

# 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, 31 OCTOBER 2018

**Councillors Present:** Jeff Beck, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Billy Drummond, Adrian Edwards, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

**Also Present:** Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer (Information Management)) and Paul Goddard (Team Leader - Highways Development Control)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth and Councillor Paul Hewer

#### PART I

#### 24. Minutes

The Minutes of the meeting held on 10 October 2018 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

**Page 5:** Councillor Billy Drummond had sent his apologies in advance of the meeting and therefore, he was not 'absent'.

**Page 9:** The last sentence in paragraph 36 should read 'blue line' and not 'red line'.

**Page 11:** The first line in paragraph 8 should read 'paddocks and stables'.

#### 25. Declarations of Interest

Councillors Jeff Beck, Adrian Edwards and Anthony Pick declared an interest in Agenda Item 4(3), but reported that, as their interest was a 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.

#### 26. Schedule of Planning Applications

##### (1) Application No. and Parish: 18/01657/COND1 - Cold Ash Parish Council

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/01657/COND1 in respect of land adjacent to Summerfield, the Ridge, Cold Ash.
2. Derek Carnegie introduced the report and update sheet to Members. He highlighted that there was an unusual situation with the application, as it would require a split decision because the detail was not available for two of the conditions and they could not be discharged. These were Condition 4 (materials) and Condition 12 (cycle storage). Officers were dissatisfied with the situation but as the application had received 47 objections, officers in the Legal Service had advised it should be brought to Committee. He therefore asked Members how they would like

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to deal with the application as they did not have the detail they required, which would have been set out in the reserved matters.

3. The Chairman then asked the Committee if they were able to approve the application before them.
4. Councillor Paul Bryant agreed that it was an unusual and unacceptable situation and he proposed that the matter should be deferred until the reserved matters had been agreed. The proposal was seconded by Councillor Hilary Cole.
5. Councillor Garth Simpson commented that the Parish Council had a major concern with Condition 11. The Chairman responded by advising that if the Committee was in favour of the proposal to defer, it would not be possible for the speakers to address the Committee. Councillor Simpson enquired whether this meant the conditions would be agreed at the same time as the reserved matters. Derek Carnegie confirmed that this would be the case and they would both come back to the Committee at the same time.
6. Councillor Hilary Cole noted that the Committee had never looked at a discharge of conditions and added she could understand residents' confusion, as they had not been provided with all the information on the application. She asked if the Council's Legal Service could look at the Constitution and decide what matters could and could not be taken to Committee to avoid a similar situation occurring.
7. Councillor Anthony Pick pointed out there was no information in the report on landscaping and the Chairman advised that this would be addressed in the reserved matters.
8. Councillor Jeff Beck noted it was a hopeless situation with Members being asked to make a split decision.
9. Councillor James Cole stated he agreed with the proposal but he had been confused at the site meeting, as the plan had shown a small access and he would like this clarified. Councillor Clive Hooker advised he had already passed this request on.
10. Councillor Adrian Edwards noted it was possible for the Committee to vote on some of the conditions.
11. Councillor Simpson pointed out that the residents who had attended the site meeting had been told the application would be considered at this meeting. Councillor Hooker replied that it was necessary to attend the site meeting as it would not have been possible to advise residents that it was not taking place.
12. The Chairman invited the Committee to vote on the proposal of Councillor Bryant, as seconded by Councillor Hilary Cole, to defer the application until the reserved matters had been agreed. At the vote the motion was carried. Councillor Edwards voted against the proposal.

**RESOLVED** that the Head of Development and Planning be authorised to defer the application until the reserved matters had been agreed.

### 27. **Application No. and Parish: 18/01914/HOUSE - Hampstead Norreys Parish Council**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/01914/HOUSE in respect of Cherry Hinton, Newbury Hill, Hampstead Norreys.

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2. In accordance with the Council's Constitution, David Barlow, Parish Council representative, Theresa Fleetwood, objector, Lee Clark, applicant and Councillor Virginia von Celsing, Ward Member, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which had been called in to the Committee by Councillor von Celsing and it had received more than ten letters of objection. He explained there had been a detailed discussion on this application at a previous meeting following the site visit, but as there had been confusion with the drawings, it had been deferred to this meeting.
4. Officers had been recommending approval of the application. However, the appeal decision relating to an earlier application had been received after the agenda papers had been circulated and, as detailed in the Update Report, it had been dismissed. As a result, officers were now recommending refusal of the application, as they did not consider the concerns raised by the Planning Inspector had been overcome.
5. The Chairman advised that the application should be considered by the Committee regardless of the change in recommendation.
6. Councillor Barlow in addressing the Committee raised the following points:
  - There had been a significant number of objections to the application.
  - Cherry Hinton had been built in 1962 and it did not enhance the conservation area as the other properties in the vicinity had been built around 1910.
  - The Parish Council did not consider that the application was appropriate for the area.
  - The drawings contained misrepresentations and it was difficult to appreciate the reality of the proposed extension without visiting the site.
  - It would result in substantial overshadowing of 1 Church Street and if approval was granted, their court-yard would become prison-like.
  - The Parish Council had objected unanimously to the application.
  - Policy CS14 required new developments to be of a high standard and to be appropriate to the neighbourhood, which this was not.
  - The impact of the extension would be exacerbated by the difference in ground levels between Cherry Hinton and 1 Church Street. The Planning Inspector had agreed with this and the appeal decision stated that the living conditions at 1 Church Street would be negatively impacted.
7. Councillor Anthony Pick noted that certain modifications had been made to the application and asked if these changes altered the Parish Council's view. Councillor Barlow replied that it did not and added that the main issue was the close proximity of the extension to 1 Church Street.
8. Mrs Fleetwood in addressing the Committee raised the following points:
  - She had lived at 1 Church Street for 12 years and had expected some improvements after the previous occupant had died, but the significant changes proposed by the applicant had been a shock.
  - The revised plans did very little to address her earlier concerns.
  - The light levels at the rear of her property would be significantly reduced and the kitchen would never receive any sun-light again.

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- There was only one foot between the two properties at the end wall.
  - Cherry Hinton had been built on ground 4 feet higher than 1 Church Street so the extension would be very overbearing, particularly to their court-yard which was only 15 feet x 25 feet in size.
  - It would also create a very dark alleyway from the driveway.
  - Suggestions had been made to the applicant about improvements to Cherry Hinton but they had not been considered.
9. Members did not have any questions of clarification for Mrs Fleetwood.
10. Mr Clark in addressing the Committee raised the following points:
- He was the owner of Cherry Hinton.
  - He clarified that the appeal decision related to the earlier application, which the Committee had refused and not the revised one before them.
  - In the second set of plans submitted, they had removed all the windows from the back of the extension and reduced its overall size.
  - The gap between the walkway at 1 Church Street and his garage was 1.5 metres.
  - The difference in height was 2.5 feet and not 4 feet.
  - He had discussed the revised plans with Mrs Fleetwood and she had acknowledged that they were an improvement but had said she would be objecting regardless of any modifications.
11. Councillor Anthony Pick asked how high the wall would be and Mr Barlow advised it would be 24 feet.
12. Councillor Virginia von Celsing, speaking as Ward Member, raised the following points:
- The amendments made by the applicant did not change the policy considerations and the extension would still be inappropriate and very overbearing.
  - 1 Church Street would have a high wall overlooking it, as would the walkway. Consequently they would not receive any afternoon sun.
  - Many of the points made by the Planning Inspector in relation to the earlier application were still relevant with this one.
13. Members did not have any questions of clarification for Councillor von Celsing.
14. In considering the above application Councillor Pick noted that the Planning Inspector had said the 28 feet wall would be overbearing. As it had only been reduced by 4 feet in this application, he considered it would still be overbearing and he proposed that it was rejected. This proposal was seconded by Councillor Paul Bryant who added that he had detected unhappiness from Members during the site meeting and was pleased they had had sight of the Appeal Decision prior to this meeting.
15. The Chairman invited the Committee to vote on the proposal of Councillor Pick, as seconded by Councillor Bryant, to accept the officer's recommendation and refuse planning permission. At the vote the motion was carried unanimously.

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

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- The proposal would result in an unacceptable impact on the living conditions of neighbouring residents, contrary to Core Strategy policies CS14 and CS19 and the SPG.

### 28. **Application No. and Parish: 18/02019/COMIND - Newbury Town Council**

*(Councillor Jeff Beck declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a Member of Newbury Town Council and was present at the meeting when the application was discussed. In addition, he was Chairman of the Lambourn Renewal Project, which effected a section of the river near the application site. 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.)*

*(Councillors Adrian Edwards and Anthony Pick declared a personal interest in Agenda Item 4(3) by virtue of the fact that they were Members of Newbury Town Council. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/0219/COMIND in respect of Newbury Manor Hotel, London Road, Newbury.
2. In accordance with the Council's Constitution, Peter Harvey-Di Gioia and Edward Sharp, objectors, Gavin Cooper, applicant and Councillor Jeff Beck, Ward Member, addressed the Committee on this application.
3. Matthew Shepherd introduced the report to Members, which had been called in to the Committee by Councillor Beck due to concerns about the impact on the neighbouring amenity. The application took account of all the relevant policy and other material considerations and Matthew Shepherd drew the Committee's attention to the amended recommendation. This was to approve the application subject to no objections from the Environment Agency. He concluded that the proposals were acceptable and therefore, on balance, Officers recommended the Committee should grant planning permission.
4. The Chairman invited Paul Goddard to comment on the traffic implications. He advised that they should be minimal and the reduction in parking spaces from 129 to 121 should provide sufficient parking on the site.
5. Mr Harvey-Di Gioia and Mr Sharp in addressing the Committee raised the following points:
  - They were representing neighbours from the flats and houses that were closest to the hotel.
  - They had received a letter on 4 October 2018 from the applicant stating that he was keen to work with them, but this was only a short time before the deadline for submitting objections. Consequently there was only a very limited amount of time for this.
  - Their main concerns were about noise from the site and loss of privacy from the boundary.
  - They were not happy with the opening times as the noise from guests in the car park at the end of the evening would be intrusive and no mention had been made of this.
  - They had been trying unsuccessfully to obtain answers to questions about what would be retained and removed from the boundary.

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- The applicant's ecology report stated there was no evidence of water voles or bat roosts, however they had provided evidence to the contrary.
  - They questioned whether policy OBS5 had been taken into account with the proposed siting of the restaurant.
  - They would like to work with the applicant as although progress had been made with this application, there was still more to do.
6. Councillor Anthony Pick queried whether it was the depth or width they had been referring to in relation to the boundary size. Mr Sharp replied that the width of the boundary was 2.5 metres in some places and 5 metres in others from top down.
  7. Councillor Pick further queried whether there had been any disturbance under the previous management. Mr Harvey Di-Gioia responded that the previous hotel had been very different but it had been possible to hear people talking in the grounds, and they were concerned about noise from the restaurant as it would be close to their homes.
  8. Councillor Paul Bryant asked if the measurements for the boundary strip included the roots and the tree trunks. Mr Sharp replied that he was not sure.
  9. Councillor Bryant further enquired about the relevance of policy OVS5 and Mr Sharp responded that it related to permitting development where it would not give rise to pollution. Councillor Bryant therefore suggested that perhaps the restaurant was not being located in the least environmentally sensitive part of the site.
  10. Councillor Clive Hooker commented that the tree Mr Sharp had measured during the site visit was now in the planting plan and consequently it had now been accommodated.
  11. Councillor Jeff Beck asked whether they had any concerns about the potential visual appearance of the air extractor unit on top of the building and Mr Sharp explained they would only see the slanted roof of the closest part.
  12. Mr Cooper in addressing the Committee raised the following points:
    - The main issue that remained was the impact on the neighbouring amenity. However as the site was adjacent to the noisy A4, planning officers had considered the impact would be minimised.
    - They had put measures in place to minimise the impact from the condensers and carried out work on the boundary strips.
    - All the noise impact assessments were based on there not being any landscaping so this would reduce the impact.
    - He had bought the hotel four years ago and it would generate significant benefits to the local community.
    - He also owned the Great House at Sonning where the restaurant was integral to the running of the hotel and employed 25 people.
    - The restaurant would serve the neighbourhood and in Sonning the regulars were close neighbours, so he wanted to work with the neighbours here too.
    - Unfortunately the planning process had taken a long time and it was not in their interest to alienate the neighbours.
    - They were trying to address the neighbours' concerns and he apologised if it appeared they had not consulted with them.

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13. Councillor Bryant asked if the planting strip of 2.5 metres was part of the canopy or for planting. Mr Cooper replied that they would retain all the trees in the area, some of which would be overhanging and additional ones would be planted to strengthen the boundary.
14. Councillor James Cole enquired about the coppiced Beech tree. Mr Cooper explained as it was less than 50mm from the boundary, it would fall within the 2.5 metre buffer strip and would be retained. Councillor Cole further enquired whether it would be chopped back to 2.5 metres and Mr Cooper advised that there would be some management but it would be retained and would be significant.
15. Councillor Anthony Pick asked what reassurances Mr Cooper could give about alleviating the noise generated by people where leaving the site in the evening. Mr Cooper replied that any noise would be covered by the licence and would be managed on a day to day basis.
16. Councillor Beck enquired whether he was satisfied that the condensers on the roof would be sufficiently shielded from the neighbours. He responded that they would be shielded by the significant boundary and hidden by two gables on the building.
17. Councillor Beck further enquired if Mr Cooper would be prepared to accept a condition requiring notices to be put up in the car park requesting guests to leave quietly and he said he would.
18. Councillor Beck, in addressing the Committee as Ward Member, raised the following points:
  - He had known the site for many years and remembered when it was a home and the occupants had held summer parties in the grounds.
  - He was also involved with Fish Pass and it concerned him was that there had been no mention of the River Bar, as it was outside the red line but was part of the estate and was a successful operation.
  - Highways officers had recommended two electrical charging points to be installed in the car park but he considered that this was not sufficient.
  - He felt that the amended application was an improvement and he understood the concerns of the residents in Two Rivers Way, but he was confident that there would be safeguards.
19. Councillor Bryant asked what Councillor Beck had meant by his reference to the River Bar and he responded that it would bring a large clientele and he was unsure whether this had been taken into account in the highways calculations.
20. Councillor Bryant also asked how many charging points he considered were required, as an amendment could be inserted, however Councillor Beck replied that he did not know.
21. In seeking clarification from officers, Councillor Bryant asked what their thinking was on the point made by the objectors about Policy OVS5 and the siting of the restaurant. Matthew Shepherd advised that they had consulted with officers in Environmental Health who did not consider it to be an unacceptable location. Councillor Bryant further enquired if this meant it was an acceptable location but not necessarily the best one, to which Matthew Shepherd conceded that he could not comment on any other locations as they had not been assessed.
22. Councillor Virginia von Celsing asked if electrical charging points were a planning consideration and she was told they were not.

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23. Councillor Hilary Cole queried the statement in the Update Report where it stated the trees on the boundary did not fall into the survey criteria as required under BS5837. Matthew Shepherd advised it was the standard used by arborists.
24. Councillor Anthony Pick queried the section under the heading of car parking on page 37 of the report and asked what it referred to. Matthew Shepherd replied he believed it related to the previous hotel and was probably an error in the report text, as it had been approved.
25. Councillor Pick went on to note that although the noise generated by the restaurant and the condenser unit had been addressed, the noise from guests leaving the car park in the evening had not been. Matthew Shepherd referred him to point 6.7 on page 47 of the report, which stated this had been assessed by Environmental Health through the relevant Noise Impact Assessment and they were content with the modelling used and level of noise.
26. Councillor Pick further asked if a condition could be included stating that the applicant would ask guests to keep noise to a minimum when leaving at night. However Matthew Shepherd advised that this was a licensing matter and not a planning consideration.
27. Councillor Jeff Beck referred to point 6 on page 37 of the report where it stated 'The highway recommendation was for conditional approval as set out in my email response' and he requested that the date of the email was added.
28. Councillor Beck then referred to the top of page 40 where it stated 'I recommend the following conditions' but it did not state what they were. Matthew Shepherd confirmed that they were conditions 11-20.
29. Councillor Beck further referred to the Tree Officer's recommendation on page 42 where it stated 'I raise no objections to this development subject to the following conditions' but it did not state what they were. Matthew Shepherd confirmed they were conditions 22-25.
30. Councillor Beck raised the fact that on page 42 it stated 'Thames Water recommended the following informative be attached' but it had not been. Derek Carnegie confirmed that this would be added.
31. Finally, Councillor Beck expressed concern about the lack of attention to the existence of water voles, as they should be protected. Matthew Shepherd advised this had been referred to the Ecologist and their response was provided on page 40. He also assured Councillor Beck that the issue was covered by condition four.
32. Councillor James Cole asked for clarification on the retention of the trees and Matthew Shepherd confirmed that they would be retained although they might be subject to some control, which would be the same for any site.
33. Councillor Beck enquired whether account had been taken of the potential traffic flow resulting from activity on the River Bar. Paul Goddard advised that as the main use of the river would be outside the busy hotel periods, it would not have any significant impact. However Councillor Beck was concerned that the use of the river could coincide with busy periods for the hotel and reiterated that this should be taken into account, but Paul Goddard advised that it had not been. Councillor Beck then asked whether the river could be reinstated without the need for a planning application, and Derek Carnegie advised it was not possible to refuse this application on account of speculation regarding River Bar usage.
34. In considering the above application Councillor Bryant noted his sadness at seeing the premises unused and therefore, it would be of benefit to Newbury to have it in

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use again. He also observed they had received assurances on all the issues that Members had expressed concerns about with the last application, which included motorcycle parking, noise and the condensers. As a result, he proposed that Members accepted the officer's recommendation to approve the application.

35. This was seconded by Councillor Hilary Cole who also remarked that the applicant had taken great steps to counter the concerns expressed by neighbouring residents about noise. However she would still like a sound woodland management plan to be drafted to ensure the rural part of the site was maintained.
36. Councillor James Cole endorsed Councillor Hilary Cole's views and added that it was to the applicant's advantage to do so.
37. Councillor Pick noted that further hotel capacity was required in Newbury although he was not so sure about the need for the additional restaurant capacity.
38. Councillor Edwards questioned the process that had prevented him from asking the objectors whether they were satisfied with the revised motorcycle parking because they had not mentioned it in their presentation. He asked if he could have an answer in relation to this and Councillor Hilary Cole suggested that this could be clarified at the Member training session being held the following week.
39. Councillor James Cole requested that the drafting of a policy on electrical charging points was considered to assist them with their decision making. Derek Carnegie pointed out that this was not currently a planning consideration and Councillor Cole added that this was precisely his point.
40. The Chairman invited the Committee to vote on the proposal from Councillor Bryant, as seconded by Councillor Hilary Cole, to approve the application. At the vote, the motion was carried with eight Members voting in favour of the application, whilst Councillor Beck abstained.

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

### **Conditions**

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

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

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

#### **2. Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing title "Proposed Restaurant Elevations- Sheet 1". Drawing number RP.05. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Elevations- Sheet 2". Drawing number RP.06. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Sections". Drawing number RP.07. Date stamped 14<sup>th</sup> August 2018.
- Drawing title "Proposed Restaurant Ground Floor Plan". Drawing number RP.02 A. Date stamped 14th August 2018.

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- Drawing title "Proposed Restaurant First Floor Plan". Drawing number RP.03 Rev A. Date stamped 15th October 2018.
- Drawing title "Proposed Restaurant Roof Plan". Drawing number RP.04. Rev A Date stamped 15th October 2018.
- Drawing title "Landscaping planting Plan". Drawing number 149/PA/PP/00/01 Rev E. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Site Plan". Drawing number RP.01. Date stamped 14<sup>th</sup> August 2018.
- Drawing title "Proposed Restaurant Location Plan". Drawing number RL.01 A. Date stamped 14th August 2018
- Drawing title "Proposed Restaurant Block Plan". Drawing number RB.01. Date stamped 14th August 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-01. Date stamped 14th August 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-02. Date stamped 14th August 2018.

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

### **3. Schedule of materials (optional samples)**

No works above ground level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) AND Supplementary Planning Document Quality Design (June 2006).

### **4. Submission of Construction Ecology Management Plan**

No development shall take place until a Construction Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. Natural England shall be consulted upon the details submitted in the interest of the AC/SSSI. 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

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- (h) Measures to ensure no sediment or polluted runoff enters the river when undertaking activities such as wheel washing, refuelling of machinery, storing materials etc.
- (i) Measure to ensure best practice and Environmental standards will be adhered to where practically possible
- (J) 8m buffer zone from the river Lambourn prior to work by both visual and physical means to prevent any inadvertent impact on water voles. The buffer zone will be maintained as an undisturbed riparian corridor

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and the safeguarding of the SAC/SSSI. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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).

### **5. Condition Environments Agency**

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- Details of how the existing river corridor will be protected during the construction period. The river corridor and associated habitats should be clearly identified and marked out. Access by construction vehicles and storage of materials shall not be permitted in this area.
- The existing river habitat and that of the large pool area adjacent to the old restaurant on site are currently has very poor marginal habitat with limited growth of marginal plants and much of the bank is made up with hard revetment such as
- End 2 wooden sleepers. The management plan should include the improvement of these marginal habitats including the replacement of hard revetment with a more natural option. The suitable management of these habitats should be agreed, including leaving significant 'un-mown' areas adjacent to the river.
- The ecological management should include provision for the sensitive management of the fish passes which allow movement of fish from the River Kennet and into the River Lambourn SAC can become much less efficient without proper management

Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is placed in accordance with National Planning Policy Framework (NPPF), paragraph 109 and 118 and in line with CS 17 of the West Berkshire Core Strategy (2006-2026).

### **6. SUDS Pre condition**

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:

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- (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 details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- (e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- (f) 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;
- (g) Include elevated floors with voids underneath for flood storage to minimise the loss of flood storage capacity. Arches shall be fitted with grills to prevent access under the building by children or animals, or for storage of materials which would remove flood storage volume;
- (j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- (k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- (n) 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 management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- (o) This will also include specific measures to ensure the protection of the River Lambourn SSSI and SAC from the SuDS system.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the building(s) hereby permitted is occupied. 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). 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.

### **7. HIGH12 - Parking/turning in accord with plans (YHA24)**

The development shall not be brought into use 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.

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Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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).

### **8. HIGH19 – Motor Cycle and Cycle parking (YHA35) - variation**

The development shall not be brought into use until the motor cycle and cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of motor cycles and cycles at all times.

Reason: To ensure the development reduces assists with the parking, storage and security of cycles and motor cycles. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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).

### **9. HIGH19 – Electric Car Charging Point**

The development shall not be brought into use until a parking space is installed with at least a single charging point with a minimum of two sockets to enable two vehicles to be charged at any one time with electricity.

Reason: To promote the use of sustainable travel methods. The provision of charging points is supported by paragraph 35 of the NPPF, which states that developments should be *'designed where practical to incorporate facilities for charging and plug-in and other ultra-low emission vehicles'*. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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).

### **10. Public Foul Drainage System**

The development shall not be brought into use until it has been connected to the public foul drainage system and that foul water will not be dealt with through a package treatment plant or septic tank.

Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is placed in accordance with National Planning Policy Framework (NPPF), paragraph 109 and 118 and in line with CS 17 of the West Berkshire Core Strategy (2006-2026).

### **11. Plant and machinery noise**

Noise resulting from the use of plant, machinery and other equipment shall not at any time exceed a level of 5dB(A) below the prevailing background sound level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014, at the boundary of the application site at a point closest to residential

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dwelling in Two Rivers Way. Further assessment of the prevailing day time and night time background sound levels will be required to ensure compliance with this condition.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (March 2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **12. Plant and machinery maintenance and operating times**

All extraction plant, machinery and/or equipment installed externally on the development shall be regularly maintained and, except for refrigeration plant, be switched off when the restaurant is not operating.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007)

### **13. Acoustic fencing**

Acoustic fencing shall be installed in accordance with drawing "Proposed Restaurant Ground Floor Plan Drawing Ref RP.02 A" to the area adjoining the external seat area to the east and around the proposed plant compound on the eastern facade

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **14. Noise from waste and bottle disposal**

Before the use hereby approved commences the applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of waste and bottle disposal associated with the development on neighbouring amenity. This will include information regarding the 'glass buster' referred to in Cole Jarman Noise Impact Assessment Report 16/0017/RO1// Revision 07. The use shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007)

### **15. Hours of deliveries**

No deliveries shall be taken at or despatched from the site outside the following hours:

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9:00 to 18:00 Mondays to Saturdays;  
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2018) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### **16. Hours of use (restaurants etc.)**

The use hereby permitted shall not be open to customers outside the following hours:

07:00:00 to 23:00:00 Mondays to Fridays;  
07:00:00 to 23:00:00 Saturdays;  
07:30:00 to 22:00:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is applied in accordance with The National Planning Policy Framework (March 2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **17. Hours of music**

No amplified sound shall be played in the restaurant other than background music. No speakers shall be installed or used within or immediately adjacent to the outside seating area.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. The submitted Noise Impact Assessment Cole Jarman Noise Impact Assessment Report 16/0017/RO1// Revision 07 does not include music levels in its assessment. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **18. Hours of work (construction)**

No demolition or construction works shall take place outside the following hours:

8:00a.m. 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 amenities of adjoining land uses and occupiers. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **19. Odour from extract systems.**

Before the use hereby approved commences the applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to

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minimise the effects of odour from the preparation of food associated with the development. The approved use shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The extraction system including odour prevention measures shall be retained and maintained for the duration of the permitted development

Reason: In the interests of the amenities of neighbouring occupier. To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **20. Lighting strategy**

No external lighting shall be installed on the development hereby permitted until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall ensure that any lighting limits the impact on bats and avoid light spillage along the River Lambourn to avoid potential impact on otters. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of Bat and Otter species among other species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **21. Mitigation (implement)**

Prior to the commencement of the use of the building Two Ibstock Swift Box, Schwegler Swift Box Type 25 or the Schwegler Swift Box Type 16 are provided on the exterior of the new building AND shall thereafter be retained and maintained.

Reason: To ensure the protection of Bats, Otters and other species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **22. Tree Protection (scheme submitted)**

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 Arboricultural Plan ref no: ARB/3519/Y/500. 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.

### **23. Arboricultural supervision condition**

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **24. Tree Protection (scheme submitted)**

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 Arboricultural Plan ref no: ARB/3519/Y/600. 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.

### **25. Landscaping implementation**

The approved landscaping plan 149/LA/PP/00/01 rev E dated July 2018 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 2006-2026.

### **Informatives**

#### **No objections, some need for revision**

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 which improves the economic, social and environmental conditions of the area.

#### **River Lambourn SSSI and SAC Site**

The River Lambourn, designated a SSSI and SAC, is a sensitive environmental receptor. We advise the applicant that they refer to the current guidance on pollution prevention to protect this site. Please see: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

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**Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

**Damage to the carriageway**

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

**Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

**Ecology Advisory**

The brash and log pile is dismantled and removed by hand. This should be undertaken outside the hibernation period for grass snakes, avoiding the period October to March inclusive. Any snakes encountered should be removed by hand to safety. Suitable habitats occur immediately to the east of the site are suitable for the species and any reptiles encountered can be placed within this habitat, along the River Lambourn. It is recommended that log piles are retained within the site, within discrete areas of the garden. New log piles could be created from the felled trees.

*(The meeting commenced at 6.30pm and closed at 8.25pm)*

**CHAIRMAN** .....

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