

# DRAFT

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

## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 19 JULY 2017

**Councillors Present:** Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), James Cole (Substitute) (In place of Hilary Cole), Adrian Edwards, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

**Also Present:** Sharon Armour (Solicitor), Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control) and Jo Reeves (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Hilary Cole, Councillor Billy Drummond, Councillor Paul Hewer and Councillor Virginia von Celsing

#### PART I

##### 11. Minutes

The Minutes of the meeting held on 28 June 2017 were approved as a true and correct record and signed by the Chairman.

##### 12. Declarations of Interest

Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared an interest in Agenda Item 4(1), but reported that, as their interests were personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

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

##### 13. Schedule of Planning Applications

###### (1) Application No. and Parish: 17/00223/FULEXT Land on north and east side of Pyle Hill, Greenham

*(Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council, and in the cases of Councillor Beck and Pick, members of the Planning and Highways Committee. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/00223/FULEXT in respect of the erection of 71 dwellings with associated access roads and car parking, pedestrian access and parking with landscaping at land on north and east side of Pyle Hill, Greenham.
2. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the

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report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers firmly recommended the Committee grant planning permission with the completion of an associated s 106 planning obligation.

3. Paul Goddard advised that Highways Officers were content with the layout and access of the proposed development, which met the Council's parking standards. Whilst there would be an increase in traffic around the site, he did not consider the impact to be severe.
4. In accordance with the Council's Constitution, Mrs Lucy Crofts, objector, and Mr Michael Cleveland, Mr Steven Smallman and Mr Peter Shepherd, applicant/agent addressed the Committee on this application.
5. Mrs Crofts in addressing the Committee raised the following points:
  - The site was included in the Council's Housing Sites Allocation Development Plan Document (HSA DPD) and she wanted to protect the remaining agricultural land in the area from future development.
  - The decision on the application should be deferred until the master planning for all the sites under policy HSA4 in the HSA DPD was completed.
  - There was a lack of clarity about how the land adjacent to the site reserved for ecological benefit would be achieved under the S106 agreement. BBOWT were likely to be receptive to managing the land.
  - There might be different ways to apply a covenant to the land which should be explored.
  - The four sites under HSA4 would impinge on the green infrastructure which Policy CS18 in the Council's Core Strategy sought to protect.
  - BBOWT, Newbury Town Council and Greenham Parish Council objected to the application due to the implications for green space.
6. Councillor Jeff Beck asked whether it would be possible to defer a decision on the application. Michael Butler advised that the Committee could choose to defer but this would not be the advice from officers as it could delay the delivery of affordable and market housing. Officers were satisfied to recommend the application as a standalone application and it was not possible to force the multiple landowners with sites under HSA4 to submit a joint application. Derek Carnegie added that the HSA DPD created a framework for new housing in the District and the pace of delivery was determined by the developers. He expressed the view that he was confident the S106 powers could protect the land adjacent to the site.
7. Councillor Paul Bryant asked how the content of the applications for the other sites under HSA4 could impact on the detail of the application before the Committee that evening. Mrs Crofts responded that HSA4 set out that the sites would be comprehensively master planned and the current plan was not comprehensive.
8. Mr Smallman, Mr Cleveland and Mr Shepherd in addressing the Committee raised the following points:
  - The application site was included in the HSA DPD.
  - The problems with the delivery of Sandleford made it more important that other housing sites in the District were delivered.

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- The application included 71 dwellings which would make a significant contribution to the Council's five year land supply, which could be impacted if the application was not approved.
  - HSA4 gave provision for 'approximately 65' dwellings which was not an upper limit.
  - The proposed development had been designed around ecological reports and included a buffer to West Wood of between 20m and 30m.
  - The development would achieve a net gain for biodiversity because the adjacent land would be included in the s106 agreement.
  - The benefits of the development would be in respect of affordable housing, biodiversity, public open space, a boost to the local construction economy, community Infrastructure Levy and a sustainable development to accommodate around 170 residents.
9. Councillor Beck asked for more information about the land to be included in the s106 agreement. Mr Smallman and Mr Shepherd advised that it was currently used as agricultural land and would be enhanced by a biodiversity enhancement scheme to support protected species.
10. Councillor Anthony Pick asked for a response to the concerns of the tree Officer that the application did not achieve the 15m buffer from protected trees. Mr Cleveland advised that a tree protection plan had been prepared and the development would comply with the required 15m distance between built development and protected trees. Landscape buffering for the majority of the site would be 20m to 30m. A plan to deal with any shadowing by trees had been carried out and could be updated.
11. Councillor James Cole asked who would own the land for the landscape buffer and why there was not a sufficient buffer to alleviate the Tree Officer's concerns. Mr Smallman advised that a management company usually took responsibility for such spaces. There was one pinch point where the distance between a protected tree and the edge of the carriageway on the development would be 15m but the original plans were amended to increase the overall level of buffering. There would be no root protection issues.
12. Councillor Garth Simpson expressed concern that the tenure to protect the ecological use of the additional land in the s106 agreement could be insufficient. Mr Smallman advised that at present the best use for the land was retention and enhancement as a field and a covenant would be imposed in perpetuity.
13. Councillor Adrian Edwards asked for more information about how the trees would be protected. Mr Smallman explained that policy advice was that there should be 15m buffer around ancient woodland, additionally there were individual trees around the site which required protection. The applicant had completed an impact assessment and the development would not risk the health of the trees. The landscape buffer was in excess of 15m. Councillor Edwards asked what the actual distance between the tree and the development was at the aforementioned 'pinch point'. Michael Butler advised that the distance would be 15m to the edge of the carriageway or 20m to the nearest housing.
14. Councillor Cole asked why the developer intended to retain the land adjacent to the development if it could not be built on. Mr Smallman advised that the current landowner would enter into covenants to protect the land but the identity or intentions any future landowner was not a planning matter.

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15. Councillor Cole asked whether the Council's five year land supply would be at risk if the Committee were minded to refuse planning permission. Derek Carnegie advised that the Council's land supply was a matter being raised at appeals and while the Council was satisfied it could achieve its requirements it was a delicate situation.
16. Councillor Pick asked what the planning implications were of a 'designated local wildlife heritage site'. Michael Butler advised that it was similar, by way of comparison only, to a locally listed building and was easier to de-designate than a nationally designated wildlife heritage site such as a Site of Specific Scientific Interest (SSSI).
17. Councillor Edwards asked for information regarding the cumulative safety impact, particularly on school children, of the development's access point, with the other new access roads planned for Greenham Road. Paul Goddard advised that the government did not issue any guidance regarding the distance between junctions. He was aware that the schools in the area were busy as he had visited the site and its surrounding area in making his assessment. While he noted that traffic could become busy, he did not think the development would have a severe impact or cause a safety risk.
18. Councillor Dennis Benneyworth asked what covenants could be applied to the ecological land. Michael Butler advised that the s106 agreement would enable the land to be retained as open space for up to, for example, 25 years however under current legislation the landowner could make an application to vary the s106 agreement. If the council refused the landowner could submit an appeal and it was unlikely that the appeal would be successful.
19. In commencing the debate, the Chairman reminded Members that the principle of development had been agreed as part of the adoption of the HSA DPD and they should focus on the detail of the proposal before the Committee.
20. Councillor Bryant stated that he was sad to see greenfield land go but there was a housing problem in the country and in the District. West Berkshire was a plan led authority and had spent three years developing the HSA DPD. He did not see a problem that the sites under HSA4 were not coming forward as a joint application as they would not have shared facilities. He proposed that the Committee accept the officer's recommendation to grant planning permission.
21. Councillor Beck seconded the proposal and enquired whether a condition could be applied regarding the ecological land to be retained by the developer. Sharon Armour confirmed that a condition could not be applied but that it could be included in the s106 agreement albeit the landowner could apply to modify the s106 agreement sometime in the future.
22. Councillor Pick stated that he was uncomfortable with the application because the Tree Officer must have a good reason to recommend refusal. Councillor Cole stated that he agreed with Councillor Pick and asked if the positioning of the development on the site could be amended. Michael Butler confirmed that the original plans had less landscape buffering and there might be other impacts if the development was repositioned. The application could be amended but this would need to be reconsulted upon so causing further delays in the application.
23. The Chairman invited the Committee to vote on the proposal of Councillor Bryant, seconded by Councillor Beck, to accept the officer's recommendation to grant planning permission at the vote the motion was carried with one abstention from Councillor Edwards.

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**RESOLVED that** the Head of Development and Planning be authorized to grant Conditional Planning Permission subject to the first completion of a s106 planning obligation. That obligation to deliver the 28 affordable homes and the commuted sum of £28,100 for the public open space maintenance, plus the relevant s278 highways works. The s106 obligation to also include the inclusion of the blue land to the south for future ecological/habitat purposes. Planning permission is granted subject to the following conditions:

### Conditions

Time limit.

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 the advice in the DMPO of 2015, should it not be started within a reasonable time.

Materials.

2. 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 C1 in the adopted HSADPD of May 2017.

Fire hydrants.

3. No development shall commence until a scheme indicating the provision of new fire hydrants on the site has been submitted to and approved in writing by the LPA. The scheme shall not be occupied until such time as the hydrants are laid out on site in accord with the approved scheme.

Reason: In the interests of public safety in accord with NPPF advice.

Archaeology.

4. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. 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.

Hours of working.

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5. 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 saved policy OVS6 in the WBDLP 1991 to 2006.

Contamination.

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.

### 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,
- 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:

### 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 (common to all): 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.

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Ecology.

7. Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Mitigation and Management Plan (BSG, December 2016) unless otherwise agreed in writing by the Local Planning Authority. All mitigation, compensation and enhancement features shall be 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 Development Plan Document 2012.

Landscaping.

8. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Arboricultural Method Statement

9 No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Watching brief.

10. No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.



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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.

Tree works.

11. No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.

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.

Management plan.

12. No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 3 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Landscape scheme.

13. No development or other operations shall commence on site until details of the maintenance of the proposed landscape scheme have been approved in writing and shall include an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

(a) Details of soil preparation, plant protection, watering and weeding.

(b) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Drainage strategy.

14. 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. This shall include details of how

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the SUDS measures are to be maintained and managed by both the sewerage undertaker and any private management Company after completion. 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"

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 the advice in the NPPF of 2012.

Amended plans .

15. The development shall be carried out in strict accord with the amended plans as identified in the list of revised documents received on the covering letter from the applicant dated the 26<sup>th</sup> June 2017.

Reason. To ensure clarity in the permission in accord with the advice in the DMPO of 2015.

Construction Method Statement

16 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
- (h) Timing of deliveries

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).

Layout and Design Standards

17 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 road and footpath design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

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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 1991-2006 (Saved Policies 2007).

Visibility splays onto Greenham Road

18 No development shall take place until visibility splays at the proposed access onto Greenham Road have been provided in accordance with drawing number 8160567/6101 received on June 28<sup>th</sup> 2017. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the 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).

Visibility splays within the site

19 Visibility splays of 2.4 metres by 25.0 metres shall be provided adjacent plot 5 in accordance with drawing number H5365/PL/01 received June 28<sup>th</sup> 2017. 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).

Parking and turning

20 No dwelling shall be occupied until the vehicle parking and/or turning space provided for it has 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).

Access construction before development

21 No development shall take place until details of the proposed vehicular access, footway access, footway widening fronting the site and dropped kerbs and tactile paving over Greenham Road have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular and pedestrian 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

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buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

### Cycle storage

22 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 for the dwelling 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).

### Schedule of materials for access roads

23 No development shall take place until a schedule of materials to be used in the access and car park area has been submitted to and approved in writing by the Local Planning Authority. The materials should be permeable. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application the use shall not commence until the access and car park has been constructed in accordance with the approved schedule.

Reason: To ensure that the appearance of the access is appropriate to the character of the area. 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).

### Travel Plan

24 No development shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the development first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. 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), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### INFORMATIVE:

- 1 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

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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)

- 2 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
- 3 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the \*\*\*\*. You are advised to ensure that you have all the necessary documents before development starts on site.

DC

*(The Committee was adjourned at 19.52 and reconvened at 19.57)*

### **(2) Application No. and Parish: 17/00597/FULD and 17/00598/LBC2 The Malt Shovel, Upper Lambourn, Hungerford, Berkshire**

*(Councillor Dennis Benneyworth declared a personal interest in Agenda Item 4(2) by virtue of the fact that he owned a property which neighboured one of the objectors. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Applications 17/00597/FULD and 17/00598/LBC2 in respect of the change of use and conversion of public house into 1 and 2 bedroom flats at The Malt Shovel, Upper Lambourn, Hungerford, Berkshire.
2. In accordance with the Council's Constitution, Mr Robert Ballin and Ms Vivian Griffith, objectors, and Mr Chris Parker and Mr Dennis Alston, applicant/agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers consequently recommended the Committee grant planning permission.
4. Mrs Griffith and Mr Ballin in addressing the Committee raised the following points:
  - The Malt Shovel was formerly a popular business which attracted a variety of customers.
  - The business had only been open 11 months in the past 3 years and might be viable if opened more regularly.

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- The previous owner had been making a profit until he sold the pub to the current owner for £600k. The current owner made a loss in his first month of trading and put the pub back on the market.
  - Loss of the pub would have a detrimental impact, included the loss of a local employer. It would also be contrary to the National Planning Policy Framework to allow the pub to close.
  - There were a number of people willing to invest time and money into a rescue plan to keep the Malt Shovel operating as a pub.
  - The viability study had been commissioned by the applicant and was flawed.
  - The Malt Shovel was a focal point for the local area and no other pub was in walking distance for residents of Upper Lambourn.
  - The marketing was flawed and was at too high a price. Requests for viewings had been declined.
5. Councillor Bryant asked whether the objectors had considered registering the pub as an asset of community value. Mr Ballin advised that the leader of the project was in hospital but would be interested in doing so.
6. Councillor Pick enquired upon the population of Upper Lambourn; Mr Ballin advised that approximately 300 people lived in the village.
7. Mr Parker and Mr Alston in addressing the Committee raised the following points:
- Pub closures were an emotional issue and the owner, Mr McCabe, had invested a lot of effort and £140k in capital into trying to run the pub successfully, which he had intended to do until retirement.
  - The price had been set by the agents, a national company, and while no offers had been received the agent was confident that the pub was not overpriced.
  - The pub was tenanted for a time by people from the local community but there had not been enough footfall to keep the pub going. It needed £3k per week in turnover.
  - The demographics of the racing industry had changed with jockeys now working seven day weeks, being more athletic and more health conscious.
  - The development would offer smaller units of accommodation which were needed in the area.
  - The oldest part of the building, the original bakery, would have minimal alterations. External alterations would also be kept to a minimum.
8. Councillor Pick raised a query regarding the potential flooding risk. Mr Alston responded that it would no longer be necessary to raise the floor height as other measures were available to mitigate the flooding risk.
9. Councillor Beck asked whether the marketing agents had denied viewings. Mr Parker advised that the only viewings that were refused were to inquirers who refused to leave their name. Of those who did view the property, there were none who intended to continue its use as a pub.
10. Councillor Beck asked whether the owner intended to sell the flats, if approved. Mr Parker advised that the owner intended to rent out the properties to recover income as there was a high demand for single accommodation in the area.

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11. Councillor Bryant asked for clarification regarding the information that the pub was run for a month before being put back on the market for sale. Mr Parker advised that the owner invested a lot of money into refurbishing the pub and when it was reopened in December it did not attract sufficient business.
12. Councillor Benneyworth advised that when he was a jockey he frequented the Malt Shovel and recalled that the popularity of the main pubs in the Lambourn Valley always fluctuated. Mr Parker responded that he agreed the popularity of the business fluctuated but the demographics of the village were changing and there were external factors effecting the Malt Shovel's prospects of being run as a viable business. The marketing agent was confident that the right price was being sought. The tenant, in his resignation notice, cited the low footfall as a reason the pub failed.
13. Councillor Clive Hooker expressed the view that a pub was usually worth a year's turnover and did not believe that £600k was a realistic price.
14. In commencing the debate, Councillor Edwards declared that as the council's heritage champion the closure of a historic pub gave him some concern however he was satisfied that the application would preserve the Grade II listed building and proposed that the committee accepted the officer's recommendation.
15. In seconding the proposal, Councillor Bryant recalled similar applications that the Committee had considered for the White Hart in Hamstead Marshall and the IbeX Inn in Chaddleworth. He suggested that the objectors investigate registering the pub as a community asset as he feared that if the committee refused planning permission, the Council might lose any appeal that was brought to the Planning Inspectorate.
16. Sharon Armour clarified that registering a pub as a community asset would give the local community the first option to put in a bid to buy the pub the owner decided to dispose of it.
17. The Chairman invited the Committee to vote on the proposal of Councillor Edwards, as seconded by Councillor Bryant to accept officer's recommendation to grant planning permission. At the vote the motion was carried.
18. Councillor Edwards proposed that the Committee accept officer's recommendation to grant Listed Building Consent and this was seconded by Councillor Bryant. At the vote this motion was carried.

**RESOLVED that** The Head of Development and Planning be authorised to grant Listed Building Consent to application number 17/00598/LBC2 and to grant Planning Permission to application number 17/00597/FULD subject to the completion, within 2 months of the date of committee, of a Section 106 agreement to secure the provision of a unit of affordable housing on site in accordance with Policy CS 6 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document: Planning Obligations. The respective permission to be subject to the following conditions:

### **Conditions**

#### **LISTED BUILDING CONSENT CONDITIONS:17/00598/LBC2**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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2. This listed building consent relates only to work described on the drawings/and/or/in the documents identified below:

Drawing number RM/12 received on 3 March 2017,  
Drawing numbers RM/09, RM/N/01, RM/10, RM/N/02, RM/11 received on 10 April 2017,  
Drawing number RM/02 received on 12 June 2017,  
Heritage Statements received on 10 April 2017.

No work shall be carried out other than in accordance with the above drawings and documents.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building. This condition is imposed in accordance with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework 2012.

3. All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match original/adjacent work with regard to the methods used and to materials, colours, textures and profiles.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

4. The development hereby permitted shall be carried out in a proper workmanlike manner appropriate to the age and character of the building and using traditional materials and techniques except where the use of modern materials and techniques has specifically been approved by the Local Planning Authority.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

5. Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no existing features of architectural or historic interest such as doors, linings, shutters, panelling, cornicing, decorative plasterwork, floorboards, skirting, fireplaces, lath and plaster ceilings, wattle and daub panels shall be altered, replaced or removed until a written description of the steps to be taken has been submitted to and approved by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.



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6. No development shall take place until details of all new windows and/or external doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows//doors shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

### FULL PERMISSION:17/00597/FULD

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) RM/12 received on 3 March 2017;
- (ii) RM/11, RM/N/01, RM/N/01, RM/09, RM/10 received on 10 April 2017;
- (iii) RM/02 received on 12 June 2017
- (iv) Heritage statement received on 10 April 2017.

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

3. No dwelling shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing (to incorporate the use of a porous material to any hard surfaced areas), and boundary treatments, and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping scheme within the first planting season following the first occupation of one or more of the dwellings or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition; and
- b) any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species; and

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy

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Framework 2012, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

4. No dwelling shall be occupied until details of the external lighting to be used in the areas around the building and on site have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the external lighting has been installed in accordance with the approved scheme. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

5. No development shall take place until details of the internal floor levels of the change of use hereby permitted in relation to existing and proposed internal floor levels have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the proposed internal floor levels will be raised above the 1% annual probability flood level (with at least a 35% allowance for climate change level). Where it is justified this cannot be achieved the floor levels shall be raised as high as possible and incorporate flood resilience and resistant measures to account for the shortfall. No dwelling shall be occupied until the development has been completed in accordance with the approved internal floor levels and flood mitigation measures.

Reason: To reduce the risk of flooding to people and property on a site located within flood zone three. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS 14 and CS 16 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

6. No dwelling shall be occupied until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the vehicle parking and turning spaces/areas, and bin stores, have been provided in accordance with the approved details. 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 which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

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- 7. No dwelling shall be occupied 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 2012, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

- 8. 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 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.

**14. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 8.48 pm)*

**CHAIRMAN** .....

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