

## **Extract From the Minutes of the Western Area Planning Meeting on the 10 August 2016**

*(Councillor Jeff Beck declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a member of Newbury Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to take part in the debate and vote on the matter).*

*(Councillor Paul Hewer declared an interest in Agenda Item 4 (2), by virtue of the fact that his employer, Sovereign Housing, was the affordable housing provider for the site, and reported that, as his interest was personal and prejudicial and a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.*

*(Councillor Paul Hewer left the meeting at 7.18pm.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 16/00657/FULEXT in respect of Land at former Travis Perkins site, Mill Lane, Newbury.

In accordance with the Council's Constitution, Councillor Dave Goff, Parish Council representative and Andrew Lehmann, applicant's agent, addressed the Committee on this application.

Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The application site was vacant land adjacent an existing housing development of 37 dwellings, now completed and occupied, to the south. The site abutted Mill Lane to the north and would derive access from that route. The site currently had an extant planning permission for a two storey office building of 1500m<sup>2</sup> which had not been implemented. It was proposed to erect 22 dwellings on the site up to 3 storeys in height, 11 of which were to be affordable [50%]. It would be associated with 44 parking spaces, two per unit, with 3 visitor spaces adjoining the principal roadway into the site. The buildings would be relatively contemporary in design as the elevations indicated. No external open space was to be provided, but bin stores and cycle stores were to be laid out on the site. All the dwellings would be 2 bedroomed.

In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers on balance recommended the Committee recommend that the District Planning Committee grant planning permission.

Councillor Hillary Cole noted the recommendation to refer the decision to the District Planning Committee and questioned whether the Eastern Area Planning Committee were subject to the same requirements. Derek Carnegie advised that he would draw attention to the need to apply recommendation uniformly but for this particular application and the implication on the District's employment land supply, officers considered they needed to be consistent with previous decisions of this Committee.

Councillor Hillary Cole asked what the current employment land supply number was. Derek Carnegie advised that the number was fluid and the Planning Policy team monitored the situation.

Councillor Jeff Beck referred to condition eight and questioned the purpose of the wall. Michael Butler advised that the wall would have acoustic suppression properties to minimise the impact on residents of the neighbouring bus depot.

Councillor Howard Bairstow challenged the recommendation to build more town centre housing and reduce the amount of town centre office accommodation for residents to work in. He also asked what consideration had been given to the impact on traffic. Michael Butler advised that colleagues in the Highways team recognised that if the site was used for an office, there might be 60-70 employees which would generate a significant amount of traffic at peak times. On balance they had concluded that residential accommodation, with a generous parking allowance, would be preferable to offices. Gareth Dowding further commented that the traffic generated by an office would travel in the opposite direction to traffic generated by housing. It was likely that journeys to an office would occur at the same time, whereas journeys from housing were likely to be more staggered. The location of the site was sustainable and close to local transport links.

Councillor James Cole noted that an objector had commented at the site visit that there were already problems with the parking management and asked what measures could be put in place. Gareth Dowding advised that the road was not at present going to be adopted so the Council would not be able to impose restrictions.

Councillor Goff in addressing the Committee raised the following points:

Newbury Town Council had concerns about the loss of office accommodation from the town centre but recognised that the applicant had taken all steps to market the site for commercial use.

The 50% level of affordable housing was welcomed.

The concerns regarding traffic still needed to be addressed.

Mr Lehmann in addressing the Committee raised the following points:

The site much planning history after David Wilson Homes took ownership of the site in 2007.

In 2013 an application was made for 37 dwellings and 1500m<sup>2</sup> of B1 office space over two blocks. In 2014 an amended application for one block and housing was submitted; it was conditioned that the office space had to be completed before the housing could be built.

The site had been actively marketed for commercial use since 2007, with no interest.

In 2015 the office phasing condition was removed and 37 dwellings were erected.

The applicant's own reports demonstrated that there was over provision of office space in Newbury town centre.

The application for 22 dwellings was submitted and after negotiation the applicant was offering 50% affordable housing.

The application included 44 parking spaces and 5 visitor spaces.

The application, if approved, would provide much needed housing on a brownfield site.

It was difficult to market the site commercially because the 7.5 tonne weight restriction on the road deterred potential buyers.

Councillor Beck asked why the road was not offered to the Council for adoption. Mr Lehmann advised that it had been designed to an adoptable standard but David Wilson Homes did not always choose to pursue road adoption.

Councillor James Cole enquired upon the adequacy of the parking provision, in light of the comments heard at the site visit. Mr Lehmann responded that the road met the required standards but it would be difficult to control unauthorised parking. Councillor Hillary Cole expressed her surprise to hear this as she understood many measures were available to control parking.

Gareth Dowding explained that the road was designed to an adoptable standard but due to a technical issue with drainage it would not comply with the section 38 requirements under the Highways Act 1980. Parking restrictions on a private road could be determined by the land owner.

Mr Lehmann responded that the application included sufficient parking spaces and they did not envisage an issue, but would consider yellow lines if the Committee insisted. Michael Butler clarified that the Committee were not able to apply conditions and in any event the road was outside the red line of the development. He added that the Committee should consider the merits of the application irrespective of the landowner and their approach to parking management. This was because the permission if issued, was not a personal one to any specific company.

Commencing the debate, Councillor Bryant raised the point that residents on a private road might be disadvantaged regarding the services they received but that would not be an issue for the Committee to consider. He went on to opine that the Committee were in a difficult situation and the Local Plan was being compromised by these sorts of decisions. There was a clear need to update the Local Plan to ensure the supply of employment land was appropriate.

Councillor Hillary Cole welcomed the contribution of 50% affordable housing which compensated for the loss of commercial land. She was conscious that much of the land surrounding the site was used for housing and the Council needed to identify quality employment land for future use. The applicant had done what they could to market the site and this application was preferable to leaving the site derelict. Councillor Hillary Cole proposed that the Committee approve officer recommendation to recommend the application to the District Planning Committee for approval; this was seconded by Councillor Bryant.

Councillor James Cole expressed the view that the particular site was more suited to be housing, despite the policy contravention.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Hillary Cole as seconded by Councillor Bryant. At the vote the motion was carried unanimously.

**RESOLVED that** The Western Area Planning Committee recommend approval of the application to the District Planning Committee subject to the following conditions:

### **Conditions**

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

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015.

2. The Development shall be carried out in strict accord with the following plan numbers -H3642/ 100 ReV D, h3642/rp/04/Rev A, H3642/RP/05 Rev A, H3642/AH/01.

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

3. No development shall 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 CS14 in the West Berkshire Core Strategy 2006 to 2026.

4. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

5. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the refuse facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

6. No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers in accord with the advice in the NPPF of 2012.

7. No development shall commence until a scheme of sound insulation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the sound insulation of the dwellings against all sources of external noise and the scheme shall be implemented before the development is first occupied. This relates in particular to the bus depot to the east of the application site.

Reason: In the interests of the amenities of the occupants of the building and in accordance with saved policy OVS.6 of the West Berkshire District Local Plan 1991-2006.

8. The development shall not be occupied until a 1.8m high imperforate wall has been erected along the whole of the eastern boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

The approved wall shall thereafter be retained and maintained at the height and position as approved.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties (from noise) in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006.

9. 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 the points 1 to 4 below 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.

#### 1. 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,

- groundwater 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'.

#### 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:

### 5. 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 of 2012.

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

Reason: In the interests of visual amenity in accordance with Policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

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

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

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

12. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: In the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

13. The clearance height within the undercroft shall not be less than 2.6m.

Reason: To ensure public safety in accord with the advice in the NPPF of 2012.

14. No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

15. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**INFORMATIVE:**

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

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2 This planning permission must be read in conjunction with a s106 legal agreement dated the vvvvv. You are advised to make yourself aware of the contents.