

DRAFT

Extract of the minutes of the Western Area Planning Committee held on the 29 June 2016

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

(3) Application No. and Parish: 16/00924/OUTMAJ - 115 London Road, Newbury.

(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda item 4(3) by virtue of the fact they were members of Newbury Town Council and had been present when the application was discussed by the Town Council, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest, they determined to take part in the debate and vote on the matter.)

The committee considered a report (Agenda Item 4(3)) concerning Planning Application 16/00924/OUTMAJ in respect of the erection of 35 flats with associated office space at 115 London Road, Newbury.

Michael Butler introduced the report to Members, and in so doing took account of all the relevant policy considerations and other material considerations. He reminded Members that if they wished to approve the application, it would be forwarded to the District Planning Committee for further deliberation, as it was contrary to planning policy Core Strategy (CS) 9.

The application sought full permission for the demolition of the existing building and the erection of 35 flats with 1700 square metres of office space, together with car parking and access. The site history showed that two earlier planning applications had been dismissed at appeal as they were also contrary to planning policy CS9.

Newbury Town Council was supportive of the application and the concerns raised by Highways had been resolved. In addition, the Conservation Officer had stated that the application was acceptable, Environmental Health had not raised any objections and neither had Sustainable Drainage (SUDS). Even though the application was contrary to planning policy CS9, it did include 1700 square metres of B1 office space, which was an increase of 700 square metres over the existing space. Thirty percent of the residential dwellings would be affordable and a legal agreement would be entered into in respect of this.

Other benefits of the scheme included support of policy Area Delivery Plan Policy 1 (ADPP1), which set out that Newbury was the principal location for new housing and, unlike the previous schemes dismissed at appeal, it included employment space. The application would regenerate a neglected part of the town and officers had taken a flexible approach in not seeking that the sequential test should be applied. This was in relation to applications for offices being located in non-town centre sites such as this, as there were offices already on the site. In addition, the London Road Industrial Estate might become part of Newbury Town Centre in policy terms when the Local Plan review took place.

The site would include 84 parking spaces with 35 being for residential use, 31 for office use and the remaining 18 to be shared. This had been a point of contention with officers but had now been resolved.

There would be a Community Infrastructure Levy (CIL) charge for the residential units and if Members were minded to approve the application, the additional four conditions recommended by Highways on the update sheet would be included. Finally, it was a Brownfield site and there was a significant demand for new housing and on balance, Officers considered that the application was acceptable.

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Councillor Howard Bairstow questioned the number of flats detailed in section 5.1 as it mentioned there were 35 flats but the breakdown of this into 1 bed, 2 bed and 3 bed flats did not total 35. Michael Butler confirmed that there was a typographical error and there would definitely be 35 flats. Councillor Bairstow further enquired about the LRIE area. Michael Butler confirmed that LRIE did not form part of the development plan document at the moment and if it did, this application would not contravene CS9.

Councillor Jeanette Clifford asked how the parking requirement was calculated. Paul Goddard advised that officers had considered the parking standards in the District Planning Document (DPD) and this gave a provision of 92 spaces. However, as the site would be used for both residential and office use, officers had determined that 84 spaces would be sufficient, as there would be office parking during the day and residential parking at night.

Councillor Clifford then sought clarification about whether they should be taking the appearance and materials into account when making their decision. Michael Butler confirmed that as this was the outline planning stage, Members should only be considering the access.

Councillor Anthony Pick queried whether the applicant could therefore move the building to another part of the site at a later date if the access remained unchanged. Michael Butler assured him that outline permission was permission, so if the applicant amended the plans to include less office space, it would be necessary to submit a fresh outline application, which Members might decide to refuse. Therefore, although Members would not be approving the design of the building, if significant changes to the design were put forward, the application could be refused.

In accordance with the Council's Constitution, Mr Duncan Crook, the Applicant, addressed the Committee on this application.

Mr Crook in addressing the Committee raised the following points:-

- The site benefited from permitted development rights which did not expire until 2019, therefore it would be possible to have a residential presence only on the site.
- They application would double the existing office space.
- The road junction being built would help travel sustainability.
- They had carried out a parking survey of residential developments in the town to assess the percentage of spaces required during the day and the average was 35%, which suggested that the parking rations were satisfactory.
- With regard to the design, this was a building that they wanted to build to help improve the gateway to Newbury.
- They had designed the neighbouring building, which had been well received and there was a strong demand for flats in this location.

Councillor Jeff Beck requesting clarification on the number of employees located in the current site, compared to the number that would be employed in the new development. Mr Crook advised that the ground floor was currently a warehouse with office accommodation above and there were currently about 20-25 people in the building. If downstairs was also office accommodation, this would increase the current employment capacity to 45 people compared to 85 employment spaces in the new development.

Councillor Pick enquired whether the development had taken into account the modern standard for office accommodation. Mr Crook responded that it would be a category A

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office and they believed there was a demand for this type of accommodation as developments of this type have not been built for a while

There were no comments from the Ward Members.

Councillor Benneyworth noted that this was an opportunity to make better use of the space and the development would improve the appearance of this end of town. Consequently, he was very supportive of the application.

Councillor Beck remarked that he knew it was an employment area and the development would not decrease this. If the development went ahead there would be a net gain in employment and he was happy to propose a recommendation for approval, which was seconded by Councillor Benneyworth.

Councillor Pick added that the development would increase the quality of office space as well as the number of employment spaces. A plan and a set of policies were required to encourage high quality offices of a modern design to be developed and so he was happy to support the application. Councillor Clifford agreed with this sentiment.

The Chairwoman invited the Committee to vote on the proposal of Councillor Beck, seconded by Councillor Benneyworth, to accept Officers' recommendation to refer the application for approval to the District Planning Committee, with a Section 106 obligation attached to achieve the 30% affordable housing and relevant conditions. At the vote this was carried.

RESOLVED that the Head of Planning and Countryside be authorised to make a recommendation to the District Planning Committee to approve the planning permission subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

3 years from the date of this decision or

the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

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

2. Full details of the external appearance of the building and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with the advice in the DMPO of 2015.

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed"

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Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

4. The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

5. No development shall commence until details of a scheme of works for protecting the occupiers of the development from externally generated noise, has been submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed before any dwelling is first occupied.

Reason: In order to protect the amenities of proposed residents/occupiers of the development in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accord with the advice in the NPPF.

7. No development shall commence until an air quality assessment has been undertaken to assess the exposure of future receptors (residents and visitors) to existing air pollution and detail any mitigation required. The assessment shall be submitted to and

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approved in writing by the Local Planning Authority prior to the commencement of the development. It shall then be implemented to the satisfaction of the LPA on completion of the development hereby permitted.

Reason: In order to protect the amenities of proposed residents/occupiers of the development in accord with the advice in the NPPF of 2012.

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

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

9. The office development hereby permitted must be completed to shell stage ready for office fit out on or prior to the same date as the completion of the final dwelling on site ready for sale purposes.

Reason: To ensure that the employment aspect of the development is built out, in accord with policy CS9 in the West Berkshire Core Strategy 2006 to 2026.

10. The development must be carried out in strict accord with the following revised plans received on the 16 June 2016. Plan numbers RL14/P2/04a, 09a, 08a, 05a, 07, and 06. In addition the 84 car parking spaces noted on plan number RL14/P2/04a shall have the following designations in terms of allocated parking spaces, to be agreed at the reserved matters stage ie 35 spaces for the flats, 18 spaces as shared and 31 spaces allocated to the offices.

Reason. To clarify the permission in accord with the advice in the DMPO of 2015, and to ensure sufficient car parking on site in accord with policy CS13 in the West Berkshire Core Strategy of 2006 to 2026.

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and other local and national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- d) Include a drainage strategy for surface water run-off from the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority;
- e) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;

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- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- n) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- o) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (Flood Zone 2 and 3) or developments larger than 1 hectare;
- p) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/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/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

INFORMATIVE:

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 which improves the economic, social and environmental conditions of the area.