

# DRAFT

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

## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 24 MAY 2017

**Councillors Present:** Pamela Bale, Graham Bridgman, Sheila Ellison (Substitute) (In place of Graham Pask), Marigold Jaques, Alan Law (Vice-Chairman), Tony Linden (Substitute) (In place of Peter Argyle), Mollie Lock (Substitute) (In place of Richard Crumly), Alan Macro, Tim Metcalfe, Richard Somner, Quentin Webb (Substitute) (In place of Keith Chopping) and Emma Webster

**Also Present:** Stephen Chard (Principal Policy Officer), Stuart Clark (Principal Engineer), Gareth Dowding (Senior Engineer), Andrew Heron (Senior Planning Officer), David Pearson (Development Control Team Leader) and Shiraz Sheikh (Acting Legal Services Manager)

**Apologies for inability to attend the meeting:** Councillor Peter Argyle, Councillor Keith Chopping, Councillor Richard Crumly and Councillor Graham Pask

*(Councillor Alan Law in the Chair)*

#### PART I

#### 3. Minutes

The Minutes of the meeting held on 3 May 2017 were approved as a true and correct record and signed by the Vice-Chairman, subject to the following amendments:

**Item 92(1) – 17/00182/COMIND – Land North of Floral Way, Opposite Foxglove Way, Thatcham:**

**Page two, seventh bullet point:**

- A flood detention basin for Cold Ash Hill **had already been built. A flood detention basin for** Tull Way had also been approved by the Council and **its** development would commence on the 15<sup>th</sup> May 2017.

**Page three, third paragraph, first sentence:**

In response to Councillor Chopping's question, Stuart Clark reported that 24000 cubic metres of excavation work would be required.

The Minutes of the meeting held on 9 May 2017 were approved as a true and correct record and signed by the Vice-Chairman.

#### 4. Declarations of Interest

Councillor Sheila Ellison declared an interest in Agenda Items 4(2) and 4(3), but reported that, as her interest was a personal interest and not an other registrable interest or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

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### 5. Schedule of Planning Applications

#### (1) Application No. & Parish: 16/02407/FULD - Knappswood Farm, Pangbourne Road, Upper Basildon, Berkshire

Agenda Item 4(1) concerning Planning Application 16/02407/FULD – which proposed the demolition of the existing house containing 3 units and the erection of 3 houses with garages, was withdrawn by the applicant post publication of the agenda.

#### (2) Application No. & Parish: 17/00649/FULD - Kiln Cottage, Crookham Common Road, Brimpton, Reading, Berkshire

*(Councillor Sheila Ellison declared a personal interest in Agenda Item 4(2) by virtue of the fact that she knew the owner of Kiln Cottage. As her interest was personal and not an other registrable or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/00649/FULD in respect of the proposed demolition of an existing outbuilding and the construction of a new self build dwelling utilising an existing access with associated parking and landscaping.

As part of the Planning Officer, David Pearson's, introduction to the item, he provided further information on self build homes. He explained that it was a requirement for local planning authorities to hold a register of people interested in developments of this type and who were seeking sites. The applicant was not listed on West Berkshire's register, however this was not necessary in this case as the applicant had the available land. Mr Pearson added that local authorities were encouraged by Government to cater for self build homes. Mr Pearson stated that while this was a material consideration, it was not of particular significance.

In accordance with the Council's Constitution, Mr Richard Hunt/Ms Sara Duffield, applicant/agent, addressed the Committee on this application.

Mr Hunt in addressing the Committee raised the following points:

- He explained that he and his wife had lived in Brimpton for many years and wished to continue living in the village.
- Approval of the proposal would allow them to live in a modest house to the rear of Kiln Cottage which would be largely shielded by planting and the Cottage itself. Only the roof would be partially visible from the road.
- Kiln Cottage was a Grade II listed building and was located within the Brimpton Conservation Area. However, this was also true of the Old Post Office which was located in a more prominent position on the roadside than Kiln Cottage. Kiln Cottage was also situated within a larger site which could accommodate the proposed self build dwelling.
- In terms of Kiln Cottage as a heritage asset, Mr Hunt explained that it was originally two dwellings that became a single dwelling in the 1950s. Extensions had since been added in the 1960s and 1970s (the most recent extension being a utility building). The existing Kiln Cottage had therefore undergone changes over the years from its original state.
- West Berkshire Council's Conservation Officer had given the view that the harm caused by this proposed development would be 'less than substantial' and its impact therefore needed to be weighed against the benefits of the proposal. Mr Hunt listed these benefits as providing an addition to the housing stock in the form

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of a family home and additional Council Tax to the Council. It would enable local Brimpton people, namely himself and his wife, to continue to live in the village, and maintain long term friendships. Mr Hunt added that local contractors would be employed to undertake works.

- Mr Hunt disagreed with the point made by the Conservation Officer that Kiln Cottage was surrounded by open countryside. This had not been the case for some time, certainly not in the time since it had become listed.
- The proposal was supported by neighbours and the Parish Council. Mr Hunt felt that this was a reasonable application and hoped it would be approved.

Councillor Graham Bridgman noted from the update report that drawing numbers 101A and 102A had been replaced by 101B and 102B and he queried when these amended drawings had been submitted. Ms Duffield confirmed that this was at the beginning of week commencing 15 May 2017.

Councillor Tim Metcalfe queried the location of the utility room extension. Mr Hunt confirmed this to be at the northern end of Kiln Cottage. Councillor Metcalfe noted that this would be the closest section to the proposed self build.

Councillor Ellison queried whether the existing outbuilding was used for business purposes. Mr Hunt advised that this was not the case.

Councillor Dominic Boeck addressed the Committee as Ward Member and made the following points:

- Kiln Cottage was located on the northern edge of the Conservation Area. It had two vistas, one from the road near to where the plot narrowed and one from neighbours. However, it could only be clearly seen from the road and he added that passing pedestrians were rare. This was a discreet site.
- He reiterated the point that the application was supported by neighbours and the Parish Council.
- Councillor Boeck gave the view that Brimpton was in need of some development to help it continue as a sustainable community. The local shop had recently closed and the primary school had struggled in recent years in terms of pupil numbers.
- The erection of an additional dwelling would be a good use of the available space on the Kiln Cottage plot and would have little impact on the Conservation Area.

Councillor Alan Macro queried whether the Parish Council was in favour of the application. Councillor Boeck clarified that they had raised no objections.

Councillor Pamela Bale sought to understand the full extent of the Conservation Area. Councillor Boeck explained that this did not cover the entirety of Brimpton. He reiterated that Kiln Cottage was located on the northern edge of the Conservation Area, covering the area which bordered The Willows. The Conservation Area then moved in an easterly direction. He could not confirm when it was designated as a Conservation Area. Councillor Emma Webster, after checking West Berkshire Council's website, confirmed that the Conservation Area was designated as such in 1971.

Councillor Webster asked Councillor Boeck whether it was his experience that Brimpton residents would actively voice any concerns they had over a planning application and, if so, whether the fact that only five residents had made representations should be considered significant, particularly when comments were all supportive. Councillor Boeck agreed that this small response from residents and the absence of any objections should be considered significant based on the active participation of residents on local issues.

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Councillor Bridgman referred to the references made in the report to the use of close board fencing to subdivide the garden space which was highlighted as a concern by the Conservation Officer. Specifically that this would be detrimental to the listed building's significance and that the harm identified from this boundary treatment could not be overcome by any mitigation measures due to its level of significance. Councillor Bridgman recalled discussion at the site visit of planting a hedge rather than using close board fencing and he queried whether this would be felt to lessen the harm. Mr Pearson repeated the view given by the Conservation Officer in the report that any adjustments to the boundary treatment would not do enough to overcome the harm identified.

Councillor Bridgman then referred to the point made by the Conservation Officer that in their view the harm caused by the development would be 'less than substantial' as set out in paragraph 134 of the National Planning Policy Framework (NPPF). He noted that this level of harm to the heritage asset should be weighed against the public benefits of the proposal and he sought guidance on what were considered as public benefits.

Mr Pearson explained that this was governed by case law. He stated that the personal circumstances of an applicant were rarely a material planning consideration and he did not feel this was the case with this application, although the points made by the applicant were understood. He also made the point that the level of support for or objection to an application was not material to the decision taken. Economic/wider benefits to the village were however matters that could be taken into account.

Continuing with the matter of public benefit, Councillor Webster felt there was a need to consider how much weight should be given to optimising the viable use of the asset and ensuring its long term conservation, and whether this could be achieved as part of this application. Kiln Cottage would need works to be undertaken to maintain it and ensure it continued to be kept in a liveable condition. Mr Pearson commented that this application could be considered as an enabler to the maintenance and continued occupation of Kiln Cottage, but this was separate to the issue of the impact on the listed building and the Conservation Area from the proposal.

Mr Pearson continued by explaining that planning applications were received from owners of listed buildings, i.e. adjustments for elderly residents, and each case was judged on its own merits, with the view of the Conservation Officer to be taken into account.

Councillor Tony Linden queried whether the application would be referenced up to the District Planning Committee if permission was granted contrary to the Officer recommendation. Mr Pearson commented that while Officers were giving a clear recommendation for refusal that was in no way marginal, approval of the application would not have any strategic implications and was not considered to be sufficiently significant, therefore it would not be referenced to the District Planning Committee if it was approved.

Councillor Alan Macro queried whether development in a conservation area was required to enhance the character and appearance of the area. Mr Pearson advised that it should look to conserve the area and added that the Planning Inspectorate would want to ensure that conservation areas were conserved rather than enhanced from development.

Councillor Webster queried whether local authorities had a target to achieve for self build homes. Mr Pearson explained that this was an aspiration for local authorities to be mindful of rather than an actual target.

Councillor Quentin Webb voiced his concerns at the impact this proposal would have on the listed building and the Conservation Area. He concurred with the view of the

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Conservation Officer that approval of the application would have a detrimental impact. Councillor Webb therefore supported Officers' recommendation.

Councillor Ellison queried whether the outbuilding proposed for demolition had been granted planning permission. She added that a key consideration was to consider the impact of the proposed new dwelling in comparison with the current outbuilding.

Councillor Tim Metcalfe added his concerns regarding the proposal. As seen at the site visit, the existing plot had a sizeable garden area, however it was proposed that this area would be split between Kiln Cottage and the proposed self build dwelling. He was however aware of other sites in other areas of the district where buildings had been erected near to listed buildings.

Councillor Metcalfe also commented on the fact that the additions made to Kiln Cottage detracted from the view that it was in its originally built state.

Councillor Metcalfe added that the height of the proposed dwelling was a primary concern as this would have a negative impact on Kiln Cottage.

Councillor Macro pointed out that the existing outbuilding was single storey and therefore had a far lesser impact on Kiln Cottage than the proposed larger dwelling would have. Councillor Macro proposed to accept Officers' recommendation to refuse planning permission for the reasons outlined in the report, subject to the removal of the reference to close board fencing and the addition of relevant planning policy references. This was seconded by Councillor Webb.

Councillor Webster referred to the ridge height of the proposed dwelling, she felt this was respectful of the existing dwelling heights in the local area and the impact on the conservation area had to be considered alongside the benefits that would be achieved. Councillor Webster felt this was an on balance decision to take with valid points to consider from both sides.

Councillor Law referred to the discussion held at the site visit when the position of the current building and the proposed dwelling was considered as was the impact it would have. Consideration of this impact was key in determining this application.

Mr Pearson commented that there was no record of planning permission being granted for the existing outbuilding. He reiterated that the issues raised by the Conservation Officer had been clear; the impact of the new larger dwelling and the proposed subdivision of the plot which was in its original, historic state.

Mr Pearson also made reference to a nearby site where the Planning Inspector had raised concerns regarding the impact on the Conservation Area. Approval of this planning application could result in further similar applications in the village.

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

1. The site forms part of the setting of a Grade II listed building and is within the Brimpton Conservation Area it is currently a large garden servicing Kiln Cottage where there is a sense of open space to the rear of the site. This open space contributes to the special quality of the building's setting. The erection of a dwelling within this space, and the associated subdivision of the garden, would materially diminish that experience, to the detriment of the listed building's significance. In views from the road, the new dwelling would become a dominant feature within the setting of this historic cottage, harming the spacious and verdant character of the area surrounding Kiln Cottage, further diminishing the building's significance. The application site not only forms an important element in the setting of Kiln Cottage but, for the same reason, it makes an important contribution to the character and

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appearance of the Conservation Area. By causing harm to the setting of the listed building the scheme would have a detrimental effect on the character and appearance of the Conservation Area.

For the above reason it is considered that the proposal conflicts with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), which seek to protect the setting of heritage assets and the character and appearance of Conservation Areas

2. At the heart of the NPPF is a presumption in favour of sustainable development, 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 and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. The proposal makes no significant contribution to the wider economic dimensions of sustainable development as there would only be a minor benefit in terms of additional employment during the construction period and the addition of a new dwelling to the housing stock. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment it is considered that the proposal fails to respect and preserve the existing natural and built environment and does not protect and enhance the prevailing pattern of development in the local area and the site specifically and the character and appearance of the site itself and in particular it has an unacceptable impact on the setting of a listed building and the character and appearance of a conservation area. The proposal makes no significant contribution to the wider social dimension of sustainable development due to the significant visual impact it will cause which will damage the character and appearance of the local area in particular the conservation area in which the site lies and also to the setting of the listed building to the detriment of their enjoyment by local residents.

For the above reason, it is considered that the proposed development is not sustainable development as set out in the NPPF and does not conform to the following Policies: ADPP1, CS14 and CS19.

### **(3) Application No. & Parish: 15/03468/FULEXT - Pound Lane Depot, Pound Lane, Thatcham, Berkshire.**

*(Councillor Sheila Ellison declared a personal interest in Agenda Item 4(3) by virtue of the fact that she was a Member of Thatcham Town Council and the Town Council had considered the application. However, while she was familiar with the overall site, she was not familiar with the application in question and had not predetermined any view on it. As her interest was personal and not an other registrable interest or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 15/03468/FULEXT in respect of the demolition of existing facilities and the erection of 47 new dwellings, including an internal access road.

The Planning Officer, Andy Heron, introduced the report and informed Members that this application was before the Committee as it was a major application on land owned by West Berkshire Council. The material change to be considered to this extant permission was the receipt of amended plans to achieve the lifetime homes requirement. It was also

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the proposal that the affordable homes would be relocated on the site, although the number would be unaltered.

This planning application did not attract any public speakers.

Councillor Graham Bridgman noted from the report that the proposed car parking spaces were below the required standard of Policy P1 of the Housing Site Allocations Development Plan Document (HSA DPD). He questioned why this departure from policy was considered acceptable, beyond noting the point made in the report that the development site was located within close proximity to a main transport route which was served well by public transport services. However, this did not necessarily mean reduced car ownership. Councillor Quentin Webb added his concerns to the stance being outlined in the report that it was acceptable that current parking standards would not be adhered to.

Councillor Emma Webster noted the point made in the report that while the proposed car parking spaces did not adhere to Policy C1, they exceeded the older parking standards of the West Berkshire District Local Plan (WBDLP).

In terms of the location of the car parking, Gareth Dowding confirmed that this was acceptable to Highways.

David Pearson confirmed that when the application was previously considered and approved by the Committee in July 2016 it was based on the older parking standards of the WBDLP and not Policy P1 of the then emerging HSA DPD. Some time had since elapsed in negotiating the Section 106 agreement and conditions with the applicant, and the HSA DPD had since been adopted by the Council. However, Officers took the view that revisiting areas that had previously been agreed was a concern and refusal on such grounds due to Council policy changes would be difficult to defend at a potential appeal. The significant site history needed to be noted when considering this particular matter.

Councillor Alan Macro queried whether Environmental Health Officers had viewed the Geotechnical report and associated Soil Environmental Services Ltd report, and formed a view on the environmental impact of the development as the report suggested that this had not been undertaken. In response, Mr Heron explained that the applicant had submitted a request for some amendments, this included a request to remove some of the conditions agreed as part of the original decision. Mr Heron believed that the reference to Environmental Health Officers not having viewed reports related to the receipt of additional documents from the applicant as part of this request.

Councillor Pamela Bale followed this by noting in the commentary from the Environmental Health Officer that the comments they had made previously on this application remained appropriate. Mr Heron confirmed this prior approval of Environmental Health. The only change proposed to the application was the location of the dwellings and refusal on environmental health grounds as a result of this change would be difficult to defend at appeal. Mr Heron also clarified that all consultees had been re-consulted on this application and given the opportunity to comment further.

Councillor Tim Metcalfe referred to concerns raised in the report by drainage officers and a need for further information and conditions to mitigate these concerns. He queried whether these concerns had been resolved.

Stuart Clark responded by stating that the revised drainage strategy had addressed concerns. This included acceptable controls to restrict the run-off of surface water and improvements to the underground storage tanks. It was therefore felt that the sustainable drainage condition would be met. The drainage strategy would also ensure the continued maintenance of sustainable drainage for future years. West Berkshire Council would hold

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the responsibility for roadside gullies and ensuring surface water run-off to the main drains, with maintenance the responsibility of a private company.

Councillor Bridgman considered that the application was suitable for approval and proposed acceptance of Officers' recommendation to grant planning permission subject to conditions, including the provision of 14 affordable dwellings. Councillor Webster seconded the proposal.

Before proceeding to the vote, Councillor Alan Law sought clarification that no concerns had been received by West Berkshire Council in relation to the amended plans. Mr Heron confirmed this to be the case.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the following conditions and the completion of a Section 106 Agreement.

Or, if the legal agreement was not completed by the 24 July 2017, to delegate to the Head of Development and Planning to refuse planning permission for the reason set out below or to extend the period for completion if it was considered expedient to do so:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of development on local infrastructure, services, amenities, or affordable housing, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government guidance as set out within the National Planning Policy Framework, Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as West Berkshire District Council's adopted Planning Obligations SPD.

### **Conditions**

#### **1. Full planning permission time limit**

The development shall be started within three years from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) should it not be started within a reasonable time.

#### **2. Approved plans**

The development hereby permitted shall be carried out in accordance with drawing numbers 13.055.20DD, 13.055.GA.02B, 13.055.GA01B, 13.055.F01B, 13.055.G01, 13.055.H01, 13.055.E01B, 13.055.A01B, Hanbury – Type B, 13.055.C01B, 13.055.FL01B, 13.055.100DD, 13.055.100.MPDD, 13.055.100.SHDD, 13.055.100.TPDD, 100E, 200E, 500E, 701B, 13.055.104DD, POU-L-001B, 13.055.DM1A, 13.055.BS01, and 0135-1001A received on 4th April 2017.

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

#### **3. Samples**

No development hereby permitted, except the demolition operations and construction of the building foundations, shall take place until samples, and an accompanying schedule of the materials to be used in the construction of the external surfaces of the dwellings and any other external surface to the development hereby permitted, have been submitted to and permitted in writing by the Local Planning Authority by way of a discharge of condition application. Thereafter the development shall be carried out in accordance with the approved materials.



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Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **4. Cycle parking**

A dwelling hereby permitted shall not be occupied until the cycle storage has been provided for that dwelling in accordance with the approved drawings. For the avoidance of doubt the communal cycle store serving the 6 flats shall include Sheffield Stands laid out in accordance with the Council's 'Cycle and Motorcycle Advice and Standards for New Development'.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS 14 of the West Berkshire Core Strategy 2006-2026 and Policy LTP K13 of the Local Transport Plan for West Berkshire 2011-2026.

### **5. Archaeological supervision**

No development shall commence until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 141 of the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **6. Ecological mitigation**

No development shall commence until an Ecological Mitigation and Enhancement Strategy (to include but not necessarily be restricted to: site plan showing location, extent and composition of mitigation/compensation/enhancement habitat; details and timings of management and monitoring of mitigation/compensation/enhancement features; measures to protect ecological features) has been submitted to and approved by the Local Planning Authority via a condition discharge application. This strategy shall be informed by the outline measures detailed within the Preliminary Ecological Appraisal (RPS, July 2015) and Bat Survey report (RPS, November 2015) unless otherwise agreed in writing by the Local Planning Authority. Development shall then proceed in strict accordance with the approved strategy, with all mitigation features permanently retained and maintained.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 17 of the West Berkshire Core Strategy 2006 – 2026.

### **7. Tree protection**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan JSL2325\_701 Rev B, dated 22/12/2015 and supported by RPS tree report RPS ref JSL2325\_770 dated December 2015. Within the

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fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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 objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **8. Construction management plan**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. 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
- (h) Haul route

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 Saved Policies 2007.

### **9. Refuse storage**

No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

### **10. Spoil**

No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and permission in writing by the Local Planning Authority in respect of a planning application. These details shall:

- 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 the spoil from the site.

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- d) Include a timescale for the spoil removal and associated works.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **11. Hours of work**

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 by way of an appropriate planning consent 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 accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **12. Layout and design standards**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The developer must enter into a S278 Agreement for the access, footway link fronting the site, and the relocation of the traffic calming along Pound Lane.

Reason: In the interest of road safety and 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 Saved Policies 2007.

### **13. Access closure with reinstatement**

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

Reason: In the interest of road safety and highway maintenance. 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.

### **14. Visibility splays**

No dwelling shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the vehicular access onto Pound Lane. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. 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.

### **15. Parking/turning in accord with plans**

No dwelling shall be occupied until the vehicle parking and any turning space related to that dwelling have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars at all times.

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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 Saved Policies 2007.

### **16. Access construction**

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: To ensure that the access(es) into the site are constructed before the approved buildings 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.

### **17. Sustainable drainage**

No development shall commence until a surface water drainage scheme has been submitted to and approved by the Local Planning Authority via a condition discharge application. The scheme shall incorporate 'sustainable urban drainage' (SUDS) methods and attenuation measures, to restrict run-off from the site to no more than the equivalent greenfield rate, based on a 1 in 100 year storm plus 30% for possible climate change. The scheme shall also include measures to prevent any contamination from entering the soil or groundwater. It shall also provide a SUDS management and maintenance plan for the lifetime of the development, and a timetable for implementation. The surface water drainage scheme shall thereafter be carried out as approved, and no dwelling shall be occupied until the relevant surface water infrastructure serving that dwelling has been installed and brought into operation. Thereafter, the surface water drainage system shall be retained and maintained in proper working order.

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).

### **18. Hard landscaping (as submitted)**

A dwelling hereby permitted shall not be occupied until the hard landscaping for that dwelling has been completed in accordance with the details of boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) shown on the approved plans (drawing numbers 100E, 200E, and 500E received 4th April 2017).

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP3, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

### **19. Soft landscaping (as submitted)**

Soft landscaping works for a dwelling shall be completed in accordance with the approved soft landscaping scheme (drawing numbers 100E and 500E received 4th April 2017) within the first planting season following completion of building operations. 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

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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.

Reason: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP3, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

### **20. Land contamination 1: site characterisation.**

The construction of the dwellings hereby permitted shall not take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:

- a) A survey of the extent, scale and nature of contamination;
- b) An assessment of the potential risks to:
  - c) human health,
  - d) property (existing and proposed) including buildings, pets, and service lines and pipes,
  - e) adjoining land,
  - f) groundwater and surface water,
  - g) ecological systems,
  - h) archaeological sites and ancient monuments; and
- i) An appraisal of remedial options, and proposal of the preferred option(s).

This report shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

### **21. Land contamination 2: remediation scheme submission**

The construction of the dwellings hereby permitted shall not take place until a remediation scheme for any land contamination has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. The scheme shall:

- (a) Provide for the removal of unacceptable risks to human health, buildings and other property, and the natural and historical environment;

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- (b) 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;
- (c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and
- (d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

### **22. Land contamination 3: remediation scheme implementation.**

The approved remediation scheme for land contamination shall be implemented in full in accordance with the timetable of works approved by the Local Planning Authority. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

### **23. Land contamination 4: unexpected contamination.**

In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 22, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 23. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority via a condition discharge application. Following completion of the measures identified in the approved remediation scheme, no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

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### **24. Land contamination 5: monitoring and maintenance**

Following completion of the measures for the monitoring and maintenance of the effectiveness of the land contamination remediation approved under clause (d) of condition 23 (if any), a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority via a condition discharge application. These details shall be submitted within 2 months of the completion of the measures. These reports shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

### **25. Obscure glazing**

Plots 1, 2, 3, 4, 16, 17, 20, 21, 24, 26, 37, and 41 hereby approved shall not be occupied until the bathroom windows at first floor level are fitted with fixed, obscure top hung glazing. The first floor north elevation window of plot 32 shall not be occupied until it is fitted with fixed, obscure glazing. The obscure glazing shall thereafter be retained in position. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additional openings shall be inserted in the first floor elevations without the prior permission in writing of the Local Planning Authority by way of a planning application.

Reason: In the interests of amenity of neighbouring properties in accordance with Policy CS14 of The West Berkshire Core Strategy 2006 - 2026.

### **26. Removal of PD**

Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings, car ports or garages shall be built or ancillary buildings or structures erected within the curtilage, unless permission in writing has been granted by the Local Planning Authority via a planning application made for that purpose.

Reason: To prevent the overdevelopment of the site and to safeguard the amenities of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **27. No openings**

Irrespective of the provisions of the current Town and Country Planning (General Development) Order 2015 (or any subsequent revision), no additional openings shall be inserted in the dwellings, car ports or garages without the prior permission in writing of the Local Planning Authority via a planning application made for that purpose.

Reason: To prevent overlooking of adjoining properties and in the interests of the amenity of neighbouring properties in accordance with Policy CS14 of The West Berkshire Core Strategy 2006 - 2026.

### **28. Affordable housing**

No development hereby approved shall commence until the obligations provided for the Agreement dated \*\*\* and made between the Local Planning Authority and Persimmon Homes pursuant to Section 106 of the Town and Country Planning Act 1990 (as

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amended) have been entered into so as to bind the owner's interest in the site as defined in that Agreement.

Reason: To ensure that the whole of the site is effectively bound into the planning obligation before the development commences and to bind the party that commences the development in the interest of proper planning.

### **29. Occupation restriction**

None of the open market dwellings hereby approved as shown on plan 13.055.100TPDD received on 4th April 2017, shall be occupied until the land ownership interest, appropriate to the respective type of the affordable housing units (pursuant to condition 28 above), has been transferred to a registered provider with the benefit of full rights of vehicular and pedestrian access (connection to public highway) and passage of all services (including water, electricity, and gas).

Reason: To ensure provision of affordable housing to required standards in accordance with policy CS6 of the West Berkshire Core Strategy 2006 – 2026.

### **30. Lifetime Homes**

No more than 80% (26) of the Open Market Dwellings hereby approved shall be occupied in any way until all of the affordable dwellings shown on plan 13.055.100TPDD received on 4th April 2017 have been constructed and completed and are capable of being occupied in full compliance with the standards set out in the Homes and Communities Agency's Affordable Homes Programme 2015 to 2018: prospectus as well as the Technical Housing Standards; Nationally Described Space Standard (CLG March 2015) and the Lifetime Homes Standards and Housing Quality Indicator HQI standards or such other version for the time being in force or such other standards as shall be issued by the Housing & Communities Agency by way of replacement standards

Reason: To ensure provision of affordable housing to required standards in accordance with policy CS6 of the West Berkshire Core Strategy 2006 – 2026 and West Berkshire Council's Planning Obligations SPD (2014).

### **Informatives:**

#### **1. Proactive actions of the LPA**

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

#### **2. CIL liability**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)



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### **3. Infiltration drainage**

No infiltration drainage should be installed in any area of where contamination is known/suspected.

### **4. Thames Water**

Thames Water have assessed and responded to the application based on the information provided to date. The proposed drainage strategy involves connecting surface water flows into the public surface water sewer at manhole SU49679253 in Clerewater Place, restricting the discharge to 40 l/s by a flow control chamber, and reducing the amount of impermeable area from 0.882 hectares to 0.496 hectares, thereby providing betterment. Foul water flows will be connected into the public foul sewer at manhole SU50671301 in Pound Lane. Should the development proposal change, Thames Water would need to re-assess the application and review the comments accordingly.

### **5. Construction/demolition noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

### **6. Surface water drainage**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

### **7. Developer co-ordination**

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.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

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.

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**8. Damage to footways, cycleways and verges**

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.

**9. Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

**10. Excavation in close proximity to the highway**

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.

**11. Access construction**

The Highways Manager, West Berkshire District Council, Highways & Transport, 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.

**6. Appeal Decisions relating to Eastern Area Planning**

Members noted the outcome of appeal decisions relating to the Eastern Area.

**7. Site Visits**

A date of 7 June 2017 at 9.30am was agreed for site visits if necessary. This was in advance of the Eastern Area Planning Committee scheduled for 14 June 2017.

*(The meeting commenced at 6.30pm and closed at 7.40pm)*

**CHAIRMAN** .....

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