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WESTERN AREA PLANNING COMMITTEE

EXTRACT FROM THE MINUTES OF THE MEETING HELD ON WEDNESDAY, 27 JUNE 2018

Councillors Present: Dennis Benneyworth, James Cole, Billy Drummond, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

Also Present: 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 Jeff Beck, Councillor Paul Bryant, Councillor Hilary Cole and Councillor Adrian Edwards

PART I

11. Declarations of Interest

Councillor Anthony Pick declared an interest in Agenda Item 5(2), but reported that, as his interest was a 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.

Councillor Dennis Benneyworth and Paul Hewer declared that they had been lobbied on Agenda Item (2).

12. Schedule of Planning Applications

(2) Application No. and Parish: 18/00837/FULEXT - Land at former Oakes Bros site, Station Yard, Hungerford.

(Councillor Anthony Pick declared a personal interest in Agenda Item 5(2) by virtue of the fact that he had held a conversation with the objector, Nicola Scott from Great Western Railway, regarding a separate matter. 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.)

(Councillor Dennis Benneyworth and Paul Hewer declared that they had been lobbied on Agenda Item (2).)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/00837/FULEXT in respect of an application for the erection of 30 flats and associated parking, landscaping and amenity space, with coffee shop on land at the former Oakes Bros site, Station Yard, Hungerford.
2. In accordance with the Council's Constitution, Councillor Carolann Farrell and Councillor Keith Knight, Parish Council representatives, Nicola Scott, Assistant Regional Development Manager East, Great Western Railway, objector, and Mr James Cleary, agent, addressed the Committee on this application.
3. Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the reports detailed that although the proposals were contrary to the Council's policy to protect employment land, the site had been unsuccessfully marketed as such

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for a considerable length of time and the Planning Inspectorate had allowed at appeal a smaller block of flats on a similar site nearby. Officers had considered whether the appeal decision carried weight in this case and considered that the Planning Inspector's determination in addition to the Government's advocacy of homebuilding led to a conclusion that the proposals were on balance acceptable and conditional approval was justifiable. As the proposals were contrary to policy Officers recommended the Committee refer the application to the District Planning Committee with a recommendation to grant planning permission.

4. Paul Goddard noted that the application was similar to a scheme refused by the Committee in September 2017. Among the reasons for refusal were inadequate pedestrian routes and the loss of parking for commuters. Pedestrian routes were improved in the scheme before the Committee and officers had negotiated with Thames Valley Police regarding the construction of a footway on land in their ownership. In the previous application 21 parking spaces would have been lost on land owned by Network Rail, in the current application that would be reduced to 3 spaces lost. The developer had also agreed to make a contribution to cycle storage at the train station. From a Highways perspective the reasons for refusal had been overcome. Transport Policy Officers had expressed concerns similar to Great Western Railway regarding the loss of parking spaces for rail commuters. It was difficult to quantify the impact that the displacement of parking spaces would have on the town. Finally Paul Goddard highlighted that the site, while currently used as a car park, was temporary and its permission had expired two years previously. The car park could close at any time. Highways Officers agreed with the balanced recommendation for approval from Planning Officers.
5. Councillor Knight and Councillor Farrell in addressing the Committee raised the following points:
 - The Town Council supported the application because the area needed to be developed and the development would improve the gateway into Hungerford.
 - The development would offer housing to 60 people and 30% of the units would be affordable housing.
 - The Town Council had a track record of working with West Berkshire Council and would work collaboratively to consider other parking options such as a park and ride service.
 - At present there was no incentive for people to get off the train at Hungerford and the coffee shop would improve the offer for commuters and families using the train station.
 - The Town Council was working with Network Rail and Great Western Railway on the community rail scheme.
6. Councillor Paul Hewer asked Councillor Knight to elaborate on some of the parking solutions that had been considered. Councillor Knight advised that he had held discussions with Clive Tombs to consider improving bus services in the town to prevent residents from driving across Hungerford to park closer to the station. There was scope to run a park and ride from the Triangle, land owned by the Town Council.
7. Councillor Hewer asked for a view on improvements to existing car parks. Councillor Knight advised that he would like to see them tiered.
8. Councillor Pick asked whether the town Council had conducted a survey regarding the extent to which existing car parks were used, noting that the car park at the

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Oakes Bros site was not full on the day of the site visit. Councillor Knight advised that they had received data from West Berkshire Council regarding the revenue generated from council-run car parks and they were usually busy.

9. Councillor Pick further asked if there would be any concerns with commuters parking at other locations in the town. Councillor Knight advised there were some concerns which he hoped would be mitigated by establishing a residents parking scheme. Councillor Farrell noted that as the car park was temporary and could be withdrawn at any time the Town Council needed to consider alternative parking in any event.
10. Councillor Cole asked how many of all the users of the car park would be commuters. Councillor Knight estimated that over 90% would be commuters. Councillor Cole asked if the Town Council were satisfied to accept the parking impact in the event that commuters did not use any of the proposed park and ride. Councillor Knight suggested that there were a number of piecemeal solutions that would need to be pursued.
11. Councillor Garth Simpson expressed the view that it was unlikely that commuters would use a park and ride and would instead prefer to find parking spaces closer to the station. He questioned whether the Town Council could provide the parking spaces required. Councillor Knight stated that the Town Council were looking at what options could be delivered.
12. Ms Scott, in addressing the Committee raised the following points:
 - The proposals would have a significant impact on parking at the station when Great Western Railway were seeking to increase the available parking for rail users in Hungerford.
 - In 2019 there would be new five-carriage trains serving the station which would increase capacity and enable further growth.
 - Rail passenger trips had increased by 78% from Hungerford railway station since 2006 and a further 60% growth was anticipated by 2023/24.
 - Other car parks in the area did not have the capacity to accommodate the displaced cars, should the application be approved.
 - Great Western Railway would like to work with the landowner and West Berkshire Council to consider options to protect the parking provided on the site.
13. Councillor Simpson asked for more information regarding the new trains. Ms Scott advised that from January 2019 new trains would provide an additional 350-400 seats. Councillor Simpson asked how much additional parking was required to accommodate the anticipated growth in rail passengers. Ms Scott confirmed this figure had not yet been calculated.
14. Councillor Hewer noted that Ms Scott had confirmed GWR would be willing to work with the applicants but noted that the applicants had received no offers to purchase the land in the ten years it had been marketed. Ms Scott advised that GWR now took a different view to that of some 8 years ago.
15. Councillor Virginia von Celsing noted that permission to operate a temporary car park expired two years previously and could only be treated as a bonus, rather than parking provision to be lost if the application was approved. Ms Scott replied that although it was private land it was well used by rail passengers.

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16. Councillor Dennis Benneyworth asked why GWR had waited until this stage in the process to raise an objection. Ms Scott advised that the perspective of the rail industry had changed and there was now certainty regarding partial electrification of the Bedwyn to London Paddington line. Councillor Benneyworth asked whether GWR would object to an application for employment use. Ms Scott confirmed it would be considered on a case-by-case basis.
17. Councillor Drummond asked whether there was scope to use Network Rail's land on the other side of the railway. Ms Scott advised that any acquisition was unlikely to be a quick solution.
18. Mr Cleary in addressing the Committee raised the following points:
 - The scheme had not been simple to design and issues with previous schemes had now been addressed including the Sustainable Urban Drainage System (SUDS) and there would be a green roof.
 - No objection had been raised by the Environment Agency or Thames Water. Network Rail had objected to the previous scheme and had now agreed that a reduction in spaces to 18 was acceptable.
 - The car park was temporary and would be closed shortly.
 - Officers now accepted that the site could be used for residential development following there being no demand for employment use.
 - Neither GWR nor Network Rail had ever sought to buy the site.
 - Passengers would also travel to the railway station on foot and by bicycle.
 - Other local car parks had capacity and were constantly underused.
 - The scheme would provide 30 dwellings including 9 affordable units which would benefit the area.
19. Councillor Hewer asked when the car park would be closed. Mr Cleary advised that the current owners were happy to keep using the site but the operators wished to withdraw and it was anticipated it would close in summer 2018.
20. Councillor Cole asked who would manage the open space on the site. Mr Cleary advised that a management company funded by the residents would maintain the open space.
21. Councillor Hewer, in addressing the committee as Ward Member, raised the following points:
 - If the site were to be converted into a multi-storey car park there would be a greater increase in traffic movements than for residential housing.
 - The 9 affordable units were desperately needed and it was likely the flats would be affordable for first time buyers.
 - The Committee had heard there had been a 78% increase in passengers on the railway. Parking across Hungerford was cheap and there was scope to improve it.
 - He urged the Committee to support the application.
22. Councillor Cole asked whether it would be possible to apply a condition to require acoustic glazing. Michael Butler advised that condition 10 covered the matter and relevant officers would need to be satisfied in order to discharge the condition.

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23. Councillor Pick asked for clarity regarding the comment from Network Rail on page 34. Michael Butler advised that there appeared to be a typographical error and 'arising' should be replaced with 'acceptable'.
24. In commencing the debate, Councillor Cole stated that although he did not personally like the design he accepted that it would provide a gateway into the town. He expressed the view that GWR had missed their opportunity to influence how the site was used. The Town Council were satisfied with the proposals and therefore the Committee should find them acceptable. He proposed that the Committee support officers' recommendation to refer the application to the District Planning Committee with a recommendation to grant planning permission. Councillor Hewer seconded the proposal.
25. Councillor Pick advised that he was uncomfortable with some elements of the proposal however he was of the view that it would be a good use of space.
26. Councillor Benneyworth noted that had the application been for business use the Committee would not have such an involved conversation. The site was valuable land which had been vacant for too long.
27. Councillor Hewer echoed Councillor Cole's views that GWR has missed their opportunity to have more influence over parking on the site.
28. Councillor Simpson expressed the view that there were issues for other parties to resolve however he supported the proposal.
29. The Chairman invited the Committee to vote on the proposal put by Councillor Cole, as seconded by Councillor Hewer, to approve the application. At the vote the motion was carried unanimously.

RESOLVED that Western Area Planning Committee resolve to recommend approval to the District Planning Committee, with conditions, subject to the first completion of a s106 planning obligation to secure the 9 affordable dwellings, and the cycle parking contribution of £30,000.

Conditions

3 years

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 CS19 of the WBCS of 2006 to 2026.

Floor levels

3 No development shall commence until all details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local

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Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Contamination

4. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

- i) A preliminary risk assessment which has identified:-
 - a) all previous uses
 - b) Potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason. To protect Controlled Waters from pollution. In accord with the advice in the NPPF.

Verification report

5 No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. In accord with advice in the NPPF of 2012.

Unforeseen contamination

6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation

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strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason. To protect Controlled Waters from pollution. In accord with advice in the NPPF.

Tree fencing

7 Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan 980-02. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. In addition, 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. In addition, no trees, shrubs or hedges shown as being retained on tree survey 980-02 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation. In addition, no development shall take place (including site clearance and any other preparatory works) 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 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 within the first planting season following the completion of the development; and b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species. In addition the as approved landscaping plan 5 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. 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 objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 to 2026.

Waste Water Network.

8 No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. In accord with the protection of public health in accord with the NPPF advice of 2012.

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SUDS

9 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 confirms the soil characteristics, infiltration rate and groundwater levels (to be monitored through the winter months);
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) 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;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- g) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained 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).

Noise mitigation

10 The applicant shall implement the noise mitigation measures recommended in the submitted 'Assessment of Noise and Vibration' (Ian Sharland Limited Ref M3863 Dated 09/03/18 v.4) to achieve suitable internal noise levels in accordance with BS8233 guideline values. Noise from building plant services shall not at any time exceed a level 10dB below the prevailing background sound when measured at the facade of the nearest noise sensitive location.

Reasons: To protect the amenity of future residents and to minimise the potential commercial impact on the existing public house, in accord with policy OVS6 in the WBDLP of 1991 to 2006.

Construction method statement

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

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

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

Footway/cycleway details

12 No development shall take place until details of a 1.5 metre wide footway to be constructed fronting the site have been submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has 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).

Vehicle parking

13 No development shall take place until details of the vehicle parking and turning space 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 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 (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026). The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Gradient of private driveway

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14 The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. 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).

Access construction

15 No development shall take place until details of the proposed accesses into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the accesses into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

Train station cycle parking

16 No dwelling shall be occupied until a financial contribution of £xxxx [tbc] has been provided for the provision of addition cycle storage facilities within Hungerford Train Station.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

Station Road footway improvements

17 No dwelling shall be occupied until dropped kerbing and tactile paving is provided across Station Road south of the Railway Tavern under a Section 278 Agreement or other appropriate mechanism.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the encouragement of walking as a sustainable mode of travel. 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).

DC