 2 bedroom flat. For this development the total private amenity space required is at least 175m<sup>2</sup>. The combined external amenity areas of the communal area at ground floor and the 6 balcony terraces at first floor level is 143m<sup>2</sup>. There is therefore a shortage of 32m<sup>2</sup> for the whole development, or approximately 18%.
- 6.21 The communal amenity area appears to be accessible from the car parking area. So any occupant would need to exit the building at the front and walk through the car park to behind the retail unit. The area is between the proposed building and the boundary fence to the south east of the site. Overall it is unlikely to be of high quality amenity value, but as it would be an additional area to all but 1 flat without a balcony terrace it is considered, on balance, acceptable. Access to the communal amenity space is also shown from the retail unit and appears to be open to the car park, so would not be particularly private. However these access matters could be addressed by condition.
- 6.22 It is understood that the buildings immediately adjacent to the site are not in residential use. There is a flat above the retail unit the other side of Station Road, dwellings across Church Street and dwellings further south and west. The separation distance between buildings across the roads on the boundary of the site are less than 21 metres. As such there would be some overlooking from the proposed development. Overlooking across public roads and is not an uncommon arrangement, and the Quality Design SPD states that the perception of privacy at the front of a dwelling varies depending on location; therefore distances between building frontages will vary and in selected locations can be as close as 9 metres.
- 6.23 To the south of the site there are dwellings approximately 30 metres away. This is greater than the 21 metre separation distance for windows, and the first floor balconies would not be greater in height than the telecom exchange building immediately to the south, although 2 of the balconies would not be obscured by that building. The balconies would be screened, full details of which, including noise reduction screening, can be secured by condition. Whilst the proposed building would change the outlook from the

dwellings to the south the separation distance is such that it would be not be considered materially harmful under planning policy, or result in a harmful sense of enclosure to existing occupants. On balance the impact of the proposal on the amenity of occupants of adjacent buildings is considered to comply with development plan policies.

- 6.24 Environmental Health have been consulted on the application. They note the submitted site investigation clearly identifies the site is contaminated from a previous use as a petrol station. They advised that consultation is required with the Environment Agency and have recommended a full contaminated land condition of further site characterisation surveys, remediation scheme and implementation scheme, as well as reporting of any unexpected contamination and if necessary long term monitoring and maintenance. The Environment Agency has confirmed they should be consulted and have also advised land contamination conditions.
- 6.25 Due to the town centre location of the site and the proposed ground floor retail use a noise impact assessment is required to ensure measures can be included for the amenity of future occupants of the flats, and a condition on hours of work during demolition and construction.
- 6.26 The hours of the proposed retail unit have not been provided. A condition limiting these to minimise noise disturbance to residents above the retail units particularly at night and at weekends when residents are more likely to be at home is also considered necessary.
- 6.27 Overall the impact on amenity of the proposed development is considered on balance to provide an adequate level of amenity for its occupants and not to have a materially harmful impact on nearby residents such that the proposal accords with CS14 and the SPD on Quality Design.

### ***Highways***

- 6.28 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Policy P1 outlines the parking requirements for new residential development. Highways were consulted on the application. In their response they requested amended plans to demonstrate visibility splays of 2.4 by 43 metres could be achieved, and a width of 4.5 metres at the access to enable two vehicles to pass. It was also requested for the footway at the eastern corner of the site adjacent to the roundabout to be widened to 2m.
- 6.29 With regard to deliveries Highways note there are double yellow lines where delivery vehicles would stop on Station Road, but for the purposes of loading/unloaded this was accepted by them. They also accept the number of vehicle movements the development would generate. The number of car parking spaces proposed is in accordance with policy P1 but the size of the spaces was requested to be amended to allow for manoeuvring around pillars and by walls. The number of cycle stand were accepted, but amendments requested to ensure they are all accessible.
- 6.30 Amended plans were submitted and Highways confirmed they were acceptable subject to conditions on: details of footway construction for the footway; construction method statement; access closure; visibility splays; parking in accordance with plans; access construction; electric vehicle charge points; and cycle parking.
- 6.31 Waste Management was also consulted on the proposal. They did not respond but in their comments on the previous application they noted a bin store provided on the plans, but were of the opinion that was likely to be too small for the 1100 litre bulk refuse bins and 7 240 litre wheeled bins for recycling. Where the number of units has been reduced a larger bin store could now be accommodated and the number of bins required would be less. Therefore the required bin storage area can be secured by condition.

### ***Flooding and drainage***

- 6.32 Policy CS16 relates to flooding. The Council's land drainage officer has been consulted as well at Thames Water. Thames Water did not provide any comments but previously they did not raise any objections to the similar previous scheme. The Lead Local Flood Authority has recommended a condition for details of sustainable drainage measures in accordance with the supplementary planning document be applied.

### ***Biodiversity***

- 6.33 Policy CS17 of the Core Strategy requires biodiversity to be protected by development. A phase 1 ecological survey was submitted with the application which concluded that there were no protected species on site and that no specific mitigation measures for further surveys were therefore required. Additional planting as part of the scheme could provide biodiversity net gain benefits. Details of such planting can be secured by condition.

### ***Green Infrastructure***

- 6.34 Policy CS18 of the Core Strategy requires green infrastructure such as tree protection orders and public rights of way to be conserved by development. In their consultation response the Tree Officer noted that the site bounds a conservation area and TPO 52 had protected two horse chestnut trees and a replacement plane tree, all of which have since been removed and not replaced.
- 6.35 The Tree Officer had no additional comments to make on the proposal beyond their comments to the previous application. These were that the proposal is urban looking with only a token attempt at planting in what is an attractive small town centre. The proposed small trees shown on the plans to the rear of the site are considered by the Tree Officer to be all but invisible from public views of the site. Furthermore, being close to the parking area and neighbouring land, they will likely be subject to severe pruning over time. The proposal is therefore considered by them to lack landscaping and green space.
- 6.36 Policy CS18 states that development resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. In this instance the protected trees on site have already been lost and whilst there is some landscaping on site, it is quite limited. The proposed planting to the front isn't extensive, and that to the back is likely to be compromised by the proximity to the building proposed and the car parking spaces. However, overall the development proposed within this application is not considered contrary to policy CS18.

## **7. Planning Balance and Conclusion**

- 7.1 The National Planning Policy Framework is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions and should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. Conditions have been identified as outlined in the preceding sections.
- 7.2 The proposed retail unit and 7 dwellings, one of which would be affordable, would provide housing on a brownfield site, in a sustainable location within a rural service

centre. The development would make efficient use of land in a sustainable location whilst respecting the character and appearance of the area and conserving the setting of the surrounding heritage assets. This attracts significant weight. Some weight is given to the economic benefits during construction, and the employment within the proposed retail unit. Neutral weight is given to the impact on the conservation area, amenity space, landscaping, biodiversity and on-site parking of the proposal which are policy compliant. Moderate negative weight is given to the adverse impact of delivery vehicles parking on the highway for the retail unit. There would also be an adverse impact on the outlook of the nearby dwellings, but due to the separation distance being greater than that required by policy it is not considered materially harmful, and is therefore given limited weight.

- 7.3 The local development plan is considered up to date and as such the tilted balance of paragraph 11 of the National Planning Policy Framework is not considered to be engaged. Having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application complies with the development plan and that the benefits of the development outweigh the negative impacts. As such the recommendation is for conditional approval subject to the completion of a planning obligation to secure the affordable housing unit.

## **8. Full Recommendation**

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 7<sup>th</sup> August 2020 (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed within the prescribed timescale, to REFUSE PLANNING PERMISSION for the reasons listed below.

### ***Conditions***

1. **Commencement of development**

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 plans and documents listed below:

Drawings: 382-02-00; 382-02-10 Rev P8; 382-02-11 Rev P8; 382-03-01 Rev P8; 382-03-02 Rev P8; 382-03-03 Rev P8; 382-05-01 Rev P8; 382-05-02 Rev P8;

Documents: Odyssey Transport Statement and Highways Technical Note reference 18251; Phase 1 Environmental Investigation reference 3814/16; Design and Access Statement.

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

3. **Construction method statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) Details of the hours during demolition and construction when deliveries or vehicles taking materials will enter or leave the site
- (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (f) Wheel washing facilities
- (g) Measures to control of surface water run-off
- (h) Measures to control of rats and other vermin
- (i) Measures to control dust and dirt, smell and other effluvia during construction
- (j) The proposed method of piling for foundations (if any)
- (k) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (l) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007. A pre-condition is necessary because insufficient detailed information accompanies the application and the construction management scheme will be implemented at the start of the development.

4. **Contaminated land (investigation and remediation)**

No development\* shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. The above scheme shall:

- (a) Include a supplementary site investigation scheme (based on the Terramech site investigation that accompanied the application). A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).
- (b) Include a remediation scheme which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- (c) Include a monitoring and maintenance scheme\* to ensure the long-term effectiveness of the proposed remediation, including any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action; and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.
- (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

Thereafter, any approved remediation scheme, monitoring and maintenance measures shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.



If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

The development shall not be occupied\* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

(\* Unless otherwise agreed in writing by the LPA)

Reason: The site is a former petrol filling station with known hydrocarbon contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policies OVS.5, OVS.7 and OVS.8 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase.

#### 5. **Surface water drainage**

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, particularly the WBC SuDS Supplementary Planning Document December 2018;
- (b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- (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 flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- (f) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises.

The above sustainable drainage measures shall be implemented in full in accordance with the approved details and timetable. The sustainable drainage measures shall be maintained in the approved condition 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 in accordance with

the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy 2006-2026, and Part 4 of Supplementary Planning Document Quality Design June 2006. A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**6. Infiltration drainage systems**

No drainage systems for the infiltration of surface water to the ground shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any proposals for such systems shall be accompanied by an assessment of the risks to controlled waters.

Thereafter, any such drainage systems not be installed except in strict accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants where infiltration through areas of former contamination could mobilise pollutants into the groundwater, in line with paragraph 170 of the National Planning Policy Framework and policies OVS.7 and OVS.8 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**7. Visibility splays before development**

No other development, except demolition, shall take place until visibility splays of 2.4 metres by 33 metres have been provided at the access in accordance with Odyssey drawing number 18251-008 Rev A dated Feb 2020. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

**8. Electric vehicle charging points**

No development above ground level shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy P1 of the Housing Site Allocation DPD.

**9. Materials**

No development above ground level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character and conservation area in accordance with the National Planning Policy Framework, Policies ADDP, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

10. **Hours of work**

No demolition or construction works shall take place outside the following hours unless otherwise agreed in writing by the Local Planning Authority:

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 in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

11. **Access closure**

The existing vehicular access to the east of the site shall be stopped up and abandoned immediately after the works to provide the retained access hereby approved have been brought into use. The footway shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interest of road safety and highway maintenance in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

12. **Footway provision**

No dwelling shall be occupied until the 2 metre wide footway to be construction on the eastern corner of the site has been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority and in accordance with any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

13. **Refuse storage**

No above ground development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. No dwelling or retail unit shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

14. **Noise**

No dwelling shall be occupied until noise mitigation has been fully implemented in accordance with the details of a scheme for protecting the proposed dwellings, gardens and external amenity areas of the approved development from traffic and retail noise which has first been submitted and approved in writing by the Local Planning Authority. Thereafter the noise mitigation measures shall be retained and maintained.

Reason: To protect future residents from noise disturbance in accordance with the National Planning Policy Framework and policies CS14 of the West Berkshire Core Strategy 2006-2026 and policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

15. **Balcony screening**

No dwelling shall be occupied until balcony screens have been fully installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority of their materials including noise insulating properties.

Reason: To ensure privacy, in accordance with the National Planning Policy Framework, policy CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, and Supplementary Planning Document Quality Design 2006.

16. **Boundary treatments**

No dwelling shall be occupied until the boundary treatments have been provided in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan, indicating the positions, design, materials and type of boundary treatment to be erected, including to the amenity area for future occupiers and showing no access from the retail unit. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is 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, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, and Supplementary Planning Document Quality Design 2006.

17. **Access construction**

No dwelling shall be occupied until the works to the retained access have been constructed in accordance with the approved drawings.

Reason: In the interest of road safety in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

18. **Cycle parking**

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings unless otherwise agreed with the Local Planning Authority and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy P1 of the Housing Site Allocations DPD.

19. **Parking/turning**

No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans unless otherwise agreed with the Local Planning Authority. The parking and 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 in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

**20. Landscaping**

No dwelling shall be occupied until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include 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 scheme 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 as part of the details submitted for this condition.
- (b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

**21. Hours of operation for retail unit**

The use hereby permitted shall not be open to customers outside the following hours:

07:00-22:00 Mondays to Saturdays;  
10:00-17:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

***Heads of Terms for Section 106 Agreement***

**1. Affordable housing**

Unit 1 shall be provided as either social rented or shared ownership.

***Refusal Reasons (if Section 106 Agreement not completed)***

**1. Planning obligation**

The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an

affordability ratio above the national average. Compliance with Policy C6 through the provision of an affordable home is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.

### ***Informatives (approval)***

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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
3. The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.
4. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.
6. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 519169, before any development is commenced.



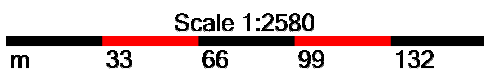
Map Centre Coordinates :

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	26 May 2020
<b>SLA Number</b>	0100024151



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