

Notice of Meeting



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Western Area Planning Committee Wednesday, 29th June, 2022 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 28 June 2022, if they wish to attend the Planning Committee.

Members Interests

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

Date of despatch of Agenda: Tuesday, 21 June 2022

Further information for members of the public

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

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

Email: planningcommittee@westberks.gov.uk

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

Any queries relating to the Committee should be directed to Democratic Services Team on Email: executivecycle@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 29 June 2022
(continued)

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

Substitutes: Councillors Jeff Beck, James Cole, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden and Martha Vickers

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 30
To approve as a correct record the Minutes of the meeting of this Committee held on 8 June 2022.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. and Parish: 22/00648/FULD, 61 Russell Road, Newbury RG14 5JX** 31 - 42
- Proposal:** Demolition of existing dwelling and erection of four dwellings.
- Location:** 61 Russell Road, Newbury, RG14 5JX.
- Applicant:** Bartlett Property Development
- Recommendation:** To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION.

(continued)

- (2) **Application No. and Parish: 21/03024/FULTEXT, Former Newbury Magistrates Court and No. 20, Mill Lane, Newbury, RG14 5QU** 43 - 76
- Proposal:** Erection of 28 no. 1 and 2 bedroom apartments, together with car parking, an ecological enhancement zone, landscaping and associated works
- Location:** Former Newbury Magistrates Court and No. 20, Mill Lane, Newbury, West Berkshire RG14 5QU
- Applicant:** Palady Homes and Homes and Communities Agency (Trading As Homes England)
- Recommendation:** Delegate to the Service Director – Development and Regulation to Approve planning permission subject to conditions and planning obligation section 106 or to refuse planning permission if the Section 106 legal agreement is not completed.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke

Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.



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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 8 JUNE 2022

Councillors Present: Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Jeff Cant, Carolyne Culver, Claire Rowles, James Cole (Substitute) (In place of Dennis Benneyworth) and Lynne Doherty (Substitute) (In place of Howard Woollaston)

Also Present: Sharon Armour (Solicitor), Tom Dunn, Paul Goddard (Team Leader - Highways Development Control), Scott Houston, Cheyanne Kirby (Planning Officer), Masie Masiwa (Senior Planning Officer), Gordon Oliver (Principal Policy Officer) and Simon Till (Principal Planning Officer (Team Leader))

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth and Councillor Howard Woollaston

PART I

3. Minutes

The Minutes of the meeting held on 16 March 2022 were approved as a true and correct record and signed by the Chairman subject to the following amendments:

- Page 9, paragraph 6 – delete unnecessary ‘was’
- Page 7, paragraph 10 – the minutes should have indicated that the nursery facility could not be used

The Minutes of the meeting held on 6 April 2022 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

- Condition 4 – it had been agreed that the solar panels should have a brown hue

The Minutes of the meeting held on 10 May 2022 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

Councillors Phil Barnett and Tony Vickers declared an interest in Agenda Items 4(1), 4(2) and 4(3), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

The Chairman declared an interest in Agenda Item 4(3), 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.

5. Schedule of Planning Applications

- (1) **Application No. and Parish: 22/00493/FUL, Sterling Gardens, Hectors Way, Newbury**

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(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways Committee. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00493/FUL in respect of a new link road connecting Hectors Way to Kings Road through the Sterling Estate Development with associated retaining walls.
2. Mr Masie Masiwa, 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 – Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports and the completion of a Section 106 legal agreement, or if the legal agreement was not completed by 9th September 2022, to delegate to the Service Director - Development and Regulation to refuse planning permission, for the reasons set out in Section 8.4 of the report, or to extend the period for completion if it was considered expedient to do so.
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 link road scheme had a long history. It was covered by saved policies from the 2007 Local Plan (Trans 1A). The first part of the link road had been constructed 25 years ago, and development of the site had always been reliant upon construction of the link road. The scheme would bring significant benefits including:
 - Reduced traffic on Kings Road and Mill Lane, turning them into quieter residential streets;
 - Improved pedestrian and cycle routes through the site, connecting the racecourse development to the town centre;
 - Reduced traffic on the A339 / B3421 / Bear Lane roundabout, since traffic would be able to turn right out of Sainsbury's;
 - Economic benefits from improved links from the Hambridge Road commercial area to the A339 and onwards to the A34.
4. The principle, design and layout of the Link road scheme had been agreed in a previous application in 2015. Members were encouraged to focus on the proposed changes, as set out on page 3 of the update report, namely:
 - Reduction in width of the east-west section to 6.1m - this reduced the size and extent of the associated retaining wall and it was the same width as the proposed north-south section and Hambridge Road
 - Deletion of the footway on the southern side to provide an infiltration trench and connect to the surrounding drainage network. A 2m footway would be retained on the north side with crossing points. A green verge would be provided around the trench.
 - The proposed road level had been raised by 1m in places. This would reduce the amount of spoil to be removed from the site and would remove the gradient on the north-south section. The change would require provision of a retaining wall.

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- Deletion of the proposed traffic signals adjacent to the London Apprentice due to the prohibitive cost of utilities diversion works (estimated at £1 million). Traffic modelling showed little difference in the performance of the signalised junction and the uncontrolled crossroads. The zebra crossing outside the London Apprentice would be retained and other crossings would be provided. Also, a new footway would be provided on the south-west corner of the junction.
5. Mr Goddard noted that this had been a difficult site to work with due to the contamination and site constraints. There had been little choice about the changes made - retaining the original levels would require reconstruction of the development, and neither the developer nor the Council were able to fund the increased cost of the signalised junction. However key elements would be retained, including: widening of Boundary Road and its rail bridge, provision of the new footway on the eastern side, and the zebra crossing. Following completion of the Link road, the Council would consider measures on Kings Road and Mill Lane in consultation with residents. Loss of parking had been raised as a concern by residents – this would be considered as part of a parallel planning application for the building.
 6. In accordance with the Council's Constitution, Nigel Foot, Newbury Town Council, and Nicola Blythe, objector, addressed the Committee on this application.

Town Council Representation

7. Mr Nigel Foot in addressing the Committee raised the following points:
 - At the meeting on 28 March 2022, the Town Council's Planning and Highways Committee had indicated that they wished this application to be considered by the Western Area Planning Committee.
 - The Planning and Highways Committee had raised concerns about parking, highways and flooding issues, and the fact that part of the original justification for the application was the closure of Kings Road to through traffic, and this should be considered.
 - The Town Council had concerns for residents of Kings Road, particularly at the Boundary Road end. They had been forced to close their windows for a year during decontamination works and it was felt that every effort should be made to address their concerns.

Member Questions to the Town Council

8. Members asked what the Town Council considered should be done to respond to residents' concerns. Mr Foot highlighted the need to improve traffic flow and expressed disappointment that the traffic signals had been deleted from the proposal. Road safety was a primary concern and signals would have helped to stop traffic. HGV traffic passing close to houses was also highlighted as a concern. In addition, drainage and removal of surface water during torrential downpours was considered to be an issue, since the site was in a dip.
9. Mr Foot was asked if the Town Council had any proposals for pedestrian crossings. No suggestions were offered - the Town Council wanted this to be considered by Western Area Planning Committee in order to benefit from Highway Officers suggestions.

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Objector Representation

10. Ms Blythe in addressing the Committee raised the following points:

- Securing a good standard of amenity for existing and future occupants was a core planning principle of the framework, but this did not seem to apply to residents of 132 - 148 Kings Road.
- Residents of Gordon Road had been given substantial consideration (i.e. provision of acoustic barrier with no adverse impact on daylight / sunlight amenity). What similar arrangements would be provided for Kings Road residents?
- Due to the Sterling development being at least 1m higher than originally planned, there were at least six apartments with clear lines of vision into the bedrooms, living rooms and gardens of Kings Road, with distances of 15m, which was well below the 21m standard. This was disturbing and intrusive and did not secure a good standard of amenity for existing occupants.
- Environmental Health Officers considered the impact on amenity to be minimal and would not have a materially harmful impact on Kings Road residents. However, the same officer considered that proposed glazing, balcony balustrades and fences would protect future occupiers of the new flats from noise from the Link road. In addition, the report stated that the proposed acoustic barrier would be effective in protecting the existing residential amenity on Gordon Road. This was considered to be inconsistent, with the needs of Kings Road residents ignored.
- The purpose of the Link road was to reduce through traffic on Kings Road and Mill Lane, which were unsuitable for the volumes and types of traffic. The Link road would allow these to be made into quieter residential streets, apart from the section between 132 - 148 Kings Road where residents' health and safety would be affected.
- In summary, residents would be affected by: a loss of permit parking spaces (without consultation or alternative provision); use of the road by HGVs (there was an existing restriction on Mill Lane); increased numbers of pedestrians, cyclists and children sharing space on narrow footways; safety concerns about the crossings at the Kings Road / Boundary Road junction due to the proposed deletion of the traffic signals; a startling invasion of privacy, because the development bore no relation to the plans; and an absence of parity of consideration and provision for residents of Kings Road and Gordon Road.

Member Questions to the Objector

11. Members noted that Speen residents had been sent letters inviting them to claim compensation for excess noise related to the Newbury bypass and asked if this had been done for the Link road scheme. Ms Blythe confirmed that a firm had been in touch a few years ago.
12. There was a question about parking and the number of vehicles affected. It was noted that there had been very little communication on this matter. Ms Blythe did not have information on vehicle numbers.
13. Members asked, if the closure of Kings Road to through traffic had been included in the proposal, would it have made a difference to the objectors, and would it have addressed the parking issue? Ms Blythe confirmed that it would have made a difference – she highlighted the narrow width of the footways, which forced people to

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step into the carriageway to let others pass. She also agreed that it would have addressed the parking issue.

14. Members noted that residents of 132 - 148 Kings Road would need to cross the road to access proposed additional parking spaces and asked if the objector would advocate the inclusion of an additional crossing. Ms Blythe agreed that there would be a need for a crossing, since it was already difficult to cross with just one-way traffic. She highlighted that the planning notices had all been posted on the south side of the road.
15. Clarification was sought as to the discrepancies between the plans and the as-built development. Ms Blythe confirmed that the windows of the flats had been shown as being further round or at an angle to her windows rather than directly opposite. Residents would have highlighted this as an issue at the planning stage.
16. Members asked about the frequency of roadworks in the area in the last 12 months. Ms Blythe did not know this, but confirmed that there had been a lot of roadworks.
17. Clarification was sought as to the best location for an additional pedestrian crossing. It was confirmed that this would be a matter for consultation with all affected residents.
18. Members asked for views about the proposed acoustic barrier. Ms Blythe highlighted the disparity in the treatment of residents of Gordon Road, whose concerns had been addressed, and those of Kings Road who would be impacted more severely, but had not been consulted.

Ward Member Representation

19. Councillor Phil Barnett in addressing the Committee raised the following points:
 - Points had been made about traffic on Kings Road - those who attended the site visit had experienced difficulties in crossing the road with existing one-way traffic restrictions.
 - Vehicle movements between the town centre and areas to the east, including the Hambridge Road Industrial Estate, had been an issue for residents of Mill Lane, Kings Road, Boundary Road and Queens Road for many years. Conversion of commercial / industrial units to flats had exacerbated the issue.
 - The Link road could help to reduce HGVs and speeding vehicles on Mill Lane, Boundary Road and Queens Road, where 20 mph speed limits were rarely observed. Quality of life for those residents would be improved.
 - Gordon Road residents would also benefit from the scheme.
 - The impact on residents of 132 - 148 Kings Road was the main issue.
 - It was also important to consider the possibility of Kings Road becoming a cul-de-sac and this should be addressed through a condition.
 - A significant amount of parking on Kings Road was already covered by a residents' parking permit scheme, but some parking had no restrictions – these spaces should be brought into the permit scheme.
 - The Kings Road / Hambridge Road / Boundary Road crossroads was a major concern that needed to be addressed, since it would be difficult for traffic turning right out of Boundary Road North and South, particularly at peak times. This could

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be addressed using staggered traffic signals or additional signal-controlled crossings.

- He asked Members to consider those residents who would be affected most by the proposed scheme in terms of traffic, noise and parking.

Member Questions to the Ward Member

20. Members asked about the locations of additional crossings. Councillor Barnett observed that the London Apprentice crossing was already well used and he felt that this should remain. He also suggested that there should be a set of staggered lights away from the junction to help traffic turning out of Boundary Road across the two-way traffic. In addition, he reiterated the need for Kings Road to be turned into a cul-de-sac and for displaced parking for 20 residents to be reprovided, with appropriate crossing facilities to allow residents to access the new parking location.
21. Councillor Barnett was asked for his views on what the solution to the parking issues might be. He highlighted that there were 12 spaces with no parking restrictions on Kings Road opposite Sainsbury's, which could be included in the permit scheme. However, he also advocated securing additional parking within the new development.

Member Questions to Officers

22. Members asked if it had been agreed for parking to be provided within the new development. Officers confirmed that it had not, but it was the Council's aim that displaced parking be accommodated within the proposed development site. This matter had been considered in the original planning application from 2015, and an informative had been attached to the permission. It was suggested that a condition could be attached to the permission for a proposed amendment to the building. This application was currently being considered. Unfortunately, the red line did not allow this to be considered as part of the Link road application.
23. Officers were asked about difficulties in providing a safe crossing for north-south movements on Kings Road. It was noted that there would be a new footway to the north of the development and a piece of scrubland could provide a suitable landing point for a crossing. Officers confirmed that a crossing had been considered at this point, but there was not sufficient visibility on the short section of road between the two junctions. The existing zebra crossing to the east of Boundary Road would be retained and dropped kerbs would be provided on the Boundary Road arms of the junction. It was suggested that dropped kerbs with tactile paving could be provided on Kings Road to the west of the junction. It was suggested that pedestrian flows would not be sufficient to justify a controlled crossing at this location, even if one could be provided.
24. Members asked about what traffic modelling had been done to estimate the number of right-turn movements from the northern section of Boundary Road - currently traffic did not have to check for vehicles approaching from the west when making this manoeuvre. It was explained that the sight lines met design standards. Junction modelling had shown that there was little difference in the performance of the signal-controlled crossroads and the uncontrolled junction. It was noted that there would be a reduction in traffic from Mill Lane as a result of the Link road scheme.
25. Members noted that the northern arm of Boundary Road would be narrowed and asked if this was for safety reasons. Officers confirmed that this was the case - the

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- road could be narrowed from two lanes to one due to the reduced traffic flows. This would help to improve visibility and would provide a safer crossing for pedestrians.
26. Members asked if other options had been considered for the Kings Road / Boundary Road junction. Officers stated that the current proposal was the only option that could be delivered with the available funding.
 27. It was noted that turning out of Boundary Road would become more difficult with two-way traffic on Kings Road and officers were asked if a mini-roundabout could be considered for this junction. Officers were also asked if the closure on Kings Road could be near the location of the mini-roundabout shown on the plans. Officers explained that four-arm mini-roundabouts did not work well, since drivers struggled to work out who had right of way and there would also be visibility issues – mini-roundabouts were considered more appropriate for three-arm junctions. It was confirmed that the Council intended to make Kings Road a cul-de-sac to prevent it from becoming a 'rat run', and residents would be consulted on any improvements.
 28. Members asked about pedestrian access to Sainsbury's from the new flats. It was explained that dropped kerbs would be provided on the north-south section of the Link road. This would provide access the footway on the northern side of the Link road or the existing route via Kings Road. At the western end, pedestrians would use the existing crossing at the Kings Road junction. It was noted that dropped kerbs were not present at the Sainsbury's access road roundabout, since there was currently no crossing demand at this location, but officers undertook to look at this.
 29. Officers were asked about the differences between mitigations proposed for residents of Gordon Road and Kings Road. It was explained that mitigations had been approved as part of the 2015 planning permission, which could still be implemented. No additional measures were proposed as part of the current application. At the time of the previous application, the Committee considered, on balance, that the impact on the amenity of Kings Road residents would be acceptable. Continuous noise assessments were carried out at five locations in 2018. These showed more significant noise at Gordon Road in terms of existing and proposed levels.
 30. Members asked if the 2018 surveys were still considered valid. It was confirmed that the Environmental Health Officers were happy with the surveys. A condition of the original planning permission had required that surveys be carried out and mitigations be identified prior to occupation.
 31. Officers were asked about signage to be provided on the A339 at the Burger King and Sainsbury's roundabouts. It was explained that this had not yet been considered, but would be in due course.
 32. Members highlighted that Boundary Road north was heavily used by Thames Valley Police.
 33. Members asked if the issues with direct line of sight between rooms in the new and existing properties was as a result of the new buildings being constructed on a different alignment to that agreed in the 2015 permission. It was explained that the new building had a similar footprint and orientation to the planning permission. However, in 2020 planning permission was granted for changes to the appearance of the building, including removal of cladding in response to the Grenfell disaster. However, it did not change the relationship between the new and existing buildings. Also, amendments were made during construction, including changes to the basement floor height of around 1m. The height of each subsequent floor had been reduced by around 7.5cm to compensate for the change to the basement level, so

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the relationship between the buildings had not changed in any significant manner. Officers confirmed that the current planning application related to the road layout and so the relationships between buildings were not relevant.

34. A question was asked about the extent of the area to be adopted as highway. Officers confirmed that all of the road would be adopted and there would be no 'ransom strip'.
35. Officers were asked about details of local HGV restrictions. It was explained that there was an existing weight restriction on Mill Lane, which routed lorries via the A339 and A4 to access the Hambridge Road Industrial Estate. The Link road would provide more direct access.
36. A further question was asked about the effect of proposed reductions in carriageway widths on HGV access. Officers confirmed that the layout had been checked to ensure that it could accommodate the largest vehicles.
37. Members asked about the proposed location and height of the acoustic barrier. It was confirmed that this would be located at the bottom of the embankment and would be 2m high. Members asked if the proposed location was correct. Officers indicated that the location had been determined by the noise assessment report. The Environmental Health Officer had reviewed the recommendation and had agreed that the location and design were appropriate to protect the amenity of the Gordon Road residents.
38. The Chairman noted that on the site visit, there had been a lot of discussion about the topography of the site and the retaining wall, but Members felt that their concerns had been addressed.

Debate

39. Councillor Adrian Abbs opened the debate. He indicated that he was opposed to the proposed scheme due to its impacts on local residents. He had hoped that these impacts could be mitigated, but nothing had been proposed. He was shocked by the removal of the traffic signals at the Kings Road / Boundary Road junction, and felt that there would be safety issues for emergency vehicles emerging from the northern arm. He felt that there was a need to provide safe crossings, and zebra crossings would be easier to see than dropped kerbs. He did not see how enough amendments could be incorporated to make the scheme safe and so he expressed a preference for the decision to be deferred.
40. Councillor Tony Vickers indicated that he was keen to see the Link road opened. He acknowledged that it was not an ideal solution, but the decision on the line of the road and its relationship to adjacent buildings was not part of this application, which focused on the detail of the design. He noted that a lot of public money had gone into the scheme and the Council was keen to see the road opened with minimal delay, due to concerns about construction inflation. He suggested that there were two options:
 - 1) to ask the Local Enterprise Partnership for additional funding for the signal-controlled crossroads, which might not be forthcoming; or
 - 2) to accept officers' recommendation

He noted the weaknesses of current planning law, but hoped that the scheme benefits could be realised quickly. He suggested that an experimental traffic order could be introduced on Kings Road on the day that the Link road opened. He also

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hoped that negotiations could be concluded with the applicant to secure parking to replace the spaces displaced from Kings Road. He indicated that he was not prepared to refuse or defer the application.

41. Councillor Phil Barnett noted that the Link road would deliver significant benefits, including for cycleways. He noted that some residents would benefit from the scheme and benefits had already been realised from the introduction of electric trains. However, he accepted that some residents would be adversely affected, particularly those living at 132 - 148 Kings Road. He stressed that as elected Members, they had to consider the wider impacts. He indicated that he had concerns about traffic movements at the Kings Road / Boundary Road junction. Overall, he was unable to support the application in its current form and was inclined to agree with Councillor Abbs that it should be deferred to allow further work to be undertaken to address Members' concerns.
42. Councillor Carlyne Culver felt it would be difficult to reject the application if that would cause access difficulties for the new flats. However, she suggested that approval should be subject to additional conditions related to closing Kings Road to through traffic and addressing concerns related to the mini-roundabout. She did not understand why the cost of the signal-controlled junction had risen to £1 million. She also suggested that there should be a condition related to improvement of access to Sainsbury's. If these could not be conditioned, and if they could not be delivered at the same time as the Link road scheme, then she was inclined to support a deferral. She noted that the development had been approved in 2015, but an agreement on accommodating displaced parking had still not been concluded. This did not give confidence that the provision of a cul-de-sac would be delivered quickly enough.
43. Councillor Lynne Doherty stressed that Members should only consider matters covered by the current application. She noted that the main change from previous proposals was the omission of traffic signals on the Kings Road / Boundary Road junction. However, traffic modelling showed that there would be little difference in the performance of the junction, which had operated safely for many years. She also highlighted the fact that the existing zebra crossing would be retained at the London Apprentice. As such, she was minded to support the application. However, she was concerned about the impact on residents of Kings Road. In addition to securing parking within the new development, she highlighted the opportunity to incorporate additional spaces within the residents permit scheme. She also supported the need to turn Kings Road into a cul-de-sac to prevent this from becoming a rat-run.
44. Councillor James Cole indicated that he was minded to support a deferral unless conditions could be agreed in relation to the creation of a cul-de-sac on Kings Road and creation of safe walking routes.
45. Councillor Claire Rowles noted that the principle of the Link road had been agreed under a previous application. She recognised that there would be clear benefits arising from the scheme, but she had concerns about the loss of the traffic signals. She hoped that conditions could be agreed to allow the scheme to be approved.
46. Councillor Jeff Cant suggested that Members should trust that officers had looked at all available options and should consider whether there were any significant or obvious flaws. He had not seen or heard anything to lead him to believe that this was the case, nor that there were grounds for refusal. He highlighted the 167 flats that were under construction - these would be adversely affected by any delay. He acknowledged that the Link road would be uncomfortable for a number of residents and was sympathetic towards them, but on balance he was inclined to support the application.

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47. Councillor Abbs indicated that he was minded to defer the application because he did not think it likely that conditions could be agreed at the meeting. He advocated inclusion of additional zebra crossings to the north, south, east and west of the site, across Boundary Road to the north of Kings Road, and also at Sainsbury's. He expressed concern that modelling was undertaken with traffic signals included, and that they had subsequently been deleted from the scheme.
48. The Chairman acknowledged that it was a difficult and complex application and asked for a list of possible conditions.
49. Councillor Abbs listed these as follows:
 - Replacement of parking for displaced residents.
 - A zebra crossing at the middle of the north-south link.
 - A zebra crossing to the north of the development.
 - Noise mitigation for affected residents, including relocation of the noise barrier to the top of the embankment.
50. Councillor Vickers indicated that he would like to see the traffic signals as a pre-occupation condition to give additional time to find the necessary funding. However, if that could not be secured, then he indicated that he would support the approach advocated by Councillor Abbs.
51. Councillor Culver proposed the following conditions:
 - Kings Road to become a cul-de-sac concurrent with the opening of the Link road.
 - Construction of a new crossing to Sainsbury's.
 - Alternative parking provision to be made available for residents of 132-148 Kings Road prior to that section of Kings Road opening to two-way traffic.
52. Councillor Doherty proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. She did not feel that the traffic signals should be a condition, since the cost was prohibitive and the traffic modelling did not indicate that this was needed. She agreed that there should be conditions relating to additional zebra crossings, alternative provision of displaced parking and the closure of Kings Road to through traffic. She felt that if the traffic signals were included as a condition, then it could prevent access to the flats, since funding would be unlikely to be secured. The proposal was seconded by Councillor Cant.
53. The Chairman invited officers to collate the additional conditions that Members had requested. Officers summarised these as follows:
 - Pedestrian access to Sainsbury's. (It was noted that this was outside the red line of the current planning application, but could be considered separately by Highways outside the planning process.)
 - Closure of Kings Road to through traffic to be timed to coincide with the opening of the Link road. (Again, it was noted that these works would be substantially outside of the red line for the planning application, but Highways had advised that they would consider this separately in consultation with residents. It was suggested that this could be covered by an informative.)
 - Provision of a mini-roundabout at the Kings Road / Boundary Road junction.

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- Provision of additional zebra crossings. (It was noted that crossings would need to comply with Department for Transport criteria. Officers were unable to confirm at the meeting whether the proposed crossings would satisfy these criteria. Therefore, it was proposed that these be addressed by a set of Informatives.)
 - Provision of alternative parking for that displaced by the Link road scheme. (It was noted that officers had been seeking to agree the parking with the developer for around eight years, but the condition related to the existing planning permission had not yet been discharged. It was suggested that a new condition could be imposed on the parallel planning application for non-material changes to the building where the parking would be located.)
 - Relocation of the acoustic boundary to the top of the embankment. (A condition could be applied to require submission of a plan that showed the relocated acoustic boundary. It was noted that the Environmental Health Officer had undertaken a thorough assessment and the proposed location had been challenged by Highways, but the Environmental Health Officer had confirmed that this was the optimal location for preserving the amenity of affected properties. Nevertheless, it was noted that the Committee could choose to override this with a revised condition.)
 - Councillor Vickers had sought the reinstatement of the traffic signal-controlled junction at the Kings Road / Boundary Road junction, but Councillor Doherty did not wish this to be included as part of her proposal.
 - Agreement of the parking allocation prior to the opening of the two-way section of Kings Road. (It was noted that this would be dealt with as part of a separate planning application and it would be unlawful to impose a duplicate condition on this application where the parking would be outside of the red line.)
54. Councillor Claire Rowles asked about the differences between a condition and an informative. It was explained that a planning condition would require the developer to do something, while an informative provided a direction for either the developer or another involved party to consider something. In this case, they would invite the Council to look at the potential for providing crossings. The concern was that the Highway Authority would look at these works as part of the adoption process and so it would be outside of the control of the planning permission.
55. Councillor Doherty confirmed that she did not know enough to override an Environmental Health Officer, so asked for this condition to be excluded from the proposal.
56. Mr Goddard noted that there were two locations where crossings had been proposed that were within the red line, including the crossing on Kings Road to the north of the site and the crossing to the west of the site. Conditions could be added that prior to the Link road being brought into use, appropriate and improved crossing points would be provided in both locations, with plans to first be submitted and approved by the Local Planning Authority.
57. Councillor Abbs asked if the existing zebra crossing at the London Apprentice could be converted to a signal-controlled crossing. This would break up the flow of traffic. Mr Goddard noted that the crossing was not within the red line for this application, but it could be covered by an informative. Again, he highlighted that there were design criteria which the crossing would need to meet, so he could not give a definitive view in the meeting.

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58. Councillor Barnett asked when the parking issue would be resolved and the timing and location of the closure of Kings Road to through traffic. He highlighted that there was an opportunity to incorporate unrestricted parking on Kings Road within the residents parking permit scheme. Also, if the point at which the road was to be closed was near to 132 Kings Road, there might be an opportunity to create additional parking for residents affected by the Link road scheme.
59. The Chairman then asked officers to summarise the final list of conditions and informatives to be attached to the planning permission if the proposal was approved. Mr Simon Till indicated that these would be as per officers' recommendation plus:
- A condition that prior to the road being brought into use, appropriate and improved crossing points would be provided on Kings Road to the north of the site and on the Link road to the west of the site, with plans to be first submitted and approved by the Local Planning Authority.
 - Informatives relating to: formalised pedestrian access to Sainsbury's; exploration of permit parking for the unrestricted parking spaces on Kings Road; and exploration of new / improved crossings on Boundary Road (North), adjacent to the London Apprentice.
60. It was confirmed that the alternative provision of parking spaces displaced by the Link road scheme would be addressed through the parallel planning application for non-material changes to the buildings.
61. The Chairman invited Members of the Committee to vote on the proposal by Councillor Lynne Doherty and seconded by Councillor Jeff Cant 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 completion of a Section 106 Legal Agreement by 9 September 2022 and in accordance with the following conditions:

Heads of Terms for the Section 106 Agreement Deed of Variation

1.	<p>Summary of amendments to Highway Works section of the Section 106 Legal Agreement dated 31 March 2015.</p> <ol style="list-style-type: none">1) Add the "retaining wall and acoustic barrier fence" to the definition of "the Access Road" in the definitions Section 1.12) Add this application reference "22/00493/FUL" to the definition of "the Application" in the definitions Section 1.1 <p>First Schedule</p> <ol style="list-style-type: none">3) Amend the wording in clause (5) from "Not to commence the development until they have entered into an agreement with the Council pursuant to Section 278 of the Highways Act", such that the clause states "Not to occupy the development"4) Amend the Clause (5) sub sections 5.1, 5.2 and 5.3 respectively as follows:<ol style="list-style-type: none">a) The provision of a mini roundabout onto Kings Road along with associated footways fronting the site alongside Kings Road.b) Provision of improvements to the Boundary Road / Hambridge Road / Kings Road crossroads.c) Realignment of Boundary Road between Hambridge Road and the
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	<p style="text-align: center;">railway bridge, with the provision of a footway along the western side of Boundary Road</p> <p>5) Amend the wording in clause (6) from “Not to commence the development until they have entered into an agreement with the Council pursuant to Section 38 of the Highways Act”, such that the clause states “Not to occupy the development”</p> <p>6) Amend the wording in clause (7) from “Not to commence the development” such that it states “Not to occupy the development until the Access road, acoustic barrier fence, retaining wall and access rights for inspection and maintenance have been completed and adopted by the Council as public highway maintainable at the public expense.”</p> <p style="text-align: center;">Second Schedule: “Infrastructure Contribution”</p> <p>7) Add a Clause to the Second Schedule which states that the applicant will provide and pay for all the permits/agreements and all costs (including third party costs) with Network Rail for West Berkshire Highway Authority to inspect and maintain the retaining wall structure. The sum of contribution will be finalised and included in the Second Schedule.</p> <p>8) Add to the Second Schedule, a sum of funding (level to be advised by Highway Authority) for measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.</p> <p>Amend as necessary, any other associated clauses in association with the above Heads of Terms and proposed development as advised by the Council’s Legal Service.</p>
2	<p>Council’s Costs</p> <ul style="list-style-type: none"> • To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee.

Conditions

1.	<p>Time Limit for commencement</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 following approved documents and plans:</p> <p>Received on 24 February 2022</p> <ul style="list-style-type: none"> • Acoustic reflective fence details • Noise assessment

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- Application form

Received on 28 February 2022

- Location plan
- Highway construction details
- Section 38 long sections
- Section 38 swept path analysis bus
- Section 38 setting out plan
- Amended Section 278 cross sections

Received on 08 March 2022

- Drainage strategy, SUDS and sewer system improvements part 1
- Drainage strategy, SUDS and sewer system improvements part 2
- Drainage strategy, SUDS and sewer system improvements part 3
- Construction management plan logistics plan

Received on 15 March 2022

- Amended Section 278 site clearance
- Amended Section 278 contours and levels
- Amended Section 278 pavement finishes and kerb types
- Amended Section 278 road markings and signage
- Amended Section 278 plan
- Amended Section 278 proposed street lighting sheet 1
- Amended Section 278 proposed street lighting sheet 2
- Amended Section 278 swept path analysis rigid bus
- Amended Section 278 boundary road railway bridge proposals
- Amended Section 278 scheme layout
- Amended Section 278 proposed drainage
- Amended Section 278 swept path analysis refuse vehicle sheet 1
- Amended Section 278 swept path analysis refuse vehicle sheet 2
- Amended Section 278 new routes temporary signing plan

Received on 05 May 2022

- Applicant response regarding acoustic fence

Received on 06 May 2022

- Jackure fence 25 year guarantee
- Fencing due diligence statement
- Section 278 comments
- Amended construction management plan statement
- Amended section 38 proposed phasing and drainage plan
- Amended Newbury remaining construction method schedule
- Amended section 38 retaining walls
- Amended section 38 scheme layout
- Amended section 38 proposed levels
- Amended section 38 pavement finishes and kerbs
- Amended section 38 road markings and signage

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	<ul style="list-style-type: none"> • Amended section 38 adaptable highway infrastructure plan • Amended section 38 cross sections • Amended section 38 proposed street lighting • Amended section 38 swept path analysis refuse vehicles • Cable ducting plan • Amended drainage construction details <p>Received on 26 May 2022</p> <ul style="list-style-type: none"> • Amended acoustic fence details plan <p>Received on 27 May 2022</p> <ul style="list-style-type: none"> • <u>Applicant response to drainage comments</u> • Section 38 Amended drainage plan <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>External Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and documents. The development shall be carried out in accordance with the approved materials.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. 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 Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>Sustainable drainage measures</p> <p>Irrespective of the submitted details, the development hereby approved shall not be first used or open to traffic until details of the full sustainable drainage measures to manage surface water runoff within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The sustainable drainage measures shall be implemented in accordance with the approved details before the link road hereby permitted is open to traffic, in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of the West Berkshire Supplementary Planning Document Quality Design (June 2006).</p>
5	<p>Surface water ground infiltration</p> <p>No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance any submitted details that are approved.</p>

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	<p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
6	<p>Piling and Groundwater</p> <p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with any submitted details that are approved.</p> <p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
7	<p>Construction Method Statement</p> <p>The development shall be carried out in accordance with the approved Construction Method Statement and site set-up plan.</p> <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).</p>
8	<p>Construction hours</p> <p>No 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;</p> <p>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>
9	<p>Link road completion prior to Phase one occupation</p> <p>No dwelling within phase one shall be occupied until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements are provided and maintained before the dwellings are occupied, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
10	<p>Link road completion prior to Phase two development</p>

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	<p>No development shall take place within phase two until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements and the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
11	<p>Retaining wall structure</p> <p>No dwelling within phase one shall be occupied until all retaining structures, barriers and fencing along the railway line have been constructed in accordance with the approved drawings.</p> <p>Reason: To ensure that safe access arrangements and the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
12	<p>Gordon Road Vehicle Restraint System</p> <p>No dwelling within phase one shall be occupied until a Risk Assessment covering the need for a vehicle retaining barrier at the top of the embankment alongside Gordon Road has been submitted in writing and approved by the Local Planning Authority, all appropriate recommendations provided, with the system then being constructed in accordance with the approved drawing(s).</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
13	<p>Acoustic barrier</p> <p>The development hereby permitted shall be implemented in accordance with the Noise Impact Assessment Ref P17-450-R01v1 by Hepworth Acoustics Ltd dated January 2019, Jakoustic reflective fence details received on 24 February 2022, Applicant response regarding acoustic fence received on 5 May 2020, Jackure fence 25 year guarantee details, the fencing due diligence statement received on 06 May 2022 and the amended acoustic fence details plan received on 26 May 2022.</p> <p>The completed acoustic fence shall be coated with anti-graffiti application as detailed on the amended acoustic fence details plan received on 26 May 2022.</p> <p>No dwelling within phase one shall be occupied until the approved Acoustic Barrier details have been approved as part of being adopted as Highway by the West Berkshire Highway Authority.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers of properties along Gordon Road, 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).</p>
14	<p>Pedestrian crossings fronting development</p> <p>The new link road shall not be taken into use until details of pedestrian crossing</p>

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	<p>facilities across Kings Road to the north and west of the phase one building have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the crossings have been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway/cycleway.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026)."</p>
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Informatives

1.	<p>Approach of the LPA</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>Legal agreements - Section 106</p> <p>This Decision Notice must be read in conjunction with the terms of the Legal Agreement of the *. You are advised to ensure that you have all the necessary documents before development starts on site.</p>
3	<p>Consent to enter land</p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.</p>
4	<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>
5	<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>
6	<p>Network Rail Assets protection</p> <p>Any works on this land will need to be undertaken following engagement with</p>

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	Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk .
7	<p>Drainage</p> <p>Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.</p>
8	<p>Ground Levels</p> <p>The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.</p>
9	<p>Ground Disturbance</p> <p>The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.</p>
10	<p>Piling</p> <p>Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.</p>
11	<p>Potential additional pedestrian crossing near Sainsbury</p> <p>Highway Officers shall consider appropriate pedestrian crossing facilities to the north of the Hectors Way / Sainsbury access roundabout. If considered appropriate, highway officers shall endeavour to provide such a facility as early as practically possible.</p>
12	<p>Potential upgrading of zebra crossing fronting London Apprentice PH</p> <p>Highway Officers shall consider upgrading the existing zebra crossing facility fronting the London Apprentice PH to a signal controlled crossing. If considered appropriate, highway officers shall endeavour to provide such a facility as early as practically possible.</p>
13	<p>Kings Road</p>

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Highway Officers shall consider the future of Kings Road from the existing B3421 Kings Road traffic signal junction to the proposed B3421 Hectors Way / Kings Road mini roundabout. Items to consider would include the provision of cul-de-sacs with turning areas at appropriate locations, along with future arrangements for on street car parking along this section of Kings Road. Such considerations shall take place in consultation with the local community, members and other appropriate stakeholders. When an appropriate design solution is agreed, highway officers shall endeavour to provide the highway works as early as practically possible.
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S106 Planning Obligation Refusal Reason

The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

(a) Highway safety in accordance with Policy CS13 and TRANS.1 without which the proposal would be contrary to the NPPF, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Planning Obligations SPD.

(2) Application No. and Parish: 21/03132/HOUSE, 14 Lime Close, Newbury, RG14 2PW

(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways Committee. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

62. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/03132/HOUSE in respect of Partial Retrospective: Retention of existing metal staircase to side gable end wall and addition of proposed privacy screen.

63. Mr Scott Houston, 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 – Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

64. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, Ms Karen Munroe, objector, and Ms Amanda Olley, agent, addressed the Committee on this application.

Town Council Representation

65. Mr Foot in addressing the Committee raised the following points:

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- This application had come before Newbury Town Council on two occasions.
- At the meeting of 24 January 2022, the Planning and Highway Committee's recommendation was to object due to overbearing of neighbours causing privacy concerns, and noise from the metal staircase.
- At the meeting of 7 March 2022, the Committee's recommendation was to strongly object for the same reasons as before. They went on to ask that the Local Planning Authority take enforcement action in this matter, since it was a retrospective application that had given neighbours no chance to object before it was built.

Member Questions to the Parish/Town Council

66. Members did not have any questions of clarification.

Objector Representation

67. Ms Munroe in addressing the Committee raised the following points:

- She lived at 38 Cresswell Road directly opposite the gable end shown in the photographs.
- Members who attended the site visit could see that 80% of her property was overlooked by the staircase and door, including her bedroom and living room.
- She had been unable to use her garden and for the last 18 months, she had had to keep her curtains and blinds shut for fear of overlooking.
- The photographs showed that the staircase was an eyesore and the proposed privacy screen would be overbearing for her and her neighbour.
- Three other properties were also affected, since the garden was on a corner of Cresswell Road.
- This was a retrospective application and it was questioned whether the changes had been inspected by Building Control.
- Ms Munroe had undertaken changes at her own home, which had required planning permission and inspections by Building Control.
- The staircase had affected her wellbeing and day-to-day life for the last 18 months, and she was saddened that she was having to again seek the Committee's support to have it removed.
- She appreciated that it was not a great area, but it did not mean that residents did not care about their properties, and she suggested that Members would feel the same if they had a similar view from their properties.
- She was also concerned about noise.
- She felt that it made a mockery of the planning process to submit a retrospective application for a change that had already been made.

Member Questions to the Objector

68. Members asked for further details about noise issues. It was noted that the staircase was metal, so sound would travel when people went up and down. There was also a

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doorbell fitted, which suggested that there would be a lot of use of this entrance. Wiring had also been installed for a security light that would shine onto neighbouring properties. The owner had continued to do work and had used the access even though it had not been approved.

Agent Representation

69. Ms Amanda Olley from Summit Planning Limited in addressing the Committee raised the following points:

- The officer's report brought to a head some 18 months of submissions in relation to this matter.
- The development had been the subject of an initial application that had been refused planning permission under delegated powers. This was appealed and the appeal was dismissed on the grounds of overlooking of neighbouring properties. This was on the basis of retaining the staircase in its current form.
- The appeal inspector's judgement was clear that no reasonable grounds of refusal could be sustained regarding the visual appearance of the staircase.
- Regarding the concern about overlooking, the inspector had opened a door to a solution, which was the subject of the current application.
- It was proposed to introduce a privacy screen at a height of 1.8m, which would be more than the eye height of an average person. The screen would be obscurely glazed to remove any potential for overlooking of neighbouring properties.
- The screen would also help to neutralise the impact of comings and goings at the property as viewed from outside the site.
- The positive impact of the privacy screen had been reflected in the representations made in relation to the application. There was a balance between those nearby neighbours who wished to maintain an objection and those who had recognised the efforts of the applicant to address the single area of concern.
- A nearby neighbour who had a direct view of the stairs had confirmed no ongoing objection.
- As advised in the officer's report, the addition of the privacy screen resulted in highly limited views from all angles.
- The proposal was felt to strike an appropriate balance between the extent of the privacy screen and its visual appearance. However, at the site visit, Members suggested that the proposed height might not be sufficient. The applicant was amenable to increasing the height of the screen if Members felt this to be necessary to reduce the perceived impact on neighbours.
- Having been through the appeal process and having received a clear judgment and direction by the inspector, the applicant was keen that the matter should not end up at appeal again in order to avoid any associated appeal for costs.
- The proposed privacy screen had appropriately addressed the single concern highlighted by the inspector and presented an acceptable way forward that was hoped would draw the matter to a close.
- She encouraged Members to support the officer's recommendation.

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Member Questions to the Agent

70. Members noted that the agent had not mentioned noise and asked if she considered this would be an issue. Ms Olley confirmed that the staircase was not finished and that noise was not anticipated to be an issue.
71. Members asked why the external staircase was necessary. Ms Olley confirmed that the applicant wished to bring his mother-in-law to live at the property and to create an internal annexe with an independent means of access. Members asked if this would create two flats. Ms Olley confirmed that it would not.
72. It was noted that other parties might consider noise to be an issue, and the agent was asked if the applicant would be prepared to consider rubber matting on the stairs. Ms Olley indicated that the applicant was open to solutions to mitigate against any perceived impacts.
73. In relation to the proposed barrier, it was noted that this would have Level 3 obscure glass, which people could just about see through. The agent was asked if a higher level of obscurity would be acceptable. Ms Olley did not consider this to be justified, but confirmed that it could be considered if Members felt it was necessary.

Member Questions to Officers

74. Members noted that the distance from the staircase to Ms Munroe's bedroom was less than 21m and asked if the proposed screen would be sufficient to address the issue of overlooking. It was confirmed that officers had made a discretionary judgement. The 21m distance was taken to apply to facing windows. In this case, the level of obscurity proposed was felt to provide effective mitigation.
75. Members asked for details of what the screening would look like. It was confirmed that there would be black trellis below the glass screen. The possibility of a condition requiring vegetation to be planted to screen the trellis had been discussed, but was considered to be an onerous imposition.
76. The colour of the trellis was queried, since the black finish was felt to be overbearing. It was confirmed that this colour had been chosen to match the existing staircase, but Members could ask for an alternative colour.
77. Members asked about the appeal decision. Officers indicated that in determining the acceptability of the staircase, the inspector felt that it had an unacceptable impact on neighbours' privacy and amenity. There was a refusal reason related to the impact on the character and appearance of the area, but the inspector, mindful of the limited views from the public domain, did not uphold this as a reason for refusal. In terms of the current application, Members would need to be satisfied that the privacy screen would have a significantly higher impact on visual amenity than the existing staircase, and that there was sufficient justification in terms of visual impact on public as well as private views in order to cite impact on character and appearance as a reason for refusal. It was acknowledged that the appeal decision set a difficult position in terms of removal of the staircase. If the application for the screen were to be refused then it would be open to the applicant to seek an alternative or to appeal the refusal. There would also be the potential for costs if the inspector considered that the matters had been substantially addressed from the previous appeal. However, the Committee could seek to impose conditions relating to the height of the screen, alternative trellis treatment, provision of rubber treads on the stairs and lighting. The applicant had already confirmed that he would be willing to consider an increase in the height of the screen if Members considered this necessary.

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Continuation of meeting

78. In accordance with the Council's Constitution point 7.13.5, the Committee agreed that the remaining business could not be concluded by 10.30pm, and so the meeting would have to be concluded by 10pm.

Debate

79. Councillor Jeff Cant opened the debate. He felt that it was covert redevelopment into two flats and that the proposal was intrusive on neighbours, so he was inclined to vote against it.
80. Councillor Tony Vickers observed that noise issues were not covered by the appeal, and this should be covered by a suitable condition. He did not consider it necessary to increase the obscurity of the screen, but increasing the height to 2m would ensure there was no loss of privacy for neighbours. He indicated that he would be minded to support the application if these changes could be secured by conditions.
81. Councillor Adrian Abbs felt that the black colour scheme increased the visual impact and the Inspector's comments had been based on a staircase rather than a black monolithic block. He indicated that he was opposed to the proposal in its current form.
82. Councillor Phil Barnett expressed concerns about distance, intrusion and noise affecting neighbours. He considered that the development was out of character with the surrounding area. He indicated that he was minded to oppose the application.
83. Councillor James Cole thought that if the application was refused, then it would go to appeal. He noted that the staircase was already in place and had been to appeal once. He suggested that it should be approved, but with stringent conditions.
84. He felt that the black colour should be changed and broken up, the height of the screen should be increased, and the opacity of the screen increased to Level 4. He also proposed that there should be rubber matting on the stair treads to address the noise issue. Also, any outside lighting should be agreed by the Local Planning Authority and should be restricted.
85. Councillor Cole proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report and with additional conditions to: increase the height of the screen to 2m; increase the opacity of the screen to Level 4; provide rubber matting on the stair treads to minimise noise; and to require the applicant to submit plans for approval for any associated lighting. This was seconded by Councillor Tony Vickers.
86. Councillor Lynne Doherty indicated that she was opposed to the proposal, since it was a retrospective application that was being forced through. She felt sorry for the affected neighbours and suggested that this should not be how planning was done.
87. The Chairman invited Members of the Committee to vote on the proposal by Councillor James Cole, seconded by Councillor Tony Vickers to grant planning permission. At the vote the motion was rejected.
88. Councillor Lynne Doherty proposed to reject officer's recommendation on the basis that that the inspector's reservations about intrusiveness and detrimental impact on appearance had not been resolved, as well as Members' concerns about increased

WESTERN AREA PLANNING COMMITTEE - 8 JUNE 2022 - MINUTES

visual impact, noise and the impact of associated lighting. This was seconded by Councillor Jeff Cant.

89. The Chairman invited Members of the Committee to vote on the proposal by Councillor Lynne Doherty, seconded by Councillor Jeff Cant to grant planning permission. At the vote the motion was carried.

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

Reasons

- The proposed works are partially retrospective for the retention of an existing external stair that was erected without planning permission. An appeal, reference APP/W0340/D/21/3276930, against the refusal of planning application 21/00445/HOUSE was dismissed due to concerns with the impact on neighbouring privacy and amenity due to overlooking generated by the unauthorised stair. Following this appeal decision the proposed works are reliant on a privacy screen and trellis to be added to the existing stair in order to mitigate overlooking, loss of privacy and the perception of loss of privacy resulting from the location and use of the stair. The proposed works would result in the imposition of additional development in the form of the privacy screen and trellis that would be observed from the rear windows and rear amenity spaces of several neighbouring properties and visually imposing with a conspicuous and overbearing appearance when viewed from the rear windows and amenity areas of those surrounding properties, as well as from the public domain in glimpsed views between numbers 40 and 42 Cresswell Road to the north east of the application site where the existing stair can already be seen. Furthermore the proposed works, by virtue of the combined monolithic appearance of the stair, trellis and privacy screen, would be of a poor quality of design and result in a detrimental impact on the character and appearance of the site and surrounding area. The proposed works would therefore fail to meet with the requirements of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy 2012 for development to demonstrate a high quality and sustainable design that respects and enhances the character and appearance of the area. Furthermore, the proposed works would result in disruption to neighbouring amenity due to noise of an intrusive nature arising from the use of the stair for day to day comings and goings and the use of any associated lighting. The proposed works would therefore fail to provide for a high standard of amenity for existing and future occupants of land and buildings adjacent to the site or to make a positive contribution to the quality of life in West Berkshire, contrary to the requirements of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy 2012.

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

Members agreed that that as there was not sufficient time to determine the application at this meeting, it would need to be deferred to a subsequent meeting.

(The meeting commenced at 6.39 pm and closed at 9.59 pm)

CHAIRMAN

WESTERN AREA PLANNING COMMITTEE - 8 JUNE 2022 - MINUTES

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	22/00648/FULD Newbury	6 th May 2022 ¹		Demolition of existing dwelling and erection of four dwellings 61 Russell Road, Newbury, RG14 5JX Bartlett Property Development

¹ Extension of time agreed with applicant until 10th June 2022

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00648/FULD>

Recommendation Summary: To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION.

Ward Member(s): Councillor Andy Moore,
Councillor Martha Vickers

Reason for Committee Determination: Member call in

Committee Site Visit: 06.06.2022

Contact Officer Details

Name: Cheyanne Kirby
Job Title: Planning Officer
Tel No: 01635 519489
Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for demolition of existing dwelling and erection of four dwellings.
- 1.2 The site lies within the defined settlement boundary of Newbury. Russell Road is a residential road comprising of predominately terraced dwellings. The dwellings have a homogeneous style, consistent spacing and shared palette of materials, the dwellings are set close to the road with rectangular garden amenity space to the rear. The application site is a corner plot with an existing detached bungalow, to the north of the site is a large apartment building separated from the application site by car parking.
- 1.3 The application is a resubmission of 21/02424/FULD which was refused and is currently at appeal. The current application submitted further highways information.

2. Planning History

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

Application	Proposal	Decision / Date
89/34599/ADD	Erection of brick screen wall to Russell Road	Approved / 12.05.1989
21/02424/FULD	Demolition of existing dwelling and erection of four dwellings	Refused / 17.12.2021

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 25th February at the site; the deadline for representations expired on 18th March 2022.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	No Objection
WBC Highways:	Objection – Does not comply with Policy P1 of the HSA DPD due to shortfall of parking spaces; this would exacerbate the likelihood of increased on-street parking which would be to the detriment of local highway safety.
SUDS:	No Response
Waste Management:	No Response
Canal and River Trust:	No Comment
Environment Agency:	No Response
Trees:	Conditional Approval
Ecology	No Response
Natural England:	No Comment
Public Protection:	Conditional Approval

Public representations

- 4.2 Representations have been received from 18 contributors, 12 of which object to the proposal and 6 of which support the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Objection
 - Overdevelopment
 - Increase vehicle movements
 - Parking impacts
 - Construction/demolition impacts – traffic, safety, pollution and noise
 - Out of character with local area
 - Elderly residents nearby which use mobility scooters on footpath which is regularly blocked, carers visits add to traffic movements in the area.

- Support
 - Design in keeping with character of local area
 - 2 parking spaces is ample
 - Sustainable location
 - Family dwellings encouraged over flats

5. Planning Policy

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

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)
- House Extensions SPG (2004)
- Cycle as Motorcycle Advice and Standards for New Development (2014)
- Newbury Town Design Statement July (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highways Matters
- Flooding and Drainage
- Ecology

Principle of Development

6.2 The application site is located within the defined settlement boundary of Newbury. In accordance with Core Strategy Area Delivery Plan Policy 1 (ADDP1) and the principle guidance in the National Planning Policy Framework (NPPF) new residential development will be directed to the most sustainable locations and with preference on brownfield sites. The site is not classified as brownfield land, according to the NPPF's definition of previously developed land, however the general principle of development is acceptable, as the site is within the settlement boundary, though its impact upon the character of the area, impact on highway safety and access, and neighbouring amenity needs to be carefully accessed.

- 6.3 The previous application 21/02424/FULD was refused on grounds of overdevelopment/impact on character of area, inadequate residential garden amenity and inadequate residential parking; this application is currently at appeal. Whilst the current application is the same as the previously refused application further highways information has been submitted.

Character and Appearance

- 6.4 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are also relevant in this instance. Policy CS14 states that 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. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development should contribute positively to local distinctiveness and sense of place. Development proposals would be expected to make efficient use of land whilst respecting the density, character and landscape of the surrounding area (amongst other considerations). Policy CS19 outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.5 Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' – West Berkshire Supplementary Planning Document and other local guidance documents.
- 6.6 Supplementary Planning Document Series: Quality Design (SPDQD) Part 2 offers guidance on how to preserve residential character by emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character.
- 6.7 Three of the proposed dwellings would have a garden amenity of around 30sqm which is well below the garden amenity standards set out in the SPDQD Part 2 states that 3 bedroom dwellings should have a garden amenity space of 100sqm, one of the dwellings would have a garden amenity of around 75sqm which is below the standards set out in the SPDQD Part 2 however is similar to that of the local area.
- 6.8 During the coronavirus pandemic lockdown it was highlighted that outdoor amenity space is a key part of physical and mental wellbeing. Therefore the current low quality amenity space is not considered to be acceptable.
- 6.9 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. Inadequate number of parking spaces have been provided leading to an objection from the highways officer due to a lack of off road parking leading to majority of residents having to park on the road. The two additional off road parking spaces would lead to further loss of amenity space which is already a concern as it is below the standards set out. Overall the lack of adequate amenity space and parking leads to a cramped overdeveloped layout which would have a negative impact on the character and appearance of the area.

- 6.10 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.
- 6.11 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.

Neighbouring Amenity

- 6.12 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Advice on assessing the impact of the proposal on the living conditions of adjoining occupiers is contained within the Quality Design SPD, which also references the House Extensions SPG. Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 6.13 The proposed dwellings will be a row of 4 terraced dwellings detached from the existing terraced dwellings located to the east of the application site. There is a neighbouring dwelling located to the eastern boundary (59 Russell Road), the proposed dwellings will be located in line with the existing terraced dwellings.
- 6.14 The proposed dwellings will be a row of 4 terraced dwellings detached from the existing terraced dwellings located to the east of the application site. There is a neighbouring dwelling located to the eastern boundary (59 Russell Road), the proposed dwellings will be located in line with the existing terraced dwellings therefore the impact on 59 Russell Road will be similar to that of existing terraced dwellings which also have north facing windows. Given the existing relationship and the likelihood that there will be additional windows to the ground floor habitable rooms and the existing boundary treatment at the site; it is considered that on balance there will not be a significant impact on neighbouring amenity in terms of loss of daylight and overbearing.
- 6.15 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. The proposal will on balance not cause a significant loss of daylight to the neighbouring dwelling which and is therefore considered to be in accordance with the NPPF, Policy CS14 of the West Berkshire Core Strategy, Quality Design SPD and the House Extensions SPG.

Highways Matters

- 6.16 Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. Policy P1 of the Housing Site Allocations DPD sets out relevant parking standards. The NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.17 During the previous application the Council's Highways Officer was consulted and raised an objection to the application as the application site is located within Zone 2 of the Policy P1 Residential Parking Standards for New Development. Each 3-bed house within Zone 2 must be provided with a minimum of 2.5 off road car parking spaces. A minimum of 10 car parking spaces are required for this development; 8 are proposed.
- 6.18 No objection was raised, regarding the proposed access or regarding traffic levels. The issue previously and continues to be that the proposal does not comply with the Council's parking standards set out in Policy P1 of the Housing Site Allocations DPD.

- 6.19 The site is located within zone 2, and therefore requires 2.5 car parking spaces each. This is rounded to 3.0, if car parking is provided individually per dwelling as per the plans. Only 2.0 car parking spaces each have been provided. Therefore the proposal has a shortfall in car parking of 2.0 to 4.0 spaces.
- 6.20 The transport note suggests that the site proposal should be considered as an “exception” because it is accessible and is sustainable. It then discusses the current level of existing car ownership in this location from 2011 census data. However all of this was considered during the development of Policy P1 during 2015/16, along with car parking surveys that were undertaken across the district. All of this informed the level of parking standards, and the boundaries to the three different zones of car parking provision outlines above.
- 6.21 The application does not provide justification that would render this site exceptional beyond the sustainability and access criteria of other sites within Newbury parking zone 2. The Housing Site Allocations DPD including Policy P1 was considered at public inquiry during 2016, and was all found to be sound and fully adopted in May 2017.
- 6.22 It is the highways officers’ view, a robust and well researched set of standards that will be defended, especially considering the location. According to the Councils Principal Parking Officer, Ian Martinez “Parking in this area is in very high demand, especially in the evening. It is common for there to not be a single available space on the whole length of Russell Road”. This is supported by a number of site visits undertaken by the highways team, and by planning officers, with a number of photographs, showing heavily parked streets. Further photographs have also been submitted by some objectors. In addition, the above it is supported by the applicants own transport note which revealed that the on street car parking in the vicinity was utilised up to 105% excluding permit holders during a Thursday evening.
- 6.23 From the above, the highway officer rejects the claim that this proposal should be considered as an “exception” with regards to car parking provision. There is also much evidence on how congested this location is with regards to on street car parking. It is therefore considered essential by the Local highway Authority that the proposal complies with the Councils car parking standards. :
- 6.24 In consideration of these concerns the highways officer has recommended that the application is refused on the following grounds: That 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.
- 6.25 It is therefore considered that the proposal would have a detrimental impact on highways safety and is not in compliance with the advice contained within the NPPF, and Planning Policy CS13 of the West Berkshire Core Strategy (2006 – 2026) and Policy P1 of the West Berkshire HSA DPD (2006-2026).

Flooding and Drainage

- 6.26 Policy CS16 requires that on all development sites surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods, to provide attenuation to greenfield run-off rates and volumes, and to provide other benefits where possible, such as water quality, biodiversity and amenity. The Sustainable Drainage Systems SPD, sets out further advice on suitable drainage systems, and the level of information which is required. The application site north eastern corner is located within flood zones 2 and 3 however no development is proposed to this corner of the site other than garden amenity space. The Council's drainage officer did not respond

however a drainage strategy has been provided and can be secured through appropriate condition, so that the development can accord with policy CS16.

Ecology

6.27 Policy CS17 says that biodiversity and geodiversity assets across the District will be conserved and enhanced. The application was submitted with an ecological impact assessment which indicated potential impacts and mitigation measures. The report suggested ecological enhancements which could be incorporated into the development to provide biodiversity enhancements; these can all be secured through appropriate conditions, so that the development can accord with policy CS17.

7. Planning Balance and Conclusion

7.1 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

7.2 The proposal makes a contribution to wider economic roles of planning by providing additional mixture of housing development and construction of dwellings within the local area provide short and long term economic benefits.

7.3 Social roles however whilst providing additional housing the impact on lack of residential garden amenity for future occupiers and negative impact on highway safety are significant concerns which carry significant weight and lead to a negative impact on the character of the area and the social impact of future occupiers therefore would provide social benefits.

7.4 With regard to the environmental role contributing to protecting and enhancing our natural, built and historic environment is fundamental. The impact on the character and appearance of the surrounding area has been assessed as part of this application, and it is considered that the proposal would respect the prevailing pattern of development in terms of overall design however the cramped appearance of the site as well as increased number of cars and hardstanding would have a negative impact on the character and appearance of the area. Whilst there will be some biodiversity net gain measures this is not considered to outweigh the overall concerns therefore there will not be environmental benefits.

7.5 For the above reasons it is considered that the proposed development is not supported by the presumption in favour of sustainable development.

7.6 For the reasons given above it is considered that the proposal does not accord with the criteria of the National Planning Policy Framework and Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies C1 and P1 of the West Berkshire HSA DPD (2006-2006), Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan (1991-2006) Saved Policies (2007), Quality Design Supplementary Planning Document (2006), and the House Extensions Supplementary Planning Guidance (2004) and is therefore recommended for REFUSAL.

8. Full Recommendation

8.1 To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION subject to the reasons listed below.

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 in a positive way having regard to Development Plan policies and available guidance</p>
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	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.	<p>CIL Refused</p> <p>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.</p>



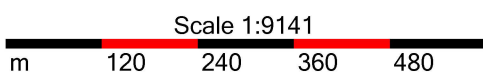
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	25 May 2022
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	21/03024/FULEXT Newbury Town Council	04.03.2022 ¹	Erection of 28 no. 1 and 2 bedroom apartments, together with car parking, an ecological enhancement zone, landscaping and associated works Former Newbury Magistrates Court and No. 20, Mill Lane, Newbury West Berkshire RG14 5QU Palady Homes and Homes and Communities Agency (Trading As Homes England)

¹ Extension of time agreed with applicant until 01.07.2022

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/03024/FULEXT>

Recommendation Summary: Delegate to the Service Director – Development and Regulation to Approve planning permission subject to conditions and planning obligation section 106 or to refuse planning permission if the Section 106 legal agreement is not completed.

Ward Member(s): Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

Reason for Committee Determination: The application has received a petition of at least 20 signatories objecting to the proposed development and the application is recommended for approval

Committee Site Visit: 23/06/2022

Contact Officer Details

Name: Mr. Matthew Shepherd
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for Erection of 28 no. 1 and 2 bedroom apartments, together with car parking, an ecological enhancement zone, landscaping and associated works
- 1.2 The application site is currently cleared of development. The former Newbury Magistrates Court has been previously demolished and removed from site. The site is secured by fencing at the moment.
- 1.3 The proposed development would be 37m in width and between 13m and 18m in depth with the north elevation designed to be diagonal running parallel with the bank of the canal. The development would have 4 storeys in height with the top floor set back from the edges of the building. The building overall height would be approximately 14 metres at its tallest. Land to the north of the proposed building would provide an ecological enhancement zone.
- 1.4 Vehicular access to the development would be directly from the existing police station access road with the access leading directly into the proposed car park which would provide space for 31 cars (including one disabled space). A separate pedestrian access is proposed at the south east corner of the site through the car park. An undercover and secure cycle store providing space for 44 cycles would be provided along the sites eastern boundary. The cycle store would have a green roof. Space for short term visitor cycle parking would also be provided to the front of the building.
- 1.5 A bin store is proposed at the western end of the car park. The bin store would provide sufficient space for both waste and recycling for the 28 apartments in accordance with the Council's Waste Standards (dated April 2021).
- 1.6 A Landscaping Scheme is submitted as part of the application providing detailed landscaping proposals for the ecological enhancement zone as well as across the site, including planting along the sites southern boundary adjacent to the access to the police station and Mill Lane.
- 1.7 The planning constraints of the site are
 - it is within the settlement boundary of Newbury;
 - some of the site is within flood zone 2 & 3;
 - a public right of way NEWB/28/6 and national cycle route runs to the north of the site along the northern bank of the River Kennet and Kennet and Avon canal;
 - the River Kennet is a Site of Special Scientific Interest;
 - it is within a conservation area

2. Planning History

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

Application	Proposal	Decision / Date
82/18132/ADD	Provision of 12ft security fencing to rear of cell block	Refused 01/12/1982

93/43716/ADD	Change of use from dwelling house c3 to business b1 (class ii).	Approved 19/01/1994
05/02290/FUL	Waiting room extension within internal courtyard	Approved 05/12/2005
08/01416/FUL	Temporary single storey custody suite comprising of eight cells, ancillary accommodation	Approved 22/10/2008
08/01676/FUL	New meeting room, boiler house and refurbishments to provide a tea room.	Approved 05/11/2008
19/02261/DEMO	Application for prior notification of proposed demolition.	App required 14/10/2019.
19/03003/DEMO	Application for prior notification of proposed demolition.	App Not required 06/01/2020.

3. Procedural Matters

- 3.1 The proposed development and constraints of the site are such that screening is not required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of a site notice. The deadline for representations expired on 29 July 2019. The application was also publicised in the Newbury Weekly News on 20 June 2019.
- 3.3 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL.

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	Objection based on it being out of keeping with the surrounding area, concerns relating to its proximity to the canal, the lack of parking in relation to units, the additional pressure on the sewers, and finally that it does not comply with WBC Core Policy CS 15 about provision of renewable energy on site.
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WBC Highways:	No objections subject to conditions
WBC Conservation:	<p>The site is located south of and adjacent to the Kennet and Avon Canal East CA, formerly housing C20th structures of no architectural merit. Appropriate replacement would therefore be beneficial to the setting of the CA. The scale of building proposed reflects that of the adjoining police station. The contemporary design is acceptable in this mixed location of building types and uses, and echoes a number of similar buildings in the Newbury town centre. Attention has been given landscaping treatments adjacent to the Kennet & Avon Canal and CA, enhancing its setting and views to and from the site.</p> <p>Notwithstanding any other Development Control Case Officer considerations, the proposals are therefore considered acceptable from a building conservation point of view, enhancing the setting of the CA which it adjoins. There are no listed buildings nearby affected either directly or in terms of their setting.</p>
Canals and River Trust	The main issues relevant to this proposed development are the impact of the proposal on the character and appearance of the Kennet & Avon Canal corridor and the impact on the ecology of the Kennet & Avon canal. The trust raises concerns but suggests suitably worded conditions are necessary to address the matters.
Natural England	No objections subject to conditions
Thames Water Utilities	No objections
Tree Officer	The proposed landscape plan submitted with the application ref: ACLA/BMN 01 rev C received 30.11.2021 is a satisfactory scheme however the addition of trench planting with silva cell or equivalent is requested to the front area adjacent to Mill Lane to ensure the longevity of the planting scheme.
Disable Access Officer	No response within the 21 day consultation period.
Environments Agency	No objections subject to conditions.
Thames Valley Police	<p>Newbury Police Station remains an active and busy frontline Police Station, the main Police Station serving the West Berkshire area with a number of services based there including Neighbourhood Policing, Incident Response Teams and Custody. It is a 24/7 operational station with vehicles utilising the site continually.</p> <p>The Planning Authority must be satisfied that redeveloping the former Magistrates Court site adjacent to an operational station will not give rise to adverse impacts on residential amenity, TVP will not wish to see any future attempts to curtail their operational needs to satisfy any environmental or amenity requirements generated by the proposed new housing.</p>

	<p>The Council must also be satisfied that the proposed development will not give rise to potential issues around on-street parking adjacent to the site. We would remind the Council and applicant that the access road leading to the Police Station (and adjacent the application site, is a private road for TVP use and must not be utilised by residents, visitors or delivery vehicles associated with the proposed development. Any use of this area could lead to emergency vehicles exiting the Police Station being compromised and therefore impacting upon TVP's ability to serve the community.</p> <p>TVP have had discussions with the applicant at pre-app stage and we welcome that our observations around potential security risks have been looked at. I would however highlight that these comments are not submitted to address issues of "Designing out Crime or "Secure By Design", they are merely comments as a neighbouring landowner. The Council should undertake consultation with TVP's respective Designing out Crime advisor to specifically address any issues around this aspect of the application.* The council has consulted with TVP but received no further comments.</p>
WBC Environmental Health	No objections subject to conditions.
Royal Berkshire Fire and Rescue	<p>The applications plans have been briefly examined and the applicant should be reminded that access for fire-fighting, particularly vehicular access, must comply with B5 of the Building Regulations guidance.</p> <p>Any structural fire precautions and all means of escape provision will have to satisfy Building Regulation requirement. These matters are administered by the local authority Building Control or approved inspectors, who are required to consult with this fire authority.</p>
WBC Affordable Housing Officer	No objections subject to section 106 agreement.
SPOKES	No response given within the 21 day consultation period
Care Commissioning Housing and Safeguarding	No response given within the 21 day consultation period
WBC Archaeology officer	The archaeological potential of this site was investigated when the Magistrates Court was demolished, and test pits indicated that there was little of archaeological significance present, due to modern disturbance. I therefore do not believe there will be any impact on below ground heritage assets, though this is quite a prominent site in Newbury, visible from both the historic core of the town and the adjacent Canal Conservation Area.

Lead Local Flood Authority	No objections subject to conditions
Ward Member	No response given within the 21 day consultation period
WBC Waste Mangement	No response given within the 21 day consultation period
Kennet and Avon Canal Trust	No response given within the 21 day consultation period
BBOWT	No response given within the 21 day consultation period
WBC Ecology Officer	No objections subject to conditions.
WBC Planning Policy	No response given within the 21 day consultation period
Newbury Society	<p>We object to this application on the grounds of design, landscaping, and harm to a conservation area.</p> <p>Design</p> <p>This is a prominent site, in a sensitive position next to the canal. A new building here should reflect the traditional architecture of the town, in brick with pitched roofs and gables, for example. The Greenham Mill development, nearby, is a good residential model, sensitive to its location on the edge of a conservation area. As proposed the four-storey flat-roofed design would present as a monolithic block from across the river.</p> <p>Landscaping</p> <p>The River Kennet is an SSSI, and we support Natural England's request for an ecological enhancement zone here to act as a buffer between the river and the proposed development. We also consider that additional landscaping is required, to help provide enough habitat to help sustain a wildlife corridor through Newbury. As currently proposed, the width of the area between the flats and the canal is too restrictive for an imaginative landscaping scheme and needs to be widened. Alder (<i>Alnus</i> sp. such as <i>A. glutinosa</i> 'Imperialis' or 'Laciniata') is one example of a tree which would be appropriate next to the waterway.</p> <p>In terms of its setting, this is also an opportunity to include larger tree species at the front of the building. We need some larger trees in this town, for the benefit they bring to urban situations; oak, lime, plane, ginkgo, metasequoia, tulip tree or robinia would do well there.</p> <p>Effect on a conservation area</p> <p>This site lies right on the edge of the Kennet & Avon Canal (Newbury East) Conservation Area, which was created in 1983 as one of seven conservation areas across West Berkshire</p>

	intended primarily to protect the character of the canal and its surroundings. A more sensitive design and better landscaping is needed to reduce the harm that this design would produce in this location.
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Public representations

- 4.2 Representations have been received from 2 contributors, 0 of which support, and 2 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- The development is too near to the Newbury Police station and the risks that speeding police cars have.
 - Pilings will have to be put into the ground which will damage objector's houses.
 - The noise and disturbance whilst the Magistrates court was being demolished was unacceptable. When attention was brought to contractors objectors concerns were dismissed at the time.
 - The development would create dust
 - Whilst the speed limit on Mill Lane is 20mph cars drive at excess of that speed
 - Concern raised in regards to the safety of Mill lane with the increase of the numbers of cars created from this development.
 - The air pollution in this area is very high.
 - The site is within the flood zone
 - Mill lane has too many flats already.
 - Concern has been raised in regards to the boundary treatments along with canal side of the development.
 - Concern is raised in terms of removal of the fence and concrete standing and the affect this might have on the adjoining land in regards to erosion and slip.
 - There is a lack of information in regards to how the development will be constructed at the boundary with the river and concern is raised this might be to the detriment of the area.

A petition objecting to the proposed development was submitted to the council. This noted that the signatories are deeply concerned about the proposed development of 28 units on this site. This has been signed by 41 people.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies NPPF, ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
 - Policies ECON.5, TRANS.1, OVS.5, OVS.6, OVS7 and OVS.8, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DfT Manual for Streets
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- Conservation of Habitats and Species Regulation 2017

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Housing mix, density and affordable housing
- Design and impact on character and appearance of the conservation area
- Amenity
- Highways, access and parking
- Flooding and sustainable drainage
- Ecology and trees
- Renewable energy generation

Principle of development

6.2 The spatial strategy and settlement hierarchy for development in the District is set out in Core Strategy policy ADPP1. It directs development to within the settlements of the hierarchy and Newbury is listed as an urban area.

6.3 With regard to the proposal for residential development, policy ADPP2 in identifying a broad location for housing in Newbury states that there is significant development potential on previously developed land, particularly in the town centre and periphery.

6.4 Policy CS1 of the Core Strategy states that new homes will be developed on suitable previously developed or other land within settlement boundaries. Policy C1 of the Housing Site Allocations DPD has a presumption in favour of housing development within the boundaries of the listed settlements which includes Newbury.

6.5 The site is considered to be previously development (Brownfield Site) given it used to be the site of the former Newbury Magistrates Court and 20 Mill Lane. The magistrate's court was granted permission to be demolished under application 19/03003/DEMO. The site is sustainably located within Newbury close to the Town Centre. It is considered to be an appropriate site therefore for residential development. The proposed development is therefore considered to comply with ADDP1, ADPP2, CS1 of the Core Strategy.

Housing mix, density and affordable housing

6.6 Policy CS4 expects residential development to contribute to delivering a mix of dwelling types and sizes to meet the needs of the community having regard to the area, its accessibility and evidence of housing need.

6.7 The National Planning Policy Framework strongly supports the delivery of affordable housing that meets a recognised housing need in the District. The Council's policy for affordable housing provision is set out in CS6 of the Core Strategy Development Plan Document (DPD). It enables the authority to seek affordable housing either on site or as a financial contribution in lieu of on site provision on sites of 5 units or more. The contribution levels for affordable housing are as follows:

Number of Dwellings to be provided On Site	% of Affordable Housing to Comply with CS6 of Core Strategy
5 - 9 Dwellings	20%
10 - 14 Dwellings	30%
15 or more dwellings or more than 0.5 ha - Brownfield	30%
15 or more dwellings or more than 0.5 ha - Greenfield	40%

6.8 The Council's affordable housing officer has commented on this application. The council's affordable housing officer notes that the applicants are proposing 28 dwellings on this site, 30% of all dwellings on site are required for affordable housing provision, and therefore we would have expected 8 affordable housing dwellings to be provided on site. The proposal is consistent with this policy requirement.

6.9 However, the proposed development was submitted prior to the implementation of First Homes which came into effect in March 2022. The NPPG states First Homes should account for at least 25% of all affordable housing units. The First Homes guidance allows Council's to retain their policy compliant level of Social Rent whilst incorporating First Homes in to their Affordable Homes tenure mix, as such the following is the breakdown of the tenure split sought:

- Social rent - 70%
- First Homes – 25%
- Shared Ownership – 5%

6.10 For this application this equates to:

AH Tenure Split	Rounded
Total No. AH	8.00
25% FH	2.00
70% SR	6.00
30% SO	0.00

6.11 However to also meet the NPPF directive that 10% of homes on developments over 10 dwellings need to be for Affordable Home ownership the split needs to be further adjusted to the following:

AH Tenure Split	Rounded
Total No. AH	8.00
25% FH	2.00

70% SR	5.00
30% SO	1.00

6.12 The following table shows the unit mix we'd be seeking based on local needs assessments and the current waiting list on the housing register.

Size / Tenure	% Split - FH	% Split - SR	% Split - SO	First Homes	Social Rent	Shared Ownership
1 Bedroom	25%	62%	24%	1	3	0
2 Bedrooms	75%	38%	76%	1	2	1

6.13 The provision of affordable housing and the tenure of the affordable housing has been agreed by the agent of the application via email dated 29/03/2022. The development is therefore considered to comply with CS6

Design and impact on character and appearance of the conservation area

6.14 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.

6.15 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.

6.16 Policy CS 19 relates to the historic environment including conservation areas, and seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.17 The archaeological potential of this site was investigated when the Magistrates Court was demolished, and test pits indicated that there was little of archaeological significance present, due to modern disturbance. The LPA's Archaeologist therefore does not believe there will be any impact on below ground heritage assets, though this is quite a prominent site in Newbury, visible from both the historic core of the town and the adjacent Canal Conservation Area

6.18 The site is located south of and adjacent to the Kennet and Avon Canal East CA, formerly housing C20th structures of no architectural merit. Appropriate replacement would therefore be beneficial to the setting of the CA. The scale of building proposed reflects that of the adjoining police station. The contemporary design is acceptable in this mixed location of building types and uses, and echoes a number of similar buildings in the Newbury town centre. Attention has been given landscaping treatments adjacent to the Kennet & Avon Canal and CA, enhancing its setting and views to and from the site.

6.19 The Conservation Officer is of the opinion that the proposals are therefore considered acceptable from a building conservation point of view, enhancing the setting of the CA which it adjoins. There are no listed buildings nearby affected either directly or in terms of their setting.

6.20 During the course of the application the design was amended to change the materials proposed from am light brick material to a darker brick material more reflective of other developments in the vicinity such as Windsor Court or Parkway. The scale of the building

is distributed evenly between a central stairwell sections. The step back of the 3rd floor apartments also breaks up the scale and massing giving variance to the heights and features of the building to the benefit of the design. The propose balconies are another feature that adds interest to the elevations. The contemporary design is similar to the Police station and the former magistrate's court however the positive design changes discussed above create an interesting form of development rather than a pastiche of the police station. The development would have solar panels on the roof which, although increasing the overall height of the building, would give the building a modern quality.

- 6.21 The layout of the site proposes permeable block paving to the front of the development to which would contain the parking, cycle store, and bin stores. The frontage would be softened by the inclusion of tree planting and evergreen hedges which create a boundary between the public and private realms but would also add some needed landscaping to the currently barren site. The inclusion of a green roof to the cycle store would create another modern feature to the design.
- 6.22 The layout of the site includes a seating area adjacent to the River Kennet and the Cycle store with native hedging between this and the river. This creates some outdoor amenity space that away from the ground floor flat windows. The north of the site includes gardens that include swales and a rain garden. These create a buffer between the development the River Kennet which frames the development positively and creates a transition between built form and the River Kennet utilising natural features.
- 6.23 Whilst boundary treatments are subject to conditions it is suggested a 3 wire fence could be erected on the canal side of the development. Although objectors have raised a desire to retain the existing boundary treatment the case officer considers the lower, lighting boundary treatment would be considerate to the area and open up the views into the canal.
- 6.24 The development is therefore considered to comply with CS14 and CS19 of the development plan

Amenity

- 6.25 Planning Policies CS 14 and CS 19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design discusses light and private garden space. The saved OVS policies of the Local Plan on noise and pollution are also applicable.
- 6.26 The quality design SPD sets out the private amenity space for new dwellings. For flats of 1 or 2 bedrooms this is 25m² per unit and for 3 bedrooms 40m² to generally be provided as a communal area.
- 6.27 The case officer notes that there are balconies that serve individual flats to the north of the building and the flats to the south of the building have Juliet balconies. Whilst there is some provision of green space to the north of the proposed development site these include wildlife and suds features which are not readily useable to future users. There is an area of seating to the north east of the site this only includes about 128 square metres of useable space. The development is required to provide 700 sqm of private amenity space to accord with the SPG requirements. The case officer notes that the development falls short of this as 318sqm. The case officer does however note that the majority of flats have access to some form of outdoor space such as a balcony. Some of the flats have Juliet balconies. The central location of the development means it is close to Victoria Park, Newbury Town centre and the national cycle and prow of the Kennet and Avon canal.

- 6.28 The case officer acknowledges the shortfall of the development in terms of outdoor amenity space but notes its central location and location near to Newbury Town centre, Victoria Park and the canal. The majority of the flats are served by some outdoor space. Therefore on balance the case officer is content to accept this level of outdoor amenity space.
- 6.29 The case officer has noted the shadow analysis of the development and the comparison that has been made between the proposed development and the previously demolished magistrate's court. Whilst there would be some increase in overshadowing with particular reference to 4pm 21st March/September and 12pm December the shadow analysis in the majority follows that of the former Newbury Magistrates court. The Canals and Rivers Trust has raised concerns that the sunlight and Shadow Document states have been assessed, but they are of the opinion that these are not discussed in detail. The case officer acknowledges this but has assessed the shadow analysis images and notes that the former magistrate's court creates a high degree of overshadowing at times in the year and whilst there may be some increase from the proposed development this is not enough to merit a recommendation of refusal for the application. A factor in this conclusion is that the moorings can be temporary locations for boats that move up and down the Kennet. So the impact is reduced when the receptor could move along the river. Additionally landscaping such as the Willow Tree present also creates overshadowing. Consideration has been given to the neighbouring uses of the Police Station and garage to which the holding cells may suffer from a similar level of overshadowing as they did when the former magistrate's court was present. Given these are temporary holding cells this is not considered to warrant refusal of the application either.
- 6.30 The case officer considers the relationship with the dwellings to the south of the site on Mill Lane have sufficient separation distances with an intervening footpath, road, and proposed landscaping to create an acceptable relationship between the two units. The level of overshadowing here is not considered harmful given the development is to the south and when considering the former magistrates impact on the surrounding area.
- 6.31 The development is located near to a working police station and adjacent to a car garage. Both these existing uses may have an impact on the future users of the development. Thames Valley Police have expressed that Newbury Police Station remains an active and busy frontline Police Station, the main Police Station serving the West Berkshire area with a number of services based there including Neighbourhood Policing, Incident Response Teams and Custody. It is a 24/7 operational station with vehicles utilising the site continually.
- 6.32 The Planning Authority must be satisfied that redeveloping the former Magistrates Court site adjacent to an operational station will not give rise to adverse impacts on residential amenity, TVP will not wish to see any future attempts to curtail their operational needs to satisfy any environmental or amenity requirements generated by the proposed new housing.
- 6.33 The case officer has been in consultation with the Council's Environmental health team who are content that the impact to future users from noise generated from both the police station and the neighbouring car garage. According to the Environmental Health Officer the long term unattended night time measurement was 56dBAeq,8hr, whereas some short term measurements done in person were only 50dBA. It is recommended that glazing should be specified on the basis that 56dBA is the correct figure. This can be dealt with by planning condition
- 6.34 The Environmental Health Officer also notes that there may be the need for piled foundations therefore a Piling method statement should be conditioned. A construction method statement and an hours of work condition should also be included. The EHO

raised concern over contamination of the development plot to which a contaminated land report was submitted. The EHO comments Essentially this report is an updated version of one done in 2019, which confirms that:

- there is a lot of loosely compacted dumped (mainly inert) waste/made ground across most of the site
- several exceedances of acceptable levels of contamination were found; some due to material on site, some more anthropogenic (typical of the area)
- the water table is quite near the surface
- piled foundations will be needed

6.35 Moderate risks were nevertheless identified to construction and maintenance workers, groundwater and the River Kennet. These risks and recommendations for dealing with them are summarised in Table 7-1 Geoenvironmental Conclusions and Recommendations. The EHO confirms that if this application is approved a condition should be imposed requiring these recommendations to be implemented, and a Validation Report should be required on completion to confirm that fact. These can be secure via planning conditions

6.36 Subject to conditions the case officer is content the development would comply with CS14 in regards to neighbouring amenity and future user's amenity.

Highways, access and parking

6.37 Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Policy P1 of the Housing Site Allocations DPD outlines the parking provision required for residential development.

6.38 The site is located adjacent to Newbury Police Station on Mill Lane and is sited around 500m to the east of Newbury town centre. The 0.2ha site comprises the former Newbury Magistrates Court site and the adjacent 20 Mill Lane, which was formerly police accommodation. The main court building closed in July 2016 and was demolished in 2020. 20 Mill Lane was in use until recently and also has been demolished.

6.39 Vehicular access to the site is shared with the adjacent Police Station and is via priority T-junction onto B3421 Mill Lane. Mill Lane is one way eastbound and incorporates on street parking.

6.40 2018 eastbound traffic counts for Mill Lane available from Department for Transport has been provided for AM and PM peak as 683 vehicles and 420 vehicles respectively.

6.41 The Transport Statement provided accident data from the Crashmap for the latest five year period. There has been one slight accident on Mill Lane and four slight accidents at the A339 / Kings Road / Bear Lane roundabout. The Transport Statement states that the accidents recorded have been caused by driver error and there is unlikely to be a deficiency in the highway in the vicinity of the site. This appears to be a reasonable conclusion to the Highways Officers

6.42 The Transport statement provided details of the facilities and amenities accessible by walking, cycling and the accessible local Public Right of Way routes from the site in Appendix D, E, F, G and Image 2, 3. Mill Lane is identified as a quiet route for cycling. The nearest National cycle route (NCN) is Route 4 which provides cycle connections to Thatcham in the east and Northcroft Leisure Centre and Northcroft Park to the west.

The site has good pedestrian and cycling connectivity to the town centre and also to the wider local network.

- 6.43 The site is located around 150m east of the Newbury Wharf bus station. This bus station provides 9 covered bus stops with an additional two bus stops on the adjacent Wharf Road. In addition, there are 7 bus stands and a driver's welfare building. The Transport Statement states that there is a bus stop located on Mill Lane around 55m east of the site, but it appears unused and is unlikely to be used by residents. The bus frequencies serving the bus station are provided in Table 1 of the Transport Statement.
- 6.44 The site is around 550m north-east of Newbury railway station which is around 8 minutes walking distance. The provided Transport statement includes details of the rail services and the current frequencies from the Newbury rail station along with the station facilities, Station car park facility, cycle parking spaces and nearest bus stop along with the bus services along this route. The Transport Statement also states that a second railway station namely Newbury Racecourse is 1km south-east of the site. As the main Newbury station is closer to the site the second railway station has not be assessed further. The site has good accessibility for the bus and rail services.
- 6.45 Thames Valley Police have noted that The Council must also be satisfied that the proposed development will not give rise to potential issues around on-street parking adjacent to the site. TVP would remind the Council and applicant that the access road leading to the Police Station and adjacent the application site, is a private road for TVP use and must not be utilised by residents, visitors or delivery vehicles associated with the proposed development. Any use of this area could lead to emergency vehicles exiting the Police Station being compromised and therefore impacting upon TVP's ability to serve the community.
- 6.46 The proposed development comprises of 12 one bed apartments and 16 two bed apartments with a total of 28 apartments. The vehicular access to the development car park will be taken directly from the existing private Police Station access road which will provide a direct connection to Mill Lane.
- 6.47 The Transport Statement provided a visibility splay assessment based on 10mph (2.4m x 11m) design speed in Appendix H. Due to the proximity of the parking spaces, the visibility to the right of the access has been measured to appoint 1.5m offset from the kerb. LHA noted that the Appendix H provides visibility spay based on 2m x 11m. It is recommended that the visibility splays should be measured from a distance of 2.4m. However, in this case, considering the site access location and its immediate access to the police station access road, the visibility splay appears reasonable.
- 6.48 The development proposes 25 car parking spaces, 6 visitor spaces, one of which is an accessible space located close to the entrance and in line with the minimum parking standards. The proposal includes 20% of car parking provision will be provided with electric vehicle charging points which equates to 6 spaces out of 31 spaces.
- 6.49 The Transport Statement outlines how the development will have 44 cycle spaces which will be double stacked and located within a secure external cycle store which is accessible from the car park will be provided. A further five spaces will be provided for the visitors. This appears reasonable to the Highways Officer.
- 6.50 Due to site proximity to the Police Station the Transport Statement stated that the refuse collection vehicles and a supermarket home delivery vehicles will access and depart the site within the site's car park. Appendix I provides swept path analysis for the refuse vehicle, supermarket vehicle and also for the emergency vehicle (fire). This appears reasonable.

- 6.51 Trip Generation and Highway Impact is explored in the Transport Statement. It is stated that the proposed trip rates and generations were taken from the 19/01281/OUTMAJ development. Table 3 provides associated trip generations for the 28 dwellings. Table 3 suggest 7 two way trips in the AM peak and 8 two way trips in the PM peak are likely to be generated as a result of the development. The trip rates and generations appear reasonable.
- 6.52 Mill Lane is one-way eastbound, and all outbound trips would travel eastbound towards Boundary Road and Bone Lane and all inbound traffic would arrive from the A339 Winchcombe Road roundabout. There would be minimal trips on Mill Lane on either side of the site access. This appears reasonable.
- 6.53 The Transport Statement provides details of the percentage increase in vehicles on the Mill Lane in table 4. This suggest a 0.7% increase in vehicle movements from the development and will be minimal. Although LHA does not accept the percentage impact as a threshold to identify the impact of a development, in this case, Local Highway Authority agree that the impact of the development trips is not severe on the local road network.
- 6.54 The LHA accept the principle of development and recommend no objections to the application. The development is therefore considered in accordance with CS13, P1 and TRANS1 of the Development Plan.

Flooding and sustainable drainage

- 6.55 Policy CS16 requires a flood risk assessment for sites in flood zones 2 and 3 and there is an adopted Supplementary Planning Document on Sustainable Drainage. Where the site is in flood zones 2 and 3 a flood risk assessment was submitted with the application on which the Environment Agency, Local Lead Flood Authority are consulted. The site's north eastern corner is within the flood zone. The proposal locates the built form of the proposed flats outside of the flood zones. The flooding sequential test is applied to this application. It is considered that the development has been located in a sequential preferable area of the site within the red line away from the flood zone therefore passing the sequential test. The application is accompanied by a flood risk assessment and a SUDS strategy. These have been reviewed by the lead local flood authority who are content that they are acceptable subject to conditions. The development is therefore considered in accordance CS16 of the development plan.
- 6.56 The application site is also located adjacent to a statutory main river, the River Kennet. The Environment Agency have commented as follows: The River Kennet is a Site of Special Scientific Interest (SSSI) in this location. The Environment Agency are pleased to see that some of the recommendations in their pre-application advice have been incorporated into the design.
- 6.57 The site photographs show the Environment Agency that the majority of the existing site is bare ground or hard standing following the demolition of previous buildings and therefore of low ecological interest. We normally require a minimum 10m wide undeveloped buffer zone to all main rivers and preferably more when the watercourse is designated as a SSSI as is the case here with the River Kennet SSSI immediately to the north of the site. However, we appreciate the constraints of the site including a strip of land between the site and the watercourse that is outside of the ownership of the site. In addition, as the majority of the existing site is hard standing, the proposed ecological enhancements will ensure a large net gain in biodiversity and hence we can accept a narrower buffer zone. We are pleased to see that suitable native wildflower mixes have been proposed for this zone as well as a native hedge. We note however that some non-native species have been, as with the LPA's Ecology officer these have been

required to be removed. The Environment Agency therefore raise no objections subject to conditions.

Ecology and trees

- 6.58 Policy CS17 of the Core Strategy requires biodiversity assets to be conserved and enhanced. It states that harm to habitats or species of principal importance for the purpose of conserving biodiversity will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided. All development shall maximise opportunities for net gains in biodiversity.
- 6.59 The LPA's ecologist noted that there is a Willow Tree that has fallen into the water it will be providing potentially a refuge and habitat for fish and aquatic invertebrates this needs to be taken into account in the BNG calculator. This comment was taken on board by the applicant and the Willow was added to the BNG and will be retained. The Ecologist was of opinion that whilst the area of green roof above the bike store is appreciated the ecologist thought green roofs could be used in other locations on the site. Also that the application lacked detail in regards to this green roof. The case officer notes these comments but is of the opinion that the green roof details can be secured via planning condition. Furthermore other roof forms are being utilised for solar panels which restricts their ability to accommodate green roofs. The LPA's ecologist noted that non-native plants should be removed from the planning schemes. The LPA's ecologist noted that the ecological/environmental management plan to be secured via planning condition should also include a Gant chart showing when prescriptions should be undertaken, this is needed because this will be far more user friendly than the managing agents having to read management prescriptions listed in pros. The management plan should cover the prescriptions needed across the BNG management period and include monitoring to be undertaken for the achievement of BNG on the site and measures to be undertaken if BNG is not being met at any one point over that period.
- 6.60 The Tree Officer has raised no objections subject to conditions to the addition of trench planting with silva cell or equivalent to the front area adjacent to Mill Lane to ensure the longevity of the planting scheme.
- 6.61 Natural England raise no objection subject to appropriate mitigation being secured. They consider that without appropriate mitigation the application would damage the interest features for which the River Kennet Site of Special Scientific Interest has been notified.
- 6.62 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required.
- The construction of a development so close to the SSSI boundary could cause pollution, dust, disturbance and other impacts upon the site. The following measures must be assured for future developments to ensure the impacts is minimised: o No materials, machinery or work should encroach onto the SSSI either before, during or after demolition, construction or ongoing use; and
 - No pollution from demolition or construction of the development must adversely affect the SSSI and a Construction Method Statement demonstrating how best practise will be used to minimise dust etc. must be submitted to, and approved in writing by the Local Planning Authority. All works must then proceed in accordance with the approved statement with any amendments agreed in writing

- The provision of an ecological enhancement zone to act as a buffer zone between the proposed development and the River Kennet as outlined in the Biodiversity Management Plan (dated 13/09/21)

6.63 These factors can be secure through a construction environmental management plan, a construction method statement and through conditioning the approved plans and biodiversity management plan. The LPA considers the issues raised by NE can be adequately conditioned.

6.64 The development is therefore considered to comply with Policies CS17 and CS18.

Renewable energy generation

6.65 Policy CS15 requires residential development to comply with the Code for Sustainable Homes; however this scheme no longer exists and so this part of Policy CS15 can no longer be applied.

6.66 Policy CS15 further stipulates that major development shall achieve minimum reductions in total CO2 emissions from renewable energy or low/zero carbon energy generation on site, unless it can be demonstrated that such provision is not technically or economically viable. The percentage reductions in CO2 emissions should be based on the estimated CO2 emissions of the development after the installation of energy efficiency measures related to Code for Sustainable Homes has been applied (however, the baseline will be Building Regulations following the cancellation of CSH). From 2019 the policy seeks zero carbon.

6.67 The applicant has submitted an Energy Statement which summaries that there will be a total reduction in emissions from energy efficiency, low-carbon and renewable technologies are calculated as; 15.7 t.CO2 per annum which equates to total saving of 57%. Whilst not achieving full zero carbon, this is considered to be a meaningful reduction in carbon emissions. The energy strategy outlines how the building can utilise Solar panels and Air source heat pumps in its strategy but outlines that other methods of energy production such as Geothermal, Biomass, and Wind are not feasible. The case officer on balance accepts this level of provision and accepts the arguments of the feasibility of the renewables that will be installed. The development can be conditioned to be in accordance with this strategy and officers are satisfied that on balance this would take sufficient account of the requirements of Policy CS15 that, when weighed against the merits of redevelopment of the site for provision of housing in a sustainable area, this matter would not merit refusal of the application.

7. Planning Balance and Conclusion

7.1 The proposed development utilises a central vacant site in Newbury in a highly sustainable location. The proposed development includes a fully policy compliant level of affordable housing. The proposed development is not considered to harm the character of the area, or amenity of existing or future occupiers. The development is considered to be well designed and of a suitable scale and massing given its context. The development is located adjacent to the river Kennet and Avon canal, statutory consultees have raised no objections subject to conditions. The development therefore does not pose a risk that cannot be controlled by conditions to the natural features of the site. The development proposes the use of sustainable methods of energy production. The development includes a policy compliant level of parking and provides cycle parking also. The case officer acknowledges the shortfall of the development in terms of outdoor amenity space but notes its central location and location near to Newbury Town centre, Victoria Park and the canal. The majority of the flats are served

by some outdoor space. Therefore on balance the case officer is content to accept this level of outdoor amenity space.

7.2 The proposed development is therefore recommended for APPROVAL subject to conditions and a section 106 agreement.

7.3 Full Recommendation

7.4 PROVIDED THAT a Section 106 Agreement has been completed by 29th October 2022 (or such longer period that may be authorised by the Service Director – Development and Regulation, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Service Director – Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

7.5 OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.

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 (prior approval)</p> <p>The development shall not 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> <p>Reason: To ensure that the external materials respect the character and appearance of the area. 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 Supplementary Planning Document Quality Design (June 2006).</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</p>

	<p>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-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
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;</p> <p>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</p>

	<p>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 minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. (c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA. (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice. <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</p>

	<p>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) 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) The development shall not be occupied until cycle parking/storage facilities for that 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 (prior approval) 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 details that have first been submitted to and approved in writing by the Local Planning Authority.</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) 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 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 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. - 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> <ul 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 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.</p>
17.	<p>Environment Agency Flood Risk</p> <p>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> <ol style="list-style-type: none"> 1. Finished floor levels shall be set no lower than 75.86 metres above Ordnance Datum (AOD). <p>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>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>Sustainable Drainage Methods</p> <p>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>Reason: To reduce the risk of flooding to the proposed development and future occupants and to sustainable 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>Updating Reports</p> <p>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>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>
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 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>
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</p>

	<p>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>The construction of the dwellings shall not 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> <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> <ol 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 2006-2026.</p>
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>

	<p>(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.</p> <p>(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.</p> <p>(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> <p>The Employment and Skills Plan should also:</p> <p>(d) Identify a lead contact who is responsible for managing the plan.</p> <p>(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.</p> <p>(f) Set out the process for how implementation of the ESP will be monitored and reported back to West Berkshire Council.</p> <p>Thereafter approved ESP shall be implemented in full concurrent with the development of the site.</p> <p>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.</p>
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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, and the provision and governance of public open space. The district has a high affordable housing need and an affordability ratio above the national average. Public open space is required from the development. Without these planning obligations the proposed development conflicts with policies CS6, and CS18 of the West Berkshire Core Strategy 2006-2026, Policies RL.1, RL.2 and RL.3 of the West Berkshire District Plan 1991-2006 (Saved Policies 2007), the Planning Obligations SPD, and the National Planning Policy Framework.

Informatives

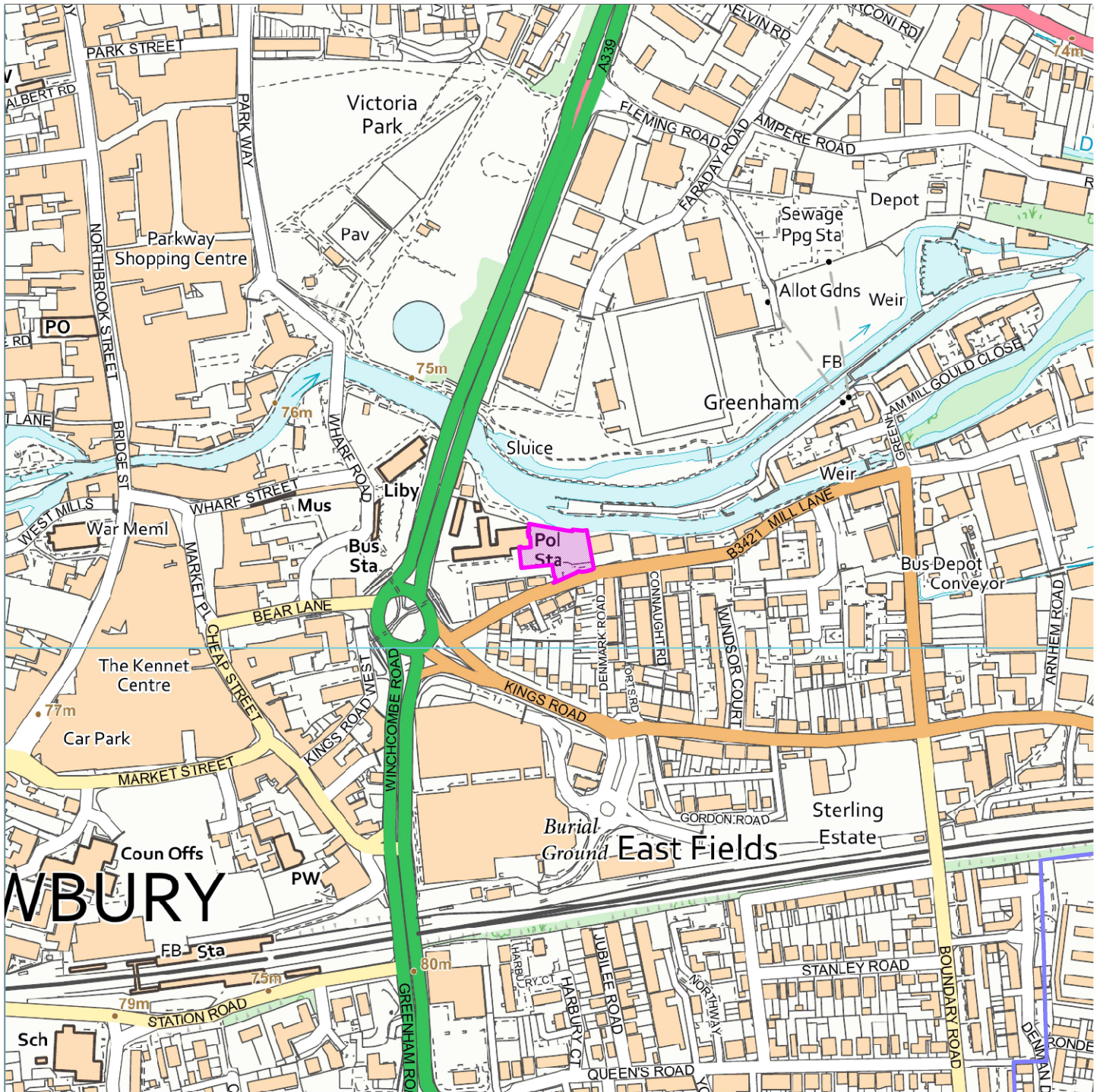
1.	<p>S106 Legal Agreement</p> <p>This decision notice should be read in conjunction with the associated s106 legal agreement. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.</p>
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2.	<p>Compliance with conditions</p> <p>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.</p>
3.	<p>Pre-conditions</p> <p>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.</p>
4.	<p>Compliance with approved drawings</p> <p>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.</p>
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>
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</p>

	<p>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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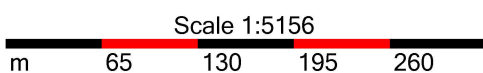
Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	16 June 2022
SLA Number	0100024151



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