

# 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, 17 JANUARY 2018

**Councillors Present:** Howard Bairstow (Substitute) (In place of Virginia von Celsing), Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Billy Drummond, Adrian Edwards, Paul Hower, 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 Jenny Legge (Principal Performance, Research and Consultation Officer)

**Apologies for inability to attend the meeting:** Councillor Virginia von Celsing

#### PART I

#### 35. Minutes

The Minutes of the meeting held on 13 December 2017 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Page 9, point 53:** The Chairman asked for it to be noted that he had asked for consideration to be given to a green car park so as to match the green road and soften the overall design.

Councillor Anthony Pick informed the Committee that Mr Jeremy Holden-Bell had unexpectedly passed away. He had been the Vice-Chairman of the Newbury Society since 1994, and the Chairman since 2009. He had been the principal commentator on planning. If Members wished to send their condolences, they could do so by contacting the new Chairman, Dr David Peacock.

On behalf of the Committee, the Chairman sent his condolences to the family of Mr Holden-Bell.

#### 36. Declarations of Interest

Councillors Jeff Beck, Billy Drummond, Adrian Edwards and Anthony Pick declared an interest in Agenda Item 4 (1), and reported that, 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.

#### 37. Schedule of Planning Applications

##### (1) Application No. and Parish: 17/02524/FULEXT Land West of New Road, North of Pyle Hill, Newbury

*(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 its 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.)*

## WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES

*(Councillor Billy Drummond declared that he had been lobbied on Agenda Item 4 (1.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/02524/FULEXT in respect of the erection of 36 dwellings with associated roads, amenity open space, and access to New Road on land West of New Road, North of Pyle Hill, Newbury.
2. In accordance with the Council's Constitution, Ms Lucy Crofts', objector, and Mr Steve Smallman (Pro vision), Mr John Hanlon (Glanville), Ms Judith Giles (BSG Ecology), applicant, addressed the Committee on this application.
3. Michael Butler introduced the report and update sheet 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 justified. Officers on balance recommended that Committee approve planning permission.
4. He drew the Committee's attention to additional conditions included in the update sheet which would be required should the Members be minded to approve the application.
5. The Chairman noted that there was not a representative from the Parish Council and that this was disappointing. Councillor Billy Drummond explained that an extraordinary meeting of the Parish Council had been called that evening.
6. Ms Crofts in addressing the Committee raised the following points:
  - Ms Crofts' objections to the other sites in this area were rejected on the premise of site allocation and ownership. However, Rivar and David Wilson homes either owned or had a controlling interest in all the sites. She therefore saw no reason why the sites could not be brought together. The developer's statement in 2012 was that the sites would be comprehensive, coherent and have major community benefits; creating a cohesive neighbourhood, which would protect and enhance the countryside.
  - She felt strongly that it was a cop-out for Officers to say that this master-plan could not be delivered because of land ownership.
  - She questioned what the large swathe of private land in between the sites was for. Currently, it was the desired route for children travelling between playgrounds. Many people walked their dogs there. People ignored the private land signs. She felt the Council had a short-sighted approach and should resolve the problem of land ownership and put in the necessary footpaths.
  - The landscape was open grassland and Ms Crofts was concerned that the large number of trees suggested in the planting design, would detrimentally change the area, for the people who used it and the wildlife it sustained.
  - A fellow Greenham resident had asked for clarification on the meaning of the hedging term 'gapping up'.
  - She asked that the developer provide the footpaths, and act with integrity to deliver the plans they had produced at the consultation stage.
7. Councillor Jeff Beck wished to confirm that the two principal objections were the lack of footpaths and the hedgerow boundary.
8. Ms Crofts replied that the main issue was the connection of the sites. It was about principle.
9. Councillor Paul Bryant understood the objectors point about principle and her irritation with the development. He was sympathetic, but wanted to clarify if her expectations of

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

the Committee were that they should refuse the application or if they should put a condition on the approval.

10. Ms Crofts answered that she was no planning expert, and was unsure if a condition could be placed on the approval that could enforce the creation of a Public Right of Way (PRoW) or change the ownership of the land. She wanted a more comprehensive approach, as had been originally proposed by the developers, instead of a piecemeal development.
11. Councillor Hilary Cole asked how many years people had been walking on this piece of grassland. Ms Crofts confirmed that she had been a resident for 16 years and it had been in constant use during that time.
12. Councillor Cole explained that the PRoW service could issue forms to local residents to apply to have land considered for a PRoW, due to the length of time it had been used by local people. Ms Crofts replied that she had investigated the procedure, but understood that it could be stopped by developers putting up a sign and it was unlikely to be successful.
13. Councillor James Cole queried Ms Crofts's objection to the large number of trees to be planted on the site. Ms Crofts explained that the landscaping design was unclear. Currently, the space was grassland with three mature oak trees. Large scale tree planting would change the area from open vistas to woodland.
14. Councillor Anthony Pick asked if it were possible to walk across the grassland to the sites in the West (in blue on the presentation). Ms Crofts explained that people did walk across the land, but it was privately owned and it would be better if the right of access was formalised. Councillor Pick inquired as to the quality of the area. Ms Crofts observed that it was beautiful and she greatly enjoyed watching the wildlife, including the muntjac deer.
15. Mr Smallman in addressing the Committee raised the following points:
  - This application, in principle, could not be in doubt as it formed part of the Housing Site Allocations Development Planning Document (HSADPD).
  - The applicants had taken care to make a proposal that complied with the HSADPD, and in terms of layout, density, garden size and parking etc., was fully compliant. He noted that this was a relatively low density plan.
  - He wished to pick up on a few comments made by the objector. In terms of ecology, he was generally satisfied that there would be a net bio-diversity gain and that there would not be an adverse impact on protected species, woodland or Greenham Common. There had been no objection from Natural England.
  - In terms of comprehensiveness, in reality plans have been submitted and accepted for the separate sites. The master-plan had been put, in the context of promoting the site on behalf of Rivar and David Wilson Homes, as an ambitious scheme for south east Newbury. It was envisaged that there would be a sequence of open spaces with much more housing than allocated in the HSADPD. His response to the objection, was that the Council had only included part of the original scheme, and therefore, it would not be fair or reasonable to continue to demand the linkages.
16. Councillor Pick asked for clarification on the ecology of the site. Ms Giles explained that it was poor quality grassland, however it did support slow-worms and common lizards. It was a mosaic of scrub and a few trees and was an informal area. Councillor Pick inquired who owned the land. Ms Giles confirmed that it was a private landowner and that Rivar would control it, if the application was approved. Councillor Pick further inquired who would be responsible for ongoing costs and maintenance. Ms Giles explained that there

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

would be a management company to take care of all the open spaces on this site, including the play areas. She expected that the residents from the new houses would pay for the maintenance. She continued that it was not the intention to plant a large number of trees. The design was to be mainly grassland with scattered trees, to meet the ecological brief that had been provided.

17. Councillor Pick asked whether it would still be possible for people to walk over the site once the site had been developed. Ms Giles explained that within the red line, the other side of the blue triangle would be publicly accessible land. The intention was to retain it as rough grazing land.
18. Councillor Hilary Cole noted that in the HSADPD it was stated that there would be 30 units built, however the application was for 36. She appreciated that it was not an enormous increase, however it was a point of irritation and disappointment. The Council approved document had specified a number of homes on the site. Councillor Hilary Cole asked if Mr Smallman explain the logic in the increase to 36. Mr Smallman expounded that fundamentally, the HSADPD was an approximation, as a technical lay out had not yet been produced. To limit the design to an arbitrary number would be to under-develop the site and would serve no planning purpose. It would have meant six less houses and fewer affordable homes.
19. Councillor James Cole was interested in the difference between the developer 'sand Berks, Bucks and Oxon Wildlife Trust's (BBoWT) calculation of bio-diversity gain. Ms Giles explained that the gain was worked out by an independent calculator and the number was calculated by a number of multiples. She had assessed the grassland as poor. However, BBoWT had disagreed, as the land was able to support reptiles. She considered that the guidance stipulated that protected species should not be included in the calculation, as they were picked up in mitigation elsewhere. This was why the calculations differed. Councillor James Cole further queried what real gain people in the area would see. Ms Giles observed that the six hectares would be enhanced with a more diverse wildlife. It would become a more species rich grassland, but would also support existing reptiles. Plug planting would increase the patches of dense scrub for birds and hibernating reptiles and provide a scattering of trees. It would remain a relatively open landscape.
20. Councillor Bryant asked what the 0.06 increase of bio-diversity meant. Ms Giles informed the Committee that the methodology was constantly under debate. The Government had trialled some metrics in 2012, to objectively measure the gain and the industry had created many different calculators. In essence, 0.06 units meant there would be a minor gain in bio-diversity.
21. Councillor Billy Drummond remarked that the open space was lovely in the summer. He was concerned about the maintenance of the hedgerow. Mr Smallman confirmed that the hedgerow would be retained where practicable and where gaps had formed it would be supported or 'gapped-up'. Councillor Drummond asked if the rights of way over the land could be kept in perpetuity. Mr Smallman answered that this would be dealt with in the Section 106.
22. Councillor Beck reiterated Councillor Pick's concern over the maintenance contract and the expectation that affordable housing tenants would be asked to pay. Derek Carnegie explained that this was not a planning matter, and a condition could not be applied and Sharon Armour reiterated the Planning Officer's view, adding that it was dealt with under separate legislation.
23. Councillor Adrian Edwards commented that, as Heritage Champion, he was pleased to see the condition on archaeology in the update report. This was an historic site that had

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

been involved in the withdrawal at the first battle of Newbury. He asked how the condition would be implemented, and if a plan had been drawn up. Michael Butler explained that the condition was part of the discharge process. If the proposal was approved, the developer was required to carry out an archaeological investigation and submit it to the Council. Once Officers were satisfied the condition would be discharged. Only once all conditions had been discharged could building begin.

24. Councillor James Cole expressed the view that the footway, next to the hedgerow near the junction to the south, looked narrow.
25. Councillor Drummond, as Ward Member, in addressing the Committee raised the following points:
  - He was concerned about the disappearance of the Greenham gap.
  - He felt that the parking was too close and there would be an increase of traffic in an area that was notorious for boy-racers. He would have expected some traffic calming measures.
  - When a funeral cortege travelled past the site, there was a long queue of traffic.
  - He supported Ms Crofts' concerns and felt that the open space should not be built on and that the land should be protected.
26. Members asked Officers for clarification. Councillor James Cole queried the planting plan. Michael Butler explained it was his understanding that, although the built form would have an impact and enclose the space, there would be a number of new trees introduced in the north west sector. He considered this would work well when looking across to the north west, as there was already a back drop of trees and Westwood, the historic woodland.
27. Councillor James Cole also queried the issue of the footpath. Michael Butler noted that there was already a footpath into the town centre. He understood that a linking footpath to site 047B could not be achieved due to ownership of the land. The council could take out a Compulsory Purchase Order (CPO) but he could not recommend this course of action. Mr Smallman confirmed that had the policy document and planning legislation allowed for more land to be development, the footway linkages could have been stipulated. With regards to the width of the footway next to the hedgerow, the footway could be indented into the road to save as much of the hedgerow as possible. However, forward visibility would need to be investigated. Paul Goddard confirmed that the road would be wide enough.
28. Councillor Beck noted that there was no specific mention in the conditions of replacement plants within the first 5 years, as in previous applications. He asked that this be included, should approval be granted.
29. Councillor Beck was also concerned that a condition or informative could not be put in place to secure a management firm or to ensure that an Registered Social Landlord (RSL) would pay for the maintenance of the land rather than the new residents. Sharon Armour reiterated that this was a private matter and not something that the Committee could enforce.
30. Councillor Bryant sought clarification on the condition 18, for extracting minerals, on page 29 of the report. Michael Butler explained that the condition had been stipulated by the Minerals Officer who was acting to implement the Council's policy.
31. Councillor Hilary Cole acknowledged that she did not want to labour the point, but asked that the PRow be explored. As she understood it, unless the land owner had erected a sign, it was possible for users of the land to gather evidence, and the land owner could

## WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES

be asked to declare a permissive way. She asked if Officers had explored this possibility. She felt it would help this site be accepted by local residents. Michael Butler answered that it had not been investigated, but that the Committee could instruct Officers to do so. If Members chose to delay issuing the decision notice until the footpath issue on the adjoining land was resolved, then Officers would investigate. In his professional opinion however, he felt the chances of success would be low.

32. Councillor Hilary Cole acknowledged that she wished the application to be determined, however she would like to see Officers tasked with investigating the feasibility of the footpath.
33. Members proceeded to the debate. Councillor Garth Simpson concurred with Councillor Hilary Cole on the PRoW issue. There was palpable evidence of heavy use. He commented that if the footpaths were set up, then the green space would emerge over time. He proposed the Committee approve the application, subject to the conditions proposed by Councillors Hilary Cole and Jeff Beck. Councillor Bryant seconded the proposal.
34. Councillor Hilary Cole regretted that the master-plan was not in the HSADPD. She noted that the site was not a Site of Special Scientific Interest (SSSI) and complimented Ms Giles on the thoroughness of her work. The land was dear to the hearts of local residents. If there had to be 36 houses instead of 30 then so be it, but when a number was published it stuck in your head. It would be brilliant to have more affordable housing.
35. Councillor Pick was inclined to support the proposal. He noted that there were a considerable number of sites of this size that had open spaces maintained by a management company. He doubted that all the management companies would remain in business, and felt uncomfortable that there was not an overarching structure to deal with the burgeoning number of open spaces. He recognised that this was a private matter and could not affect the Committee's decision, but it was a matter that he found problematic.
36. Councillor Beck agreed with Councillor Pick and conjectured that if the developers paid a bond, perhaps they could hand over the responsibility to the Council.
37. Councillor James Cole endorsed the view of Councillors Beck and Pick. He noted that this was not only a problem in Greenham, but all over the district and there should be some semblance of joined up government.
38. Councillor Hilary Cole reminded the Members that the developers could already offer the Council a commuted sum, however this was at odds with the age of devolution and passing responsibility to Parish Councils. She suggested that this matter should be referred to the Planning Advisory Group for consideration.
39. The Chairman invited the Members to vote on the proposal of Councillor Simpson, as seconded by Councillor Bryant to approve planning. At the vote the motion was passed with one vote against from Councillor Drummond.

**RESOLVED that** the Head of Development and Planning be authorised to investigate whether it is possible to provide a footpath link, either by a creation agreement or by recording an existing route, and if it is possible to **grant** planning permission, subject to the first completion of the footpath link, a Section 106 planning obligation and the conditions below:

In the alternative, if it is not possible to create the footpath link, the Head of Development and Planning be authorised to **grant** planning permission, subject to the first completion of a Section 106 planning obligation and the following conditions:

### Conditions

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

### **3 YEARS**

Subject to the following conditions (if any):-

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 HSA4 of the HSADPD of May 2017.

### **HOURS OF WORKING**

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

Reason: In order to protect the amenities of surrounding residents in accordance with policy OVS6 of the WBDLP 1991 to 2006 [saved 2007].

### **FLOOR LEVELS**

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

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with HSA4 of the HSADPD of 2017.

### **AMENDED PLANS**

5. The development must be carried out in strict accord with the amended plans and information supplied by email dated the 7th November 2017 on the electronic file.

Reason: To ensure the correct development is implemented on the application site in accord with the advice in the DMPO of 2015.

### **FIRE HYDRANTS**

6. No development shall commence until full details of additional fire hydrants are agreed on site. The development shall be implemented in strict accord with these approved details.

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

### **DUST SUPPRESSION**

7. No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

minimise the effects of dust during the development construction period. The construction process shall be carried out in accord with that scheme of works, once approved in writing by the Council.

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

### **LAND CONTAMINATION**

8. 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'.

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



## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

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

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

### **4. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

### **5. Long Term Monitoring and Maintenance**

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

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

CMS

9. 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

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

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**

10. 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 and the Developer to enter into a S278/S38 Agreement for the adoption of the site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. 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**

11. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s). For the avoidance of doubt this shall include the sole vehicle access onto New Road.

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

### **VISIBILITY**

12. No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. 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**

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

Reason: To ensure the development allows for appropriate car parking on the site, and to reduce 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), 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).

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

### **ROAD SAFETY**

14. No development shall take place until details of crossing points across Draytons View and / or New Road have been submitted to and approved in writing by the Local Planning Authority. The crossing shall consist of dropped kerbs and tactile paving. No dwelling shall be occupied until the crossing(s) have been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **PLANTING SCHEME**

15. On the first planting season post the first occupation of any dwelling hereby permitted the soft landscaping scheme as identified on the Golby and Luck plan number GL0726 01a dated 17/08/17 will be commenced. This scheme shall then be completed in its entirety to the satisfaction of the Council and maintained for a 5 year period post first occupation.

Reason. To enhance the visual aspects of the scheme in accord with policy HSA4 in the HSADPD of May 2017.

### **BADGERS**

16. No development works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open Excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include; a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches / excavations or by using planks placed into them at the end of each working day and b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason. To conserve this protected species on the site in accord with the advice in the NPPF.

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)**

17. The development hereby permitted shall be carried out in strict accord with the submitted Ecological Mitigation and Management Plan plus the Geo environmental report as submitted, with the associated recommendations identified in those reports. For clarity this relates to the BSG Ecology Report of the 23rd August 2017 on file.

Reason: To ensure the ecological status of the application site is enhanced in accord with policy CS17 in the WBCS of 2006 to 2026.

### **LIGHTING STRATEGY**

18. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall;

- Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and - Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.-All external

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason. To protect light sensitive species on site in accord with policy CS17 in the WBCS 2006 to 2026.

### **MINERALS**

19. No development shall commence until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- I.A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site.
- II.A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, with such use to be agreed with the Local Planning Authority.
- III.A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

Reason: The approval of this information is required at this stage because insufficient information has been submitted with the application. To ensure compliance with Policy GS1 of the Housing Site Allocations DPD (2006-2026), and Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

### **SUDS**

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

- i) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- j) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- k) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- l) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- m) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings approved are occupied. The drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **ARCHAEOLOGY**

21. No development / site works / 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, in accord with the NPPF.

### **INFORMATIVES**

- 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 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

## WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES

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 xxxx date. You are advised to ensure that you have all the necessary documents before development starts on site.

DC

### 38. **Application No. and Parish: 17/02533/OUTD Land Adjacent to 4 Croft Lane, Newbury**

*There were no declarations of interest received.*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/02533/OUTD in respect of an outline application for the erection of a single dwelling. Matters for consideration siting and scale other matters reserved on land adjacent to 4 Croft Lane, Newbury.
2. In accordance with the Council's Constitution, Mr Stuart Atkinson and Ms Karen Barlow, objector, and Mr Tim Barton, applicant/agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report and update sheet to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was unjustified. Officers on balance recommended that Committee refuse planning permission.
4. The Chairman asked Officers to confirm if the road was adopted and to summarise the highways section of the report. Paul Goddard explained that the road was not adopted. His recommendation for refusal was based on the sub-standard sight lines from the access to the site. The speed survey measured cars as travelling at 18.7mph downhill (needing a 22.5m sight line, but being able to achieve only 14m) and 19.5mph uphill (needing a 24m sight line, but being able to achieve only 4-5m) past the property.
5. The sight lines were sub-standard in both directions and he was concerned by the width of the road and it's gradient. It was a private street, which was turned into a cul-de-sac by a locked gate at the end. This meant that it was a public highway, as the lane had had an unfettered access over many years. As a private street, the maintenance of the street was the responsibility of the frontages, however as the Highway Authority, the Council, had powers to enforce that the street was maintained adequately.
6. Councillor Clive Hooker inquired who owned the junction, as it was included in the red line of the application. Paul Goddard explained that it was included to show that the applicant had right of access. Councillor Hooker continued by bringing the photograph on page 42 of the report to the Committees attention, to indicate that the splays of many of the existing houses were obstructed by shrubs.
7. Councillor Paul Bryant asked if there was a detailed drawing of the street. Paul Goddard directed Members to the detailed drawing displayed in the room so as to understand the positioning of trees, lampposts and driveways.
8. Mr Atkinson in addressing the Committee raised the following points:
9. He asked the Committee to refer to point 5.3 on page 36, and that the picture of the plan of the house to be displayed on the screens.

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

- Mr Atkinson's principle concern was the sight line from the property.
  - The new property would be overbearing.
  - There would be a detrimental impact to his retaining wall.
  - It was an unsafe access.
  - The different ground levels warranted closer scrutiny.
  - There would be additional load placed on the retaining wall, that it was not designed to accommodate. There had been no investigation of how the dwelling would impact on the retaining wall. The projecting part of the building was within 1.65m of the boundary and 0.26m of the retaining wall. The foundations would be further forward and would impact on the integrity of the wall, putting it at risk of serious damage.
  - The turning circle in the proposed site would be too small.
  - He requested that the siting of the unit be deferred to enable the applicant to carry out an appraisal to demonstrate that the retaining wall would not be impacted.
  - The access did not meet the required standard or even the relaxed standards.
  - If the siting were deferred, the applicant would also be able to investigate using the existing site access under the Grampian condition.
  - Ms Barlow was concerned about the visibility. The amount of vegetation in the summer meant that a car would have to come right out into the street to be able to turn. She felt that vans travelled quickly down the street, and would prefer a proper site that used the existing entrance.
10. Councillor Anthony Pick asked how many houses were in the street. Mr Atkinson confirmed there were approximately 18 houses. Councillor Pick further inquired if Mr Atkinson's objection was based on his experience of traffic in the area. Mr Atkinson replied that his objection was based on his being a practicing Highways Engineer and therefore, his professional judgement. In his opinion, the existing access would be safer.
11. Councillor Pick noted that the condition of the shrubs was under the control of the residents. Mr Atkinson stated that he cut his shrubs back in the autumn.
12. Councillor Jeff Beck asked, if there had been any incidences of collision in relation to the driveway opposite. Mr Atkinson could not recall any accidents over the last ten years. Ms Barlow noted that residents had erected a sign asking people to drive carefully. However, she was concerned about drivers visiting the road, rather than the usual residents.
13. Councillor Paul Bryant inquired if the shrub was on the resident's land or common ownership. Mr Atkinson explained that his house had been built in 1991, and the boundary to the front of the lane had been planted up. It was tradition that the frontages maintain the verges in front of their homes.
14. Councillor Garth Simpson inquired if the Grampian condition would mean that Mr Atkinson was proposing to have a shared access between the parent and child property. Mr Atkinson agreed this was the case, and that the access would need to be widened slightly.
15. Mr Barton in addressing the Committee raised the following points:
- The existing house had been owned by his father.
  - The central issue was access to the new property.
  - It was a private, no-through road.

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

- The traffic survey revealed a morning peak of six vehicles per hour and an afternoon peak of nine vehicles per hour.
  - The sight lines could not be achieved, but he did not believe this made the access unsafe. There had been no significant incidents since 1965.
  - To move the access further up the road, would make it closer to the preserved tree. All the trees on the street had Tree Preservation Orders (TPOs) placed upon them.
  - This was a small simple application on a small simple road, which was being recommended for refusal because of the access.
16. Councillor Bryant asked who owned the hedge. Mr Barton observed that, technically, they are not owned by anyone and are maintained by convention, by the home owners.
17. Councillor Simpson doubted whether the shared access would be safe, but due to the low numbers of vehicles using the street, he did not see an incremental danger in the proposed siting of the access.
18. Councillor Pick concurred that the shared access would be closer to the tree and the public road and therefore, would be more dangerous than the proposed access. He further inquired if the turning circle would be sufficient, should there be more than one vehicle. Mr Barton confirmed that it complied with the standards and had been designed to do so.
19. Councillor Adrian Edwards inquired as to how the traffic survey was carried out. Mr Barton explained the number of vehicles was counted digitally for a week, this figure was then averaged. Councillor Edwards was trying to establish if the vehicles would be those of residents or drivers who wouldn't necessarily know the dangers. Mr Barton suggested that due to the nature of the road, it would probably be residents or regular delivery drivers.
20. Councillor Lynne Doherty, as Ward Member, in addressing the Committee raised the following points:
- The application had been called-in, as she wanted the Committee to take a measured look at this unusual situation.
  - She understood the concerns about the splays and the trees blocking driver's view.
  - She was concerned at the speeds revealed by the speed survey. She would have expected much lower speeds to have been registered. If these speeds had been registered at the top of the lane, with people turning off from the public highway, then perhaps some measures needed to be put in place.
  - This was a quiet, un-adopted, no-through road. The gate at the end made it difficult to turn around and therefore, the only reasons for vehicles to be there would be to make a delivery or visit the homes.
21. Councillor Beck understood the reasons Councillor Doherty had called-in an application that would otherwise have been refused under delegated authority, due to the standard of the sight lines. He wondered if she had a view as to whether the application should be granted.
22. Councillor Doherty noted that the house was in keeping, and that the applicant was not trying to over-develop the site. She had no problem with the design of the house. If the boundary was an issue, then that needed due consideration. She did not feel that the house was being squeezed into the plot, and would be happy to see a house there that complied with planning regulations.



## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

23. Councillor Hilary Cole asked the Planning Officer if the Highways Officer did not object, what the recommendation would be. Derek Carnegie confirmed that it would be to grant permission.
24. Councillor Pick cogitated that the visibility to the north was 14m, but was only four to five metres to the south, due to the positioning of the hedge. He asked if the hedge was protected. Paul Goddard explained that the hedge was owned by Mr Atkinson, who regularly maintained it.
25. Councillor Simpson enquired as to the minimum allowable splay. Paul Goddard explained that for a vehicle travelling at 19.5mph, there had to be a splay of 24m.
26. Councillor Paul Hower inquired if the Committee refused the application, and it went to appeal, what Officers thought the decision would be.
27. Derek Carnegie reflected that he used to be able to predict the outcome of appeals, but he was less certain now. He advised that the decision would probably be over-turned on appeal.
28. Councillor Beck asked if the Committee decided to approve this application, whether they would be setting a precedent for allowing an access that did not comply with regulations. Paul Goddard observed that the existing access points were also sub-standard, but were historic. His advice was that the Committee comply with the standards. He had concerns about the width and gradient of the road and therefore, would refuse the application.
29. Councillor Simpson sought clarification on the width of the road. Paul Goddard confirmed that it was 3.5m wide.
30. Councillor Hilary Cole observed that this was a difficult application and understood why it had been called-in. This Authority was keen to see development, and this site was within the settlement boundary. If there had been no highways issues, it would have been approved. The road was steep, but that was relative. She also understood that the other driveways were historic and the Committee needed to be looking from the present day. However, she was struggling to see how it would impact on the road. Councillor Hilary Cole proposed to decline officers' recommendations and approve planning permission. Councillor Paul Bryant seconded the proposal.
31. Councillor Adrian Edwards stated that the role of the Highways Authority was to make it safe to drive on the roads. Just because there had been no accidents, was no excuse for ignoring the advice of the Highways Officer. The Officer was the professional and the Committee should accept his recommendation.
32. Councillor Beck observed that he had known this road for more than 50 years. He understood Councillor Edward's point of view and that Paul Goddard had recommended refusal. However, there had been no road traffic incidents in the road. He felt that the application should be allowed on common sense terms.
33. Councillor Pick reflected that there had not been an adequate explanation for why the shrubs could not be cut back fully and what affect this would have on the splay. Mr Atkinson's retaining wall should be considered and he suggested that the applicant should deal with this to the satisfaction of the neighbour. He supported Councillor Cole's proposal.
34. Councillor Hooker commented that in regards to the splays and visibilities, he felt that these comments should be made to the Parish Council.
35. Councillor Simpson observed that this was a cul-de-sac and there had been no accidents and therefore, on common sense grounds, he supported the proposal.

## WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES

36. Councillor Hilary Cole, in response to Councillor Edward's comments, opined that the reason there was a planning committee was to determine difficult applications. In the course of this, they might disagree with Officers' recommendations and did so knowing the risks.
37. Councillor James Cole supported Councillor Hilary Cole's proposal and felt that, having visited the site, Members should go against Officers' recommendations and approve the application.
38. Councillor Edwards responded that a normal planning application would not necessarily involve the Highways Officer. Members were making a decision on the safety of individuals and it was the Highway Officers job to protect people on the roads.
39. Councillor Hilary Cole observed that this was a cul-de-sac with a limited number of properties. Her own house was on a blind bend. Part of the responsibility lay with the road users, and if people did not apply common sense then there was nothing the Committee could do about it.
40. Councillor Howard Bairstow recognised the dilemma that the existing houses already had this problem and residents were aware of it. The application was for the second house in the road. He could see the danger, but people normally travelled slowly on narrow lanes. He was trying to balance the risks.
41. The Chairman invited the Committee to vote on the proposal of Councillor Cole, as seconded by Councillor Bryant to decline officers' recommendations and approve planning permission subject to conditions. At the vote the motion was passed. Councillors Drummond and Edwards voted against.

**RESOLVED that** the Head of Development and Planning be authorised to **grant** planning permission subject to the following conditions

### Conditions

#### Time

1. The development to which this permission relates shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

#### Reserved Matters

2. Details of the Access, External Appearance, and Landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority no later than the expiration of three years beginning with the date of this permission, and no building or other operations shall start on site until the Reserved Matters have been approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved details and with the requirements of any conditions attached to any approved reserved matters application. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the application hereby approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

consideration is required to ensure that the development is in accordance with the development plan.

### **Plans Approved**

3. The development hereby approved shall be carried out in accordance with:

Site location plan J0003531-17-01b

Block Plan J0003531-17-02a

Proposed Floor Plans and Elevations (in respect of scale) J0003531/03/A

### **Associated Documents**

Planning Statement (Carter Jonas) dated 8th September 2017)

Technical Note (Mode Transport Planning) dated September 2017

Arboricultural Survey, Impact Assessment and Protection Plan (Barton Hyett) dated 11th April 2017

All received with the application validated on 18th September 2017.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP2, CS 13, CS 14, and CS 18 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006.

### **Materials**

4. No development of the dwelling shall commence until details of all external materials (brick, roof coverings, windows and doors) have been submitted to and approved in writing by the Local Planning Authority. This should include a schedule with material samples made available on site if requested by the local planning authority. All materials incorporated in the work shall match the approved samples, unless alternative materials are first agreed in writing by the local planning authority.

Reason: To ensure that the materials are appropriate to the character of the area and adjacent Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **Hours of Construction**

5. Demolition or construction works shall not take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### **Construction method statement**

6. 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

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

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

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

### **Access construction**

7. No development shall commence until details of the new access into the site from Croft Lane have been submitted to and approved in writing by the Local Planning Authority (this can be part of the required reserved matters). Thereafter the access shall be constructed in accordance with the approved details before the development is first brought into use and retained thereafter.

Reason: In the interest 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 before development**

8. No development shall take place until visibility splays of 2.4 metres by 14.0 metres to the north have been provided at the site access. 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**

9. The dwelling shall not be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

### **Cycle Parking**

10. 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. The dwelling shall not be occupied until the cycle parking and storage space has been

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

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).

### **Carriageway condition surveys**

11. No development shall take place until a carriageway condition survey of Croft Lane including photographic record has been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and the continued maintenance of the private street. 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).

### **Landscape Scheme**

12. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been 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.

The landscaping shall be carried out in accordance with the approved scheme.

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

### **Tree Protection**

13. 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) named plan Tree Retention and Removal dated 11/04/17 (Barton Hyett). Within the 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.

### **Tree Works**

14. The detailed schedule of tree works by Barton Hyett dated 11.04.17. including timing and phasing of operations shall be carried out in full and in accordance with the submitted report.

## **WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES**

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.

### **Means of Enclosure and Hard Surfaces**

15. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure (if any) and any hard surfaces to be erected/constructed on the site has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied before the fencing and other means of enclosure and hard surfacing have been erected/constructed in accordance with the approved details. The approved fencing or other means of enclosure and hard surfacing shall be retained thereafter.

Reason: The fencing and other means of enclosure and hard surfacing are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. In the interests of the character of the area adjacent to the Conservation Area. In accordance with Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **Levels**

16. No development shall commence on site until details of floor levels in relation to existing and proposed ground levels and sections through the site, showing the relationship with adjoining/neighbouring properties; have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land and properties, in the interest of amenity and in accordance with Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **Spoil**

17. 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 approved in writing by the Local Planning Authority. 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.
- 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.

### **SuDS**

18. No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. These

## WESTERN AREA PLANNING COMMITTEE - 17 JANUARY 2018 - MINUTES

details shall be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework, and the results of this assessment shall be provided to the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been provided in accordance with the approved details. Where a sustainable drainage system is to be provided, the submitted details shall:

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- (b) include a timetable for its implementation.

**Note:** Any paved areas shall be formed of permeable paving.

Reason: The development must ensure that the design and locations of the SuDS provisions are adequate and maintainable and will provide adequate flood protection to this property and the surrounding area in accordance with National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026

DC

### 39. **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 9.30 pm)*

**CHAIRMAN** .....

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