

**DISTRICT PLANNING COMMITTEE
ON 8 JUNE 2011**

UPDATE REPORT

Item No: (1) **Application No:** 11/00092/FULEXT **Page No.** 25

Site: Former Travis Perkins site, Mill Lane, Newbury

Planning Officer Presenting: Michael Butler

Member Presenting: N/A

Parish Representative speaking: Councillor David Allen

Objector(s) speaking: N/A

Support(s) speaking: Peter Atkinson – Thames Valley Chamber of Commerce

Applicant/Agent speaking: Paul Crispin – Managing Director, David Wilson Homes
Giuseppe Zanre – Planning Director, David Wilson Homes
Simon Kirk – Technical Director, David Wilson Homes

Ward Member(s): Councillor Hunneman
Councillor Allen

Update Information:

For clarity attached to the update sheet are the revised plans submitted by the applicants relating to storey heights, street scene elevations and planning layout.

One member of the public who lives in Windsor Court adjacent is still not satisfied with the revised layout relating to the lowering of plots 35 to 37 into three storey units and moving plot 37 1.5 m away from Windsor Court . He considers that this is still not sufficient and seeks the deletion of plot 37 in its entirety.

Various communications have been ongoing between the Council Highways Officer and the agents plus the case officer to determine whether the new car parking layout can be adequately controlled by planning conditions to ensure no garage doors are inserted into the dwellings. It is considered that whilst a condition could be applied on any planning consent, this is deemed unreasonable, and is attempting to make a clearly unacceptable planning car park layout acceptable via a “contrivance”. In addition, it would not

comply with the advice in Circular 11/95, and any condition is subject to appeal, which might be allowed at appeal. It is noted that restrictive covenants are suggested by the developer to further control the garage doors being inserted, but the Council is concerned how enforceable this may be over time, given past experience with such covenants.

A circular letter from the applicants' agents has been sent to all members. Whilst officers do not wish to repeat points previously made, in regard to the comment in relation to point 1, [the lack of a s 106 obligation] it was of course open to the applicants to submit a Unilateral Obligation at Committee to overcome this reason for refusal. Comments regarding point 4 [highways etc] are made above. In relation to the ECON1, objection this is set out in the covering reports, as are amenity and built form.

The Newbury Society have responded on the amended plans which are welcomed - they consider this produces a more balanced and attractive elevational treatment, so making a "better" street scene.

CONCLUSION – Officer recommendation is still to refuse with all 4 reasons.

DC