

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 29 JUNE 2022

Councillors Present: Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Carolyne Culver, Claire Rowles and Howard Woollaston

Also Present: Paul Goddard (Team Leader - Highways Development Control), Kim Maher (Solicitor), Simon Till (Principal Planning Officer (Team Leader)), Stephen Chard (Democratic Services Manager), Jack Karimi (Democratic Services Officer), Matthew Shepherd (Planning Officer) and Cheyanne Kirby (Planning Officer)

PART I

6. Minutes

Councillor Tony Vickers proposed a number of amendments to the Minutes of the meeting on 8 June 2022:

- Condition 10 of Item 1: Amend to state that Hectors Way was to the west of the Phase 1 building.
- Additional conditions of Item 1 on Page 14: Amend to state that the mini-roundabout was on the Kings Road / Hectors Way junction.

Councillor Carolyne Culver proposed a number of amendments to the Minutes of the meeting on 8 June 2022.

- Condition 13 of Item 1: Amend to specify the location of the acoustic barrier.
- Informative 11 of Item 1: Strengthen wording to specify timescale.
- Informative 12 of Item 1: Cross-reference condition to ensure that new condition did not supersede the previous one.

The recording of the previous meeting would be checked to clarify the decisions that were made.

The approval of the Minutes of the meeting held on 8 June 2022 was deferred to the next meeting.

7. Declarations of Interest

Councillor Phil Barnett declared an interest in Agenda Items 4(1) and (2), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tony Vickers declared an interest in Agenda Item 4(1), but reported that his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

The Chairman declared that all Members had been lobbied with respect to Agenda Item 4(1).

8. Schedule of Planning Applications

(1) Application No. and Parish: 22/00648/FULD, 61 Russell Road, Newbury RG14 5JX

(Councillor Phil Barnett declared an interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council's Planning and Highways Committee. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Tony Vickers declared an interest in Agenda Item 4(1) by virtue of the fact that he was a long term local resident. Councillor Vickers added that he was predisposed towards approval of the application but not predetermined and, as such, would listen to the debate before determining his view on the item. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(The Chairman declared that they had been lobbied with respect to Agenda Item 4(1).)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00648/FULD in respect of 61 Russell Road, Newbury, RG14 5JX.
2. Ms Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to refuse planning permission, for the reasons listed in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the parking policies were decided in 2015/16 by the Transport Policy District, and were presented to Members and approved, as well as to a Planning Inspector. Newbury was separated into three zones, Zone 1 containing the town centre, Zone 2 in suburban Newbury, and Zone 3 outside that area. This application was in Zone 2, and the proposal required 10-12 parking spaces, of which only 8 were proposed. The area was renowned for car parking congestion, and evidence suggested that the area was one of the worst for parking, with the demand for parking near the site at 105%. Therefore, Highway Officers deemed there to be demonstrable harm, and recommended refusal of planning permission on parking grounds.
4. In accordance with the Council's Constitution, Nigel Foot, Newbury Town Council, Linda Philo, objector, Sukey Russell-Hayward, supporter, and Stuart Bartlett, applicant, addressed the Committee on this application.

Town Council Representation

5. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
 - The Newbury Town Council Planning & Highways Committee had no objection to the application, concluding that the design was in keeping with the surrounding houses on Russell Road, but there were concerns over parking. Newbury Town Council was concerned that the report did not mention car club usage and reducing the demand for cars.

Member Questions to the Town Council

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6. Members did not have any questions of clarification.

Objector Representation

7. Mrs Linda Philo in addressing the Committee raised the following points:

- There were a large number of disabled and elderly residents on the neighbouring Dyson Close, which was a small cul-de-sac.
- Mrs Philo raised scepticism about the conclusion of the Transport Survey recommending that visitors could park in Newbury car parks, with those expecting visitors to give up their car parking space. In reality, visitors would park on Dyson Close.
- The Transport Survey agreed with the assessment that there was limited capacity for parking, as well as the diagrams of the area.
- There was an existing issue with parking on the pavement in Dyson Close, blocking access for wheelchairs and mobility scooters and the development would exacerbate the existing problems.
- Mrs Philo strongly disagreed with the conclusion of the Transport Survey which stated that there would be no adverse effects on parking, as there were already breaches of Highway Rule 2.4.4 which prohibited parking on pavements.
- Community police officers advised Dyson Close residents to report illegal parking, with anti-social warnings and fines issued in some cases.
- If the development would go ahead, there would be heavy duty vehicles in the vicinity of Dyson Close on a regular basis, further blocking the walkways and pavements, and preventing access to the road for deliveries and carers.
- There was no objection to a single new build property replacing the bungalow, or two new build properties, but three would be excessive and have a direct impact on Dyson Close residents.
- Russell Road residents had been identified using the car parking spaces on the private Sovereign car park, Sovereign imposed hefty fines for use for those without a permit. An escalation of this issue was envisaged.
- Dyson Close had six access points to car parking spaces, and there was only enough space for four or five cars without infringing on the pavement.
- Dyson Close residents strongly opposed the development as they believed that it presented a direct threat to the safety of residents.

Member Questions to the Objector

8. Councillor Adrian Abbs asked how often car parking on the kerb in Russell Road occurred. Mrs Philo responded that it happened on a daily basis.
9. Councillor Tony Vickers asked whether Dyson Close was a public highway with yellow lines prohibiting parking. Mrs Philo responded that double yellow lines only existed for a small section, and that people parked on the remainder, single yellow lines.

Supporter Representation

10. Ms Sukey Russell-Hayward in addressing the Committee raised the following points:

- Ms Russell-Hayward read out statements written by local residents on Russell Road.

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- Liz Goddard at 72 Russell Road stated that the design was in keeping with the local area and would provide much-needed family accommodation.
- Ms Goddard understood that the main objection was the allocation of car parking, however, more residents were working in a flexible manner and the parking issues had decreased. Parking on Dyson Close was largely limited to carers and visitors to residents, including Sovereign vehicles, none of whom had permits for the two car parks. Dyson Close residents parked on the road even when they held permits for the car parks. Better management of the smaller public car park would improve the situation, in particular the clearing of abandoned cars, the trimming of trees and hedges, and better lighting. Better management would negate the need for the 2.5 car limit to be imposed.
- Sukey Russell-Hayward at 95 Russell Road, Beth Graham at 86 Russell Road and Karen Bennett at 90 Russell Road stated that the gardens of the proposed development were similar to neighbouring terraced houses, but some on the road were unusually large, skewing the average for the road as a whole.
- They rarely experienced parking issues, and when there were, the small public car park was used, and there had been a reduction in the number of cars on the road. More family housing was needed. Parking on Dyson Close was largely down to visitors and carers, and residents were willing to work with the residents of Dyson Close, the Council and Sovereign to solve any issues.
- Residents of Russell Road undertook a survey and found that the average car ownership was far below the two car parking spaces resolved. One side had an average of 1.19 whereas another had an average of 1.33.
- In conclusion, the residents strongly supported the development with the proposed two parking spaces per dwelling. Better management of existing car parks, including the addition of clear signs and parking bays, as well as double-yellow lines on one side of Dyson Close, would alleviate issues.

Member Questions to the Supporter

11. Members did not have any questions of clarification.

Applicant Representation

12. Mr Stuart Bartlett in addressing the Committee raised the following points:

- 61 Russell Road had belonged to Mr Bartlett's grandfather for over 50 years and it was important for him to ensure that the development added to the community and was supported by the residents. The project was discussed at length with neighbours, including a leaflet drop and open site visit, and the development was widely supported before submission.
- Mr Bartlett was aware of the concerns raised by the residents of Dyson Close and assured them that the development would not pose any threat to their safety or ability to navigate the streets, as this could be covered in a planning condition requiring a Construction Management Plan.
- Mr Bartlett accepted that the development was in Zone 2, which required 2.5 car parking spaces per dwelling, and there was little parking space on Russell Road. However, Mr Bartlett stated that there were extenuating circumstances which made the two car parking spaces sufficient, such as the development being within walking distance of the town centre and other amenities such as Northcroft Park and the bus stop on Craven Road. In addition, average car ownership for the area was 1.6 cars per household.

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- Mr Bartlett disagreed with the assertion by Highways that it would set a precedent, giving the rest of Zone 2 extenuating circumstances to avoid the requirement, as he noted that extenuating circumstances were accepted for another development on Pond Close. Pond Close was further away from the town centre, and had a higher car ownership due to the lower amount of transport link. It had not been the case that a precedent was set. Instead, it would allow flexibility at a time where car ownership and usage in sustainable areas should be discouraged in favour of public and active transport.
- On the size of the gardens, Mr Bartlett stated that the question was whether the amenities were appropriate and sufficient to serve the development. The 2006 Quality Design Planning Document provided a general guide, it acknowledged the need to use land effectively, and accommodate garden features. Mr Bartlett believed that the proposed garden size was appropriate and sufficient to do this. In addition, the close proximity of Northcroft Park from the development alleviated the need for garden space.
- The development was ideal to deliver small family homes, was well-designed, and sat comfortably within the street scene. It was efficient without being an overdevelopment of the site.

Member Questions to the Applicant

13. Councillor Jeff Cant asked why four dwellings was being applied for when a lower number might address concerns. Mr Bartlett responded that it was the right size for a family home, which was what was in demand.
14. Councillor Tony Vickers asked how approving the application would not set a new precedent in Mr Bartlett's view. Mr Bartlett responded that the ability to walk into the centre of town, to a bus and train station, was an exceptional circumstance, and he did not believe it would undermine the policy in such a way to set a precedent.
15. Councillor Claire Rowles asked whether reducing the number of dwellings had been considered. Mr Bartlett responded that other options such as three dwellings or eight flats had been considered.
16. Councillor Rowles noted that disabilities might be an issue for the parking situation as not everybody could walk into Newbury. Mr Bartlett responded that many disabled residents lived on Dyson Close and the town centre was accessible to them.
17. Councillor Adrian Abbs asked whether the argument for having garden amenity less than half of the policy requirement was being justified on the basis of the local park. Mr Bartlett responded that he would consider it a privilege to live so close to a park and it would be an acceptable alternative.
18. Councillor Abbs asked if Mr Bartlett had looked into the issues caused by parking congestion. Mr Bartlett responded that he had considered the accessibility of the road, and did not believe it would be a major issue.

Ward Member Representation

19. Councillor Martha Vickers in addressing the Committee raised the following points:
 - On the car parking spaces proposed as part of the development, Councillor Martha Vickers noted the research initiated by the applicant which found that the average number of cars owned in the area was 1.6 per household. Changing attitudes to car ownership lowered the demand for cars and, declaring a climate emergency, the Council should recognise this change. Several town centre planning applications contained very few car parking spaces, and this approach

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should be endorsed. The Council should additionally support the local car club, which could reduce the need for car ownership.

- Councillor Martha Vickers noted that she was willing to work with Dyson Close residents to respond to their concerns, and that she supported the development's focus on family housing.
- Councillor Martha Vickers noted that if the application was refused, the next one for the site might be for flats, as the parking standards were lower. Houses would be preferred to fit with the local area, which was predominantly terraced housing.
- On amenities, Councillor Martha Vickers noted that many nearby houses had small gardens, and that this was acceptable for many families. The close proximity of the development to Northcroft Park should also be considered, and the residents of Russell Road and Dyson Close had access to the canal towpath. The issue of improving the towpath near the canal and Monkey Bridge had been raised and agreed in principle, and could be made a planning condition.

Member Questions to the Ward Member

20. Members did not have any questions of clarification.

Member Questions to Officers

21. Councillor Tony Vickers agreed with the importance of exercise but asked whether exercise had to be within one's home or garden, noting the local park. Ms Cheyanne Kirby responded that the coronavirus pandemic had highlighted that people did need garden amenity space, and that the combination of garden amenity and parking issues led to a conclusion that the development would be too cramped.
22. Councillor Tony Vickers asked why the parking policy did not take into account the use of bicycles for active travel. Mr Paul Goddard responded that there was a separate standard for cycle parking that detailed all cycling requirements for new developments. It was not part of the parking policy because it had not long been written when the parking policy was formulated.
23. Councillor Claire Rowles asked for more information as to what exceptional circumstances could be considered in relation to the parking policy. Mr Goddard responded that the policy was that 2.5 spaces were required per dwelling, so 10-12 were required. Policy P1 stated that exceptional circumstances did exist, but this was not an exceptional case as it was on a congested road. An example of an exceptional circumstance would be a historic building that would need to be partially demolished to fulfil parking requirements.
24. Councillor Phil Barnett asked whether the development would have to be built on foundations to be level with the road. Ms Kirby responded that it would be raised to the level. Councillor Barnett asked whether the roof line would be level with existing buildings. Ms Kirby responded that it would be higher, to accommodate the second floor bedroom. They would be level with the flats to the west. The Chairman noted that these levels were present in the pack.
25. Councillor Adrian Abbs asked when the previous application's appeal would be decided on. Mr Simon Till responded that the appeal was validated on 3 April 2022, and that statements had been received by the appellant. A start date had not been received, and it would be a while before the consideration of the written representations appeal, which would not have a set date.
26. Councillor Abbs asked whether the recommendation was that it was a borderline case or a strong objection to the application. Mr Goddard responded that it was a

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strong objection considering the shortfall of parking, and that it would set a precedent against raising a parking objection in Zone 2. Mr Till responded that he was confident that the decision to refuse planning permission was not made on balance, and that officers considered the issues of parking and garden amenity to be indicative of overdevelopment, with simply too many dwellings proposed, and not sufficiently addressed by the applicant. Those reasons were robust and officers were prepared to defend them at appeal. If the Committee took a different route, it would raise questions as to whether the appeal could be defended. Councillor Abbs asked whether it was a strong enough decision to take to District Planning. Mr Till responded that it depended on what the Committee said in debate.

27. Councillor Dennis Benneyworth asked whether the local park should be taken into account when considering garden amenity. Mr Till responded that the individual merits of each development proposal must be considered, and officers did not consider there to be a sufficient planning benefit to justify alterations to the planning policy in this case.
28. Councillor Benneyworth asked whether family houses could raise a scenario where four cars would be necessary at a single dwelling. Mr Goddard agreed, noting that the 2.5 space requirement was reached due to considering all scenarios.
29. Councillor Howard Woollaston asked how far away from Zone 1 the proposed development would be, and what the parking requirement for Zone 1 would be. It was noted that Zone 1 was 150 metres away. Mr Goddard added that two parking spaces was the requirement in Zone 1.
30. Councillor Jeff Cant asked whether there was a parking permit system in place to prevent an overflow in cars. Mr Goddard confirmed that there was and overflow cars could park in Dysons Close.

Debate

31. Councillor Tony Vickers opened the debate by stating that he had lived on the Westfields estate since 1987, and had represented it on the Council for all but seven years. Councillor Tony Vickers stated that neither of the ward members during the time that the Parking Policy was approved lived near Eastfields or Westfields, and stated that the Committee could and should make an exception for any site within the flood plain of the old Victorian housing. Councillor Tony Vickers stated that very few opportunities to redevelop the area or develop family homes would present themselves, and stated that two parking spaces was acceptable, noting that he had a single parking space in Zone 1 which had been sufficient. The site was 150 metres from the Zone 1 boundary, and the entire Westfields area was highly sustainable for active travel, so it could not be compared with other areas in Zone 2.
32. Councillor Tony Vickers noted that Zone 2 stretched two miles away from the town centre, and it was unreasonable to assume both areas had the same transport needs. Councillor Tony Vickers noted that he was aware of the sensitive issues around Dyson Close but that proposals had been made to solve them. He added that something would always be built on the site, and temporary inconvenience was inevitable. Councillor Tony Vickers noted the housing surveys which had underlined flaws in the Parking Policy, and the lack of regard for cycling in the policy.
33. On amenity space, Councillor Tony Vickers stated that there should be flexibility in the policy, noting that it only effected the household and not the wider community, and it was a personal choice. Councillor Tony Vickers concluded by stating that it was the twenty-first century and a climate emergency, and that these exceptions could be made without undermining the overall policy.

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34. Councillor Adrian Abbs stated that he asked whether the application was an on balance case because he was aware that it was the role of the Committee to decide on difficult and more complicated cases, and that he was also acutely aware of the ongoing appeal. Councillor Abbs stated that he had concluded that it was not the role of the Committee to make changes to planning policy, and that if the strong recommendation of officers was to refuse planning permission then it should be listened to. Councillor Abbs added that the planning policy might be flawed but that it must be amended through proper means.
35. Councillor Phil Barnett noted that the application was in a difficult situation in terms of parking, and that he had taken into account the arguments made by Councillor Tony Vickers. However, although he did not always agree with the policy, he had accepted the strong recommendations put forward by officers.
36. Councillor Jeff Cant stated that he believed this to be a case of proposed overdevelopment. However, Councillor Cant had considered closely the evidence presented and the need for family homes in close proximity to amenities, and that context had convinced him to support the application. Councillor Cant stated that it was the Committee's role to consider exceptions to policy rather than apply it rigidly.
37. Councillor Dennis Benneyworth stated that he was sympathetic to the proposal for the site, but that he had not been convinced that it was the right proposal. Councillor Benneyworth had considered the strong objection by Mr Paul Goddard, and the fact that four three-bedroom houses would increase the number of cars, and concluded that he could not support the application.
38. Councillor Claire Rowles raised concerns about Councillor Tony Vickers' predisposition in regards to the application. The Chairman responded that he had received counsel from Legal with regards to it but had concluded that Councillor Tony Vickers should receive the benefit of the doubt.
39. Councillor Claire Rowles stated, in regards to the application, that she was not opposed to development on the site but that she was not convinced that it was the right development. Councillor Rowles had considered the strong objections of officers, and concluded that the development did not pass the 'exceptional circumstances' clause in planning policy and that she would support officers' recommendations.
40. Councillor Howard Woollaston stated that he believed that it was a finely balanced decision. Councillor Woollaston stated that he thought it was well-designed and in keeping with the character of the area, but reluctantly he could not support the application in light of the strong objections raised by officers. However, planning policy should be looked at in circumstances where the site was close to the boundaries between zones.
41. Councillor Tony Vickers stated that, in light of the concerns raised by the Chairman and other Members regarding his predisposition, he would abstain from the vote.
42. Councillor Adrian Abbs proposed to accept Officer's recommendation and refuse planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Phil Barnett.
43. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Phil Barnett to refuse planning permission. At the vote the motion was carried. Councillor Tony Vickers abstained from the vote.

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RESOLVED that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

Refusal Reasons

1.	<p>Overdevelopment</p> <p>Policy CS14 of the West Berkshire Core Strategy seeks high quality design to ensure development respects the character and appearance of the area and has a positive contribution to the quality of life. The proposed dwellings and associated parking would appear cramped within the development site and as an overdevelopment of the plot. Whilst the development would take influence from the existing street scene the number of dwellings proposed along with the sub-standard car parking provision and garden amenity level would all lead to a visually and physically overdeveloped and cramped site and as such would not be an appropriate. The proposed development is contrary to policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document: Quality Design 2006, and the National Planning Policy Framework.</p>
2.	<p>Garden Amenity</p> <p>According to the National Planning Policy Framework, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should ensure that developments will (amongst others) function well and add to the overall quality of the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions.</p> <p>Part 2 of the Council's adopted Quality Design Supplementary Planning Document series provides minimum size guidelines for residential development, with 100 square metres being the minimum size for the size of dwellings proposed. The division of the plot to create four dwellings will result in four substandard rear gardens, significantly below the minimum policy expectation. Having regard to the local design standards set out in the adopted SPD, the proposed development fails to achieve a high standard of design in terms of providing adequate private outdoor amenity space for occupants of both the new and retained dwellings. The application is therefore contrary to the NPPF, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Part 2 of the Council's adopted Quality Design SPD.</p>
3	<p>Parking</p> <p>The proposal contains 8 parking spaces on site for the four 3 bed dwellings, which equates to a shortfall of 2 to 4 spaces as required under policy P1 of the Housing Site Allocations DPD 2006-2026. This shortfall would exacerbate the likelihood of increased on-street parking in the vicinity of the application site to the detriment of local highway safety. The proposed works therefore fail to comply with the requirements of the National Planning Policy Framework and Policy P1 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) 2017.</p>

Informatives

1.	<p>Proactive Refusal</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision</p>
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	in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.
2.	CIL Refused This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

(2) Application No. and Parish: 21/03024/FULTEXT, Former Newbury Magistrates Court and No. 20, Mill Lane, Newbury, RG14 5QU

(Councillor Phil Barnett declared an interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council's Planning and Highways Committee. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

44. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/03024/FULTEXT in respect of the former Newbury Magistrates Court and No. 20, Mill Lane, Newbury, RG14 5QU.
45. Mr Matthew Shepherd, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports and completion of the Section 106 legal agreement, or to refuse planning permission if the Section 106 legal agreement was not completed.
46. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the application was for redevelopment of an existing site, and the access into the site was existing and would be unchanged. The application complied with the Car Parking Standards and standards for cycle spaces. The Committee report noted traffic movements alongside Mill Lane which objectors had raised, and there would be a 0.7% increase. However, Highways considered that the previous Magistrates Court on the site would have generated a much higher amount of car usage than this residential development, and raised no objection.
47. In accordance with the Council's Constitution, Nigel Foot, Newbury Town Council, Annie Speller and Mark Wiltshire, objectors, and Kerry Pflieger, agent, addressed the Committee on this application.

Town Council Representation

48. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
 - Newbury Town Council's Planning and Highways Committee had raised as a concern the additional pressure and strain on water drainage and sewers, as the area around the station was very difficult for drainage.

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- The Newbury Society raised that the application's design was a missed opportunity to create a well designed building in line with the character of Newbury.

Member Questions to the Town Council

49. Councillor Claire Rowles asked how the look and design of the development was unsatisfactory and how it could be improved. Mr Foot responded that the early design had taken cues from the police station, and he believed it could be more architecturally creative. In addition, he believed it could have a better optimised roof.

Objector Representation

50. Mr Mark Wiltshire in addressing the Committee raised the following points:

- Mr Wiltshire noted that the majority of his presentation was going to be about preserving the concrete structure but he now understood this was being retained.
- Mr Wiltshire's main concern was the report's mention of a fallen willow tree down the east side of the bank. The tree had in fact fallen down the end of the bank 10 to 15 years ago, and now formed part of the bank along with another willow tree. Mr Wiltshire's concern was that building could risk the bank, and that the bank was known for leaking when the water level rose. Mr Wiltshire noted that he was unable to discuss it during the on-site meeting, but that it was raised with Members.

51. Mrs Annie Speller in addressing the Committee raised the following points:

- Mrs Speller concurred with the statement made by Mr Wiltshire on the risks of flooding.
- Mrs Speller stated that she and the residents of Mill Lane, Connaught Road, Kings Road and Boundary Road were opposed to the building of flats on the site, and the site was overdeveloped, with 698 flats being built in the area.
- Mrs Speller noted that the development of the area had caused a great amount of disturbance, and that she had almost been run over a number of times, and pylons had caused disturbances in the ground.
- There was a significant amount of speeding that occurred on Mill Lane, and residents had fought for a 20 MPH speed limit and for HGVs not to drive down the road, which had not been respected.
- A GP surgery was unable to purchase the site, and there were not enough schools in the area. Mrs Speller raised that flats were predominantly being built in Newbury. Homes England had made the case that 19 new homes be built on the site in 2018, rather than the 28 proposed by the application.

Member Questions to the Objectors

52. Councillor Tony Vickers noted that he agreed with Mrs Annie Speller about speeding vehicles but asked if she was aware that Mill Lane was soon to be closed to through traffic and made a residential street as a result of another development. Mrs Speller responded that Mill Lane was not a marked road. Councillor Tony Vickers responded that he thought it was a B road.
53. Councillor Phil Barnett thanked Mrs Speller for organising the petition that led to the consideration of the application. Councillor Barnett noted the difficulty monitoring the 20 MPH zone, and asked Mrs Speller if she would consider it a benefit if Mill Lane

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was closed off. Mrs Speller responded that she could not see it happening, and there was confusion as to whether Mill Lane or Kings Road would be closed off.

54. Councillor Barnett noted that 12 and 14 Mill Lane were the most affected houses by the development, and asked Mrs Speller if she could see the development having a clear visibility into those properties. Mrs Speller responded that they would, and that they would be overlooking the properties.
55. Councillor Dennis Benneyworth asked Mr Mark Wiltshire whether he considered it in the applicant's interest to preserve the integrity of the bank. Mr Wiltshire responded that he did consider it in the applicant's interest to preserve the bank, and that he believed the statutory consultants were not fully informed as to the state of the bank, particularly where there was not a concrete structure, and that there had been no consideration as to the work needed to preserve it. Mrs Speller added that opposite Connaught Lane was an osteopath, and residents had been writing to West Berkshire Council about river flooding, as the water had been leaking under the osteopath and into the road. Councillor Barnett concurred.

Agent Representation

56. Ms Kerry Pflieger in addressing the Committee raised the following points:

- Ms Kerry Pflieger noted that the site had been purchased by Homes England, who were the joint applicant.
- The proposed apartments were located entirely within Flood Zone 1, and no changes to levels were proposed within Flood Zones 2 or 3. The Environment Agency accepted the proposals.
- The applicant had confirmed that no alterations would be made to the canal bank and all work would be subject to permits from the Environment Agency.
- A policy-compliant level of car and cycle parking was proposed, including 31 car and 44 cycle parking spaces, including charging points for electric vehicles. Residents on the development would not be entitled to apply for local parking permit schemes.
- The site was highly sustainable, in close proximity to the town centre and active transport links.
- Four other apartment developments had been built by the applicant, with a single car parking space per apartment, and the applicant continued to act as the management company for the developments. No issues with parking had arisen, and the application was in line with the aspirations of the local authority to reduce cars in town centre locations.
- The development would be constructed using a fabric-first approach which focused on the lifetime energy consumption of the building. Solar panels were proposed across the roof, and a heat recovery plant would be installed, achieving a 57% reduction in carbon emissions over standard building regulations. The majority of apartments would have an Energy Performance Certificate rating of A. In addition, the development would result in a net biodiversity gain on a brownfield site, and an Ecological Enhancement Area was proposed on the site's boundary with the canal.
- The site was close to Victoria Park, and residents would have access to balconies and a communal seating area. This was a comparable level of amenities with other developed sites in Newbury.

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- The building took design cues from surrounding developments and the former Magistrates Court, and was a contemporary design.

Member Questions to the Agent

57. Councillor Claire Rowles asked if there was anything in the immediate vicinity that had been looked at when deciding the design of the proposed development. Ms Pfleger responded that previous buildings on the site were considered.
58. Councillor Carolyn Culver asked whether Ms Pfleger would be able to comment on Homes England's consideration of 19 homes on the same site. Ms Pfleger responded that she was not aware of that.
59. Councillor Adrian Abbs questioned the statement that the development was the same size, as it added a floor. Ms Pfleger responded that she did not have the exact measurements but that it was a similar height.
60. Councillor Dennis Benneyworth asked whether it was in the applicant's interest to preserve the integrity of the canal bank. Ms Pfleger responded that it was, as Homes England were responsible to the Environment Agency to maintain the bank.

Ward Member Representation

61. Councillor Phil Barnett in addressing the Committee raised the following points:
 - The site where the development was proposed lay next door to the canal and the marina, where the banks were known to collapse during rainy periods. The most important condition related to the retaining or replacement of the old supports of the canal bank, and Councillor Barnett considered it to be imperative.
 - The surrounding area of the site had been flooded on several occasions, and the proposed development would join the Thames Water sewage system, which had been overloaded in the past, and the old Victorian sewer system would be subject to further pressures.
 - The building would be slightly higher than the police station, it would overlook the area and dominate the local houses and other developments.
 - On the parking, Councillor Barnett questioned whether 31 spaces was enough, noting that 25 apartments had two bedrooms. Despite the proximity to the town centre, many of the proposed developments would require more than one car. Councillor Barnett questioned whether additional cars would block the police station, and called for restrictions to prevent that, and noted that there were two hour spaces on Mill Lane which were being taken by non-residents.
 - Councillor Barnett noted that Numbers 12 and 14 Mill Lane would be the most adversely affected, and called for strong conditions on heavy vehicles on the site during building to prevent adversely affecting local residents.

Member Questions to the Ward Member

62. Councillor Tony Vickers asked how the parking burden on Mill Lane would be increased when those who lived on the development were not eligible for parking permits. Councillor Barnett stated that there were too many parking permits and spaces for two hours parking, which was not being monitored, and he would like to see it changed to only allow residents' parking.

Member Questions to Officers

63. Councillor Adrian Abbs asked for the officers' view on what made the design of a proposed development in keeping with the local area, and how the decisions were

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made. Mr Matthew Shepherd responded that the character of the area was determined in terms of scale, as well as what was on the site beforehand. Conservation officers were additionally consulted.

64. Councillor Jeff Cant asked Mr Paul Goddard what the policy was on Zone 1 parking, and whether fewer than one space per dwelling was sufficient. Mr Goddard responded that a one bedroom apartment required 0.75 spaces, and a two bedroom apartment required 1. The development as a whole required 25 spaces, with one space per 5 apartments being provided for visitors, resulting in a total of 31 spaces.
65. Councillor Claire Rowles asked Mr Goddard where additional visitors would park, and asked whether the one disabled car parking space was sufficient. Mr Goddard referred to the plans, noting that the visitor spaces were provided internally within the site.
66. Councillor Rowles asked whether Thames Valley Police access had been ensured, noting that it was not conclusively stated in the report. Mr Goddard responded that the access into the site was private, so it would be a civil matter between the developer and the Police.
67. Councillor Rowles asked whether the opening hours of the former Magistrates Court had been taken into account when concluding that the proposed development would lead to a reduced level of traffic movement. Mr Goddard agreed, but stated that the level at night would still be low.
68. Councillor Rowles asked how many properties would have balconies and which would not. Mr Shepherd responded that the ground floor would not, and the first and second floor would have some facing north, and the third floor would. Councillor Rowles asked for confirmation that over half would not. Mr Shepherd responded that they would have a shared amenities space.
69. Councillor Carlyne Culver noted that the policy would dictate 5.88 social rent properties, and 5 were provided in the proposed development, and asked if it could be conditioned. Mr Shepherd responded that it was decided in consultation with the Affordable Housing Officer, and took into account the fact that the First Homes policy had recently come into force.
70. Councillor Culver asked why proposed dwelling numbers went up to 29 listed flats when 28 were part of the proposed development. Mr Shepherd responded that there was no flat numbered 13.
71. Councillor Culver asked how the ground floor shared amenity space compared with other apartment building developments. Mr Simon Till responded that he could not give other examples, but on sites for redevelopment, compromises were necessary to deliver on housing gain in town centre locations.
72. Councillor Culver asked who would be responsible for maintaining the road. Mr Goddard responded that it would be a civil matter, and he imagined that the site would be managed by a management company, paid to some extent by the residents.
73. Councillor Tony Vickers noted that he was surprised not to see a street scene in the application that included Mrs Speller's house, and noted that there was no pavement on the north side. Councillor Tony Vickers asked why the Committee was not shown that. Mr Shepherd responded that officers considered the street scene provided in the application was deemed to be sufficient to give Committee Members an understanding of the area.

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74. Councillor Tony Vickers asked if the limited communal area could lead to anti-social behaviour, and asked why there was not a Secure by Design consideration. Mr Shepherd responded that Thames Valley Police were asked for comment but did not receive a response, but that it would be very close to the apartments on the ground floor and there would be an element of self-policing by residents.
75. Councillor Tony Vickers asked why there was no statement by Thames Water or the lead local flood authority, and whether the risk of flooding had not been properly considered. Mr Shepherd responded that Thames Water had responded and raised no objections, and offered informatives to officers as to the ground water risks and management. The lead local flood authority had also responded, raising no objections subject to the conditions they had submitted.
76. Councillor Tony Vickers asked which apartments were social rent, and asked whether there could be a condition as to who would manage them for the benefit of all residents. Mr Shepherd responded that there were one-and two-bedroom social rent apartments considered and that it would be agreed within the Section 106 agreement.
77. Councillor Adrian Abbs noted that the application was for 16 one-bedroom apartments and 12 two-bedroom apartments, which by his calculations should be at least 29 car parking spaces. Councillor Abbs asked where his calculations differed from the officers' calculations. Mr Goddard responded that there are 28 apartments proposed, with Policy P1 requiring 0.75 for one-bedroom apartments and one for two-bedroom apartments.
78. Councillor Abbs asked why only one disabled parking space was required and why it was placed next to the bin store. Councillor Abbs asked for a condition for it to be moved. Mr Goddard responded that the policy requirement was for 4% and therefore one space for this development. Condition 9 could be amended to move the car parking space.
79. Councillor Abbs asked what the average amenity space per apartment proposed was. Mr Shepherd responded that it was 382 square metres total, split between the balconies (around 5 square metres each) and shared space (128 square metres).
80. Councillor Phil Barnett asked for clarification on the existing parking permit policy, and whether there was a restriction on parking on existing premises. Mr Goddard responded that the parking permit scheme was run by Parking Services, and if a resident had existing off-street parking it did affect their eligibility for a parking permit for an on-street parking permit.
81. Councillor Dennis Benneyworth asked if the protection of the canal bank on the eastern boundary could be conditioned. Mr Shepherd and Mr Till responded that a condition requiring details of how the canal bank would be treated could be imposed, but added that there were environmental permitting schemes that usually dealt with these matters. The Environment Agency was consulted and did not raise an objection. It would additionally not be possible to impose a condition relating to works further down the canal bank.
82. Councillor Tony Vickers noted that the Canal & River Trust raised a point recommending conditions relating to the canal bank. Mr Till responded that the Canal & River Trust had not raised any specific concerns that could be addressed by conditions. Both the canal bank and the impact on ecology were raised by the officers' report and addressed, and the Committee could consider a condition to require details of any works to the canal bank be submitted and approved prior to works.

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Continuation of meeting

83. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion to extend the meeting beyond 10pm as it was felt that the remaining business could be concluded by 10.30pm.

Debate

84. Councillor Adrian Abbs opened the debate by stating that the Committee was rightly concerned about parking allocation, and this application just about met the minimum, adding that amenity space was another issue, with the proposed development having half of the amount specified in policy, with an average of 10 square metres per apartment. Councillor Abbs stated that both of these were a result of attempting to build 28 apartments on a space which was too small. Councillor Abbs additionally criticised the design, stating that comparisons to the police station were not positive. Councillor Abbs stated that the conditions relating to the canal bank were an attempt to make an insufficient application acceptable, and that he favoured rejection of the application.
85. Councillor Jeff Cant stated that he did not see the need for a long debate, as the proposed development clearly satisfied the criteria to grant planning permission, and that he would support it.
86. Councillor Howard Woollaston concurred with Councillor Cant, but agreed with Councillor Abbs that where it met the criteria it had done so marginally. Councillor Woollaston supported the building of additional social housing, and added that he personally liked the architectural design. Councillor Woollaston stated that he supported the application and was willing to propose it.
87. Councillor Tony Vickers stated that he knew the site very well, and that he did not see anything that Planning could do with the issues in the application beyond wishing the applicant luck. Councillor Tony Vickers stated that it was unfortunate that the justification with regards to design was selective, and that he was unhappy with the application, but he was willing to support it if the conditions relating to the canal bank were accepted.
88. Councillor Phil Barnett concurred with points raised by Councillor Abbs and Councillor Tony Vickers, and stated that he was very uneasy about the application. Councillor Barnett raised issues with the design and parking, particularly the ability of emergency vehicles to access it. Councillor Barnett was additionally concerned about the access to the canal bank. Councillor Barnett stated that he was going to vote to reject the application.
89. Councillor Dennis Benneyworth stated that he regretted the lack of amenity space but believed that it was mitigated by the nearby Victoria Park. Councillor Benneyworth stated that he would be voting in favour of officers' recommendations.
90. Councillor Jeff Cant proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Howard Woollaston
91. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Howard Woollaston to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation be authorised to grant planning permission subject to the following conditions and subject to the Section 106 agreement:

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Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan. Drawing number 2145/PL/01 Rev B. Building Section. Drawing number 2145/PL/05 Rev K. Proposed site and Roof Plan. Drawing number 2145/PL03 Rev Q Proposed Floor Plans. Drawing number 2145/PL/06 Rev M. Proposed Bin Store Plan and Elevations. Drawing number 2145/PL/12 Rev D. Proposed Cycle Store Plan and Elevations. Drawing number 2145/PL/11. Rev B. Proposed elevations. Drawing number 2145/PLO7 Rev L.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Schedule of materials</p> <p>No development above slab level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p>
4.	<p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (f) Temporary access arrangements to the site, and any temporary hard-standing; (g) Wheel washing facilities; (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (i) A scheme for recycling/disposing of waste resulting from demolition and construction works; (j) Hours of construction and demolition work; (k) Hours of deliveries and preferred haulage routes; <p>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-</p>

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	commencement condition is required because the CMS must be adhered to during all demolition and construction operations.
5.	<p>Hours of work (construction/demolition)</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
6.	<p>No impact piling</p> <p>No impact piling shall take place until a piling method statement has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The method statement shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works. No piling shall be undertaken except in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy (2006-2026). The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p>
7.	<p>Protection from external noise (prior approval)</p> <p>No dwelling shall be first occupied until mitigation measures to protect its occupants from externally generated noise have been provided in accordance with a scheme of works that has first been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be informed by an appropriately detailed investigation to address the noise impacts from the Police Station, adjacent commercial building, surrounding roads, and any other features considered necessary. The scheme should consider the long term unattended night time measurement of 56dBLAeq,8hr when considering the protection methods.</p> <p>Reason: To protect future occupiers of the development from excessive noise levels from surrounding uses, to ensure a good standard of amenity. The approval of this information is required before occupation because insufficient information has been submitted with the application. This condition is applied 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 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p>
8.	<p>Contaminated land (investigation and remediation)</p> <p>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:</p> <ul style="list-style-type: none"> (a) Include an investigation and risk assessment. 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

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	<p>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.</p> <p>(c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.</p> <p>(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.</p> <p>Thereafter, any approved remediation scheme and/or 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.</p> <p>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.</p> <p>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.</p> <p>(* Unless otherwise agreed in writing by the LPA)</p> <p>Reason: 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 Policy OVS.5 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.</p>
9.	<p>Parking (approved plans)</p> <p>The development shall not be occupied until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied 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 2006-2026.</p>
10.	<p>Cycle parking/storage (approved plans)</p> <p>The development shall not be occupied until cycle parking/storage facilities for that</p>

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	<p>dwelling have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied 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 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
11.	<p>Refuse Storage</p> <p>The development shall not be occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in accordance with submitted plans Proposed Bin Store Plan and Elevations. Drawing number 2145/PL/12 Rev D.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. 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 the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
12.	<p>Electric vehicle charging points (prior approval)</p> <p>The development shall not be occupied until electric vehicle charging points have been provided for the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied 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 2006-2026.</p>
13.	<p>Biodiversity measures (prior approval)</p> <p>No development above slab level shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied until the measures related to that development have been installed/constructed in accordance with the approved details or in accordance with an agreed timetable by the LPA.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> <p>A pre commencement condition is needed as the details will need to be agreed possibly implement throughout the construction of the development.</p>
14.	<p>Construction Environmental Management Plan (CEMP)</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP</p>

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	<p>shall include the following:</p> <ul style="list-style-type: none"> (a) Risk assessment of potentially damaging construction activities. (b) Identification of “biodiversity protection zones”. (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). (d) The location and timing of sensitive works to avoid harm to biodiversity features. (e) The times during construction when specialist ecologists need to be present on site to oversee works. (f) Responsible persons and lines of communication. (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. (h) Use of protective fences, exclusion barriers and warning signs. <p>The Environments Agency seeks specific comment on the following</p> <ul style="list-style-type: none"> - The timing of the works. - Construction methods. - The measures to be used during construction in order to minimise the environmental impact of the works, particularly on the River Kennet SSSI. This should include measures to prevent contaminated surface water run-off and dust from entering the SSSI. - A map or plan showing habitat areas to be specifically protected. - Any necessary mitigation for protected species. - Details of the lighting used during construction that should be directional away from the River Kennet SSSI. This is to avoid disruption to the activities of nocturnal animals such as bats that use the watercourse for commuting and - Information on the persons/bodies responsible for particular activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: This condition is necessary to ensure the protection of local biodiversity, in particular the River Kennet SSSI, in line with local planning policies and national planning policy. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
15.	<p>Landscape and Ecological Management Plan (LEMP)</p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP), including long- term maintenance, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. This should be in line with the recommendations in the Biodiversity Management Plan. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:</p> <ul style="list-style-type: none"> - Detail the extent and type of new planting. In the ecological enhancement/buffer zone adjacent to the River Kennet SSSI, this should be native species of UK and preferably local provenance.

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	<ul style="list-style-type: none"> - Details of the new habitats to be created on site. - Details of the treatment of site boundaries and/or buffers alongside the River Kennet SSSI. - Details of maintenance regimes over the longer-term for each habitat type, as recommended in the Biodiversity Management Plan v2. - Details of management responsibilities over the longer-term, including a named body responsible for this management. - Details of how the new habitats on site will be monitored and reported on for at least the first five years following their creation, by a suitably qualified ecologist. This is necessary to ensure the habitats are being managed correctly and any changes can be included in a revised LEMP. - Details of the lighting scheme for the development that should be directional away from the River Kennet SSSI. This is to avoid disruption to the activities of nocturnal animals such as bats that use the watercourse for commuting and foraging. <p>The approved plan will be implemented in accordance with the approved details.</p> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>Reasons; This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
16.	<p>Lighting design strategy for light sensitive biodiversity</p> <p>Prior to occupation, a “lighting design strategy for biodiversity” for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ol style="list-style-type: none"> a) identify those areas/features on site that are particularly sensitive for protected species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Protected species are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such</p>

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	disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.
17.	<p>92. Environment Agency Flood Risk</p> <p>93.</p> <p>94. The development shall be carried out in accordance with the submitted flood risk assessment (ref 010_8200414_AQ_Flood_Risk_Assessment, Issue 5, 11/11/2021, Glanville Consultants and 'Site Plan' 2415/PL/03 Revision M dated 11/11/21) and the following mitigation measures it details:</p> <p>95. 1. Finished floor levels shall be set no lower than 75.86 metres above Ordnance Datum (AOD).</p> <p>96.</p> <p>97. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>98.</p> <p>99. Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.</p>
18.	<p>100. Sustainable Drainage Methods</p> <p>101.</p> <p>102. The development hereby permitted shall not be occupied until the sustainable drainage measures identified in the Drainage Strategy and associated information submitted as part of the planning application 21/03024/FULEXT have been implemented in accordance with the approved details. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>103.</p> <p>104. Reason: To reduce the risk of flooding to the proposed development and future occupants and to sustainably manage water on site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.</p>
19.	<p>105. Updating Reports</p> <p>106.</p> <p>107. Each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written, this includes relevancy as to how these documents inform other necessary related submissions, the reports details/submission is subject to scrutiny by the LPA. As such after 12months/3 years (as appropriate to their validity) from the date the approved report is written a further supplementary ecological survey will need to be undertaken and submitted to and approved in writing by the Local Planning Authority along with any mitigation measures updated. Thereafter the development shall be undertaken in accordance with the approved details.</p> <p>108.</p> <p>109. Reason: To ensure the appropriate mitigation measures are in place in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> <p>110.</p>
20.	<p>Tree protection scheme</p> <p>The development shall be undertaken in accordance with the Arboricultural Impact assessment document produced by SJ Stephens Associates dated 7th March 2022. The development shall be undertaken in accordance with the Tree Protection plan</p>

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	<p>contained within this document.</p> <p>All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>111.</p>
21.	<p>Hard landscaping (prior approval)</p> <p>The development hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
22.	<p>Soft landscaping (prior approval)</p> <p>The development hereby permitted shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
23	<p>Broadband</p> <p>No development above slab level shall take place until a Superfast Broadband Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a statement shall set out how superfast broadband is to be provided to each phase of the development, including a schedule for connection. Thereafter no phase of the development shall be occupied until superfast broadband infrastructure has been provided in accordance with the approved details.</p>

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	<p>Reason: To ensure that the site is provided with high speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the NPPF, Policies CS5 and CS14 of the West Berkshire Core Strategy (2006-2026).</p>
24.	<p>Restrictions during bird breeding season</p> <p>No demolition, or site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.</p> <p>Reason: To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
25.	<p>Spoil</p> <p>No development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ul style="list-style-type: none"> a) Show where any spoil to remain on the site will be deposited; b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels); c) Include measures to remove all spoil from the site (that is not to be deposited); d) Include timescales for the depositing/removal of spoil. <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
26.	<p>Site levels</p> <p>No development on any dwelling shall take place until details of the finished floor levels of that dwelling in relation to existing and proposed ground levels of adjoining dwellings have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved levels.</p> <p>Reason: Insufficient information on levels has been provided as part of the application. This information is required to ensure satisfactory relationships between properties in order to safeguard residential amenity, and to ensure the levels/heights respect the character and appearance of the area. This information is needed at this stage because of the site-wide implications of levels of the layout of the development in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-</p>

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	2026.
27.	<p>Sustainability and Energy Strategy</p> <p>No development shall take place until a detailed Sustainability and Energy Statement shall be submitted to the Local Planning Authority for approval. The Statement shall:</p> <ul style="list-style-type: none"> (a) Be informed by the Sustainability Statement and Energy Strategy accompanying the application; and (b) Include a scheme for the reduction of carbon dioxide emissions, including through the use of low/zero carbon technology, with an aspiration to achieve at least the level of performance set out in the aforementioned energy statement or better towards zero carbon in accordance with Policy CS15. <p>No development shall take place until approval of the above Statement has been granted in writing by the Local Planning Authority. Thereafter the development within each phase shall be implemented in full accordance with the approved details.</p> <p>Reason: To ensure the development contributes towards the transition to a low carbon future. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS15 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the final measures contained within the statement may influence construction.</p>
28.	<p>Skills and Employment Plan (additional)</p> <p>No development shall take place an Employment and Skills Plan (ESP), in relation to the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The ESP will set out the measures that the developer will take to enhance the training and employment opportunities that are offered to the local workforce in West Berkshire in the construction process. The measures set out in the ESP should be appropriate and proportional to the scale and value of the development. The ESP should set out, through a method statement, how the following priorities will be addressed:</p> <ul style="list-style-type: none"> (a) Promotion of employment opportunities generated on site to the West Berkshire workforce (but not excluding those outside of West Berkshire), with a focus on those who are not currently employed. (b) Creation of new apprenticeship starts specific to the development site. This should include how the developer will work directly with local employment and training agencies. (c) Identification of training and work placement opportunities on site with discussion on how these may be promoted to local people, working directly with local employment and training agencies. <p>The Employment and Skills Plan should also:</p> <ul style="list-style-type: none"> (d) Identify a lead contact who is responsible for managing the plan. (e) Set out a timetable for the implementation of the ESP which, for the avoidance of doubt, shall include a start date no later than the date of commencement of development. (f) Set out the process for how implementation of the ESP will be monitored and reported back to West Berkshire Council. <p>Thereafter approved ESP shall be implemented in full concurrent with the development of the site.</p>

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	Reason: To promote local job opportunities in the district in accordance with the National Planning Policy Framework. A pre-commencement condition is necessary because the ESP will need to be in place before any construction activities take place.
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The following refusal reason would be applied in the event that the Section 106 Agreement is not completed within the required timeframe, in accordance with paragraphs 8.1 and 8.2 of the agenda report.

1. Planning obligation

The application fails to provide an appropriate planning obligation with respect to the on-site provision of affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Without these planning obligations the proposed development conflicts with policies CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations SPD, and the National Planning Policy Framework.

Informatives

1.	S106 Legal Agreement This decision notice should be read in conjunction with the associated s106 legal agreement. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.
2.	Compliance with conditions Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
3.	Pre-conditions This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
4.	Compliance with approved drawings Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

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5.	<p>Proactive actions of the LPA</p> <p>The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:</p> <ul style="list-style-type: none"> a) Provided the applicant with a case officer as a single point of contact. b) Alerted the applicant to issues that were raised during the consideration of the application. c) Accepted amended plans to address issues arising during the consideration of the application. d) Agreed an extension of time before determining the application to enable negotiations with the applicant. e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.
6.	<p>Building Regulations</p> <p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control</p>
7.	<p>Foul drainage</p> <p>The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.</p>
8.	<p>Access construction</p> <p>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.</p>
9.	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
10.	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>

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11.	<p>Excavation in close proximity to the highway</p> <p>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.</p>
12.	<p>Incidental works affecting the highway</p> <p>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.</p>
13.	<p>Developer Coordination Requirements</p> <p>Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.</p> <p>Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.</p> <p>Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.</p>
14.	<p>Official Postal Address</p> <p>Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.</p>
15.	<p>Thames Water</p> <p>"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>

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(The meeting commenced at 6.30 pm and closed at 10.00 pm)

CHAIRMAN

Date of Signature