

# Notice of Meeting

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## Western Area Planning Committee

**Wednesday, 12<sup>th</sup> April at 6.30pm**

at the Council Chamber, Council Offices,  
Market Street, Newbury

### **Members Interests**

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of Despatch of Agenda: 3<sup>rd</sup> April 2006

### **Further Information for Members of the Public**

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Council Offices, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

You are welcome to attend Part I of the meeting. If you require further information about items in Part I of this Agenda, or wish to inspect any background documents mentioned in the attached reports, please ask for Peter Dinsmore, Policy and Research Officer – Tel: (01635) 519973. E-mail: [pdinsmore@westberks.gov.uk](mailto:pdinsmore@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

## Agenda - Western Area Planning Committee to be held on 12<sup>th</sup> April 2006 (continued)

**To:** Councillors Barbara Alexander, Phil Barnett, Paul Bryant (*Chairman*), Val Bull, George Chandler, Kathleen French, James Mole, Andrew Rowles (*Vice-Chairman*), Gordon Lundie, Anthony Stansfeld, Julian Swift-Hook, Tony Vickers

**Substitutes:** Councillors Trevor Banning, Denise Gaines, Geoff Findlay, Marcus Franks, Roger Hunneman, Graham Jones, Caroline Suggett, Emma Webster

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# Agenda

## Part I

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|----|--|----------|
| 1. | <b>Apologies</b><br>To receive apologies for inability to attend the meeting (if any).   |          |
| 2. | <b>Minutes</b><br>To approve as a correct record the Minutes of the meeting of this Committee held on 22 <sup>nd</sup> February, 2006. | 1        |
| 3. | <b>Declarations of Interest</b><br>To receive any declarations of interest from Members.   |          |
| 4. | <b>Schedule of Planning Applications</b>   |          |

*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)*

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Item No	Application No. and Parish/Town	Proposal, Location and Applicant	Recommendation	Page No.
(1)	05/02843/FULMAJ Newbury	Demolition and redevelopment of 27,428sqm for retail and office uses and 187 dwellings. Land at Park Way, Newbury Standard Life Investments	That the Council resolve to GRANT conditional planning permission subject to the completion of a legal agreement. (Please note that the decision will be referred to the Secretary of State for final approval under the Shopping Directive.)	11

## Agenda - Western Area Planning Committee to be held on 12<sup>th</sup> April 2006 (continued)

### Items for Information

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#### 5. Appeal Decisions relating to Western Area Planning Committee

*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

Summary of appeal decisions relating to the Western Area Planning Committee	55	
Cold Ash 05/01258	Fencewood House, Slanting Hill, Hermitage	56
Newbury 05/01365	16 Rockingham Road, Newbury	57
Inkpen 04/00818	3 New Anvilles Cottages, Anvilles, Hungerford	58
Newbury 05/01520	Land to rear of 15 Holborne Close, Newbury	59
Shaw-Cum-Donnington 05/00643	Land between 2 and 3 Stable Court, Love Lane, Shaw	60
Chieveley 04/02327	Woods Folly, Beedon Common	61

### Background Papers

- (a) The Berkshire Structure Plan 1991-2006, West Berkshire District Local Plan, West Berkshire District Local Plan Deposit Draft 1991-2006, the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance.
- (b) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (c) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (d) The Human Rights Act.

Mark Harris  
Head of Policy and Performance

# **WESTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON 22<sup>nd</sup> FEBRUARY 2006 AT THE COUNCIL CHAMBER**

**Councillors:** Paul Bryant (*Chairman*)(P), Barbara Alexander (P), Phil Barnett (P), Mrs Val Bull (AP), George Chandler (P), Kathleen French (P), Gordon Lundie (A), James Mole (AP), Andrew Rowles (*Vice-Chairman*) (P), Anthony Stansfeld (P), Julian Swift-Hook (AP), Tony Vickers (P).

**Substitutes:** Trevor Banning, Geoff Findlay (P), Marcus Franks, Miss Denise Gaines (P), Roger Hunneman (P), Graham Jones, Ms Caroline Suggett, Emma Webster.

**Also present:** Derek Carnegie, Paul Goddard, Ashley Heath, Matthew Meldrum, Aidan Stephenson

### **PART I**

#### **113. APOLOGIES.**

Apologies for inability to attend the meeting were received on behalf of Councillors Val Bull, James Mole and Julian Swift-Hook with Councillors Geoff Findlay, Denise Gaines and Roger Hunneman substituting.

#### **114. MINUTES.**

The Minutes of the meeting held on 1<sup>st</sup> February 2006 were approved as a true and correct record and signed by the Chairman.

#### **115. DECLARATIONS OF INTEREST.**

Councillors Paul Bryant, Barbara Alexander, George Chandler, Geoff Findlay, Kathleen French, Andrew Rowles, Anthony Stansfeld, declared an interest in Agenda Item 5, and reported that, as their interest was personal and prejudicial, they would be leaving the meeting during the course of consideration of the matter.

#### **116. APPLICATION NO. 05/02783/MINMAJ - LANDFILL SITE, BARTON COURT, KINTBURY, HUNGERFORD.**

The Committee considered a report (Agenda Item 1) concerning Planning Application 05/02783/MINMAJ - Section 73-to continue the operation of a temporary waste transfer station without complying with condition 1 of planning permission 01/01813 to facilitate the continued operation of this waste transfer station until the 31<sup>st</sup> December 2007 and to delay restoration of the site until 30<sup>th</sup> June 2009.

In accordance with the Council's Constitution, Mr Steven Sutcliffe, an objector, addressed the Committee on the foregoing application.

Mr Sutcliffe in addressing the Committee raised the following points:

- He owned a furniture business, located on the adjacent site rented from Hills, using the farm buildings while the farmland was let.
- Terence Conran (a local resident unable to attend the meeting) had received 30 assurances prior to and post purchase of Barton Court that the land would be restored.
- This was not a viable activity in an AONB
- Such use of this road by skip lorries was imprudent and there had already been numerous accidents and recently a fatality.

## WESTERN AREA PLANNING COMMITTEE – 22.02.06 – MINUTES

- Run off from the site went into the River Kennet
- A lot of rubbish on site came from Wiltshire and as such would not affect this area if the site closed and so an extension should not be allowed. The landfill site was full and only the waste transfer station was in use that sorted waste to be further sent on to depots in other areas such as Swindon. Although not questioning the value of recycling he did not believe this was the right location.

In discussion of this application, the Ward Member stated that the site's location in an AONB, next to a SSSI and the Radley Bourne dry valley was inappropriate and water from the site drained into and polluted the River Kennet as a result. The roads in the area were filthy and verges covered in rubbish, while the vehicles accessing the site made the road junction more dangerous. It looked poor for the Authority for so many temporary permissions to be allowed and this application should be refused and the land restored, he feared that the site could become regarded as brownfield and developed.

Members asked if it was Berkshire County Council that had granted the pre 1998 extensions to the period of operations, as they had not remembered such discussion at the district level.

Members stated that regulations regarding waste facilities in AONB had been softened recently and asked what the throughput on this site was. In reply Officers stated that they believed that 25,000 tonnes went through the site each year, and that due to the need for waste stations the regulations had to a degree been relaxed especially where the need for facilities would outweigh other concerns.

Officers replied to the Members statements regarding pollution of the River Kennet and stated that the site was subject to 2 drainage systems. The skip waste sorting area within the transfer station was on an impermeable base and drained to a sealed system and water was removed, all other waste on site was inert and rainfall was directed into soakaways. The Environment Agency reports, tabled by the ward member at the committee meeting, appeared to refer solely to the waste station and the landfill was governed by a separate license. Therefore Officers believed that this is why no water purity tests were included in the EA report on the site, under the license for the landfill there were provisions for such checks to take place. Members requested that Officers found out if such tests on the water had taken place. It was reported that the number of temporary consent previously granted at the site were linked to the changes in trends of waste disposal as more waste was being recycled and tools such as landfill taxes were introduced to minimise the volume of waste going to landfill as such it took longer for this site to be filled than originally predicted. The applicant was at liberty to apply to extend the period of operations

Members stated that it was important that the site be allowed to continue for a further temporary period so that it's importance to fulfilling the areas waste needs could be examined and assessed through the waste development framework process before any decision was taken to permanently close the site.

Members stated that if this was a new application it would never be agreed and as the landfill operations had been completed and the site sensitivity, they believed that the application should be refused. They believed on the grounds that the waste transfer station was in an AONB and was no longer affiliated to the original landfill site use and was therefore not in accordance with policies WLP 11, 24, 28 & 29 and PPS 7 & 10.

**(A vote to refuse Officer recommendation was overturned with the Chairman's casting vote.)**

**RESOLVED** that the Head of Planning and Transport Strategy be authorised to approve the application subject to the following conditions

### Conditions

1. The use hereby permitted shall cease on or before 31st December 2007 and the works necessary to restore the site to agriculture in accordance with planning permission no. 114101

## WESTERN AREA PLANNING COMMITTEE – 22.02.06 – MINUTES

as subsequently amended by permissions 148191 and 01/01814 shall be completed by 30th June 2009.

Reason: To accord with the application and to ensure the restoration of the site and to restrict the period of operations in accordance with the planning application and in the interest of local amenity in accordance with policy WLP30 the Waste Local Plan for Berkshire 1998-2006

2. Unless otherwise agreed in writing with the Local Planning Authority the development hereby permitted/ working, restoration and aftercare of the site shall be carried out in complete accordance with the following submitted documents and plans:

- (a) Planning Application letter from Land and Mineral Management Ltd dated 15<sup>th</sup> November 2005
- (b) Plan 86H/3 Dated October 2003
- (c) Landscaping Plan P2016 D1 revision B dated May 2001 approved under planning permission 01/01813,

the details of which are approved except as amended by the following conditions

Reason: To enable the Local Planning Authority to adequately control the development, to minimise its impact on the amenities of the local area in accordance with policy WLP30 of Waste Local Plan for Berkshire 1998-2006.

3. The only wastes to be imported and handled shall be Type A and Type B wastes which are specified in conditions attached to any Waste Management Licence issued in respect of the site under the Control of Pollution Act 1974 or the Environmental Protection Act 1990 or any subsequent legislation.

Reason: To accord with the application, in the interests of amenity and the water environment and in accordance with policy WLP30 and WLP31 of the Waste Local Plan for Berkshire 1998-2006 and policy ENV.12 of the West Berkshire District Local Plan 1991-2006.

4. A copy the planning permission including all documents and plans hereby permitted and any documents and amendments subsequently approved shall be displayed at the site office during working hours during the period the site office is permitted, and shall be made known to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that all employees may readily make themselves aware of the requirements of this permission so as to ensure the orderly operation of the site in accordance with policy WLP30 of Waste Local Plan for Berkshire 1998-2006

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no fixed plant or machinery (other than a soil screener, wood chipper or concrete crusher approved pursuant to planning permission no. 148531), buildings, structures and erections or private ways shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Planning Authority.

Reason: To protect the amenity of the area site in accordance with policy WLP30 of Waste Local Plan for Berkshire 1998-2006

6. No waste transfer or recycling activities, permitted by this permission, shall take place except between the following hours:

0700 - 1730 Mondays to Fridays

0700 - 1300 Saturdays

and no such operations whatsoever shall take place on Sundays, Bank Holidays and Public Holidays.

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Reason: In the interests of the amenity of the area in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan.

7. The soil screener, concrete crusher and wood chipper shall only be operated concurrently for a maximum period of 3 hours per day between the following hours:

10.00 - 1600 Mondays to Fridays

10.00 - 1300 Saturdays

no such operations whatsoever shall take place on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of the amenity of the area in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan.

8. All vehicles leaving the site shall turn left in order to proceed via the A4 Bath Road and a durable notice to this effect shall be erected at the entrance to the site. This notice shall be maintained for the duration of the development hereby permitted.

Reason: In the interests of highway safety in accordance with policies WLP27 and 31 of Waste Local Plan for Berkshire 1998-2006, policies TRANS.2, OVS.2 and OVS.3 of the West Berkshire District Local Plan.

9. No materials associate with the development hereby approved, including those which are awaiting processing or despatch following processing shall be stockpiled or deposited to a height exceeding 3 metres.

Reason: In the interests of amenity in accordance, policy WLP30 of the Waste Local Plan for Berkshire 1998-2006, and policy OVS.5 of the West Berkshire District Local Plan 1991-2006.

10. No soil screening shall take place outside the area identified on the approved plans. All tipping, handling and sorting operations involving waste materials, other than inert waste, shall be carried out upon an impervious concrete base surrounded by suitable liquid tight bund and drained to a sealed system.

Reason: In the interests of amenity in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006, and policy OVS.5 of the West Berkshire District Local Plan 1991-2006 and to minimise the risk of pollution of the water environment and soils in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 of the West Berkshire District Local Plan 1991-2006.

11. All surface waters from un-surfaced areas shall be drained to a soakaway that is sufficient to accommodate the drainage requirements of the entire site during peak rainfall events. Under no circumstances shall surface waters be discharged to surrounding fields.

Reason: To prevent the pollution of the water environment in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy ENV.12 of the West Berkshire District Local Plan 1991-2006.

12. The best practicable means shall be employed to minimise the emission of dust from the site in particular (but without prejudice to the generality of the foregoing) a water bowser shall be available on site at all times during dry weather so that all haul roads can be watered to lay dust when necessary.

## WESTERN AREA PLANNING COMMITTEE – 22.02.06 – MINUTES

Reason: In the interests of amenity in accordance, policy WLP30 of the Waste Local Plan for Berkshire 1998-2006, and policy OVS.5 of the West Berkshire District Local Plan 1991-2006.

13. All vehicles, plant and machinery operating within the site shall be maintained in accordance with the manufacturers specifications at all times and shall be fitted with and use effective silencers.

Reason: In the interests of amenity in accordance, policy WLP30 of the Waste Local Plan for Berkshire 1998-2006, and policy OVS.5 of the West Berkshire District Local Plan 1991-2006.

14. All rubbish that is blown or otherwise deposited outside the approved boundaries of the site shall, wherever practicable, be immediately removed and measures, to be submitted to and approved in writing by the Planning Authority, shall be put in place to prevent further spread of rubbish on to adjoining land.

Reason: In order to retain planning control over the operations so as to ensure orderly working at the site and to minimise the impact on local amenity in accordance, policy WLP30 of the Waste Local Plan for Berkshire 1998-2006.

15. The access and haul road between the public highway and the wheel cleaning facilities shall be maintained and drained, and shall be kept free of any potholes, surface water, mud and detritus throughout the duration of the operations hereby permitted.

Reason: To avoid spillage of loose material onto the carriageway in the interests of road safety and in the interests of amenity in accordance with policies TRANS.2, OVS.2 and OVS.3 of the West Berkshire District Local Plan 1991-2006 and policies WLP27 and WLP31 of the Waste Local Plan for Berkshire 1998-2006.

16. Except where vehicular failure renders it impracticable, all maintenance of vehicles associated with the importation of waste or removal of recycled materials shall be undertaken off site.

Reason: In order to retain planning control over the site in the interests of amenity in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006.

17. From the date of this permission the operator shall maintain records of the monthly receipt of waste and shall make them available to the Local Planning Authority at any time upon request. All records shall be kept for at least 12 months.

Reason: In order that the Local Planning Authority can monitor the receipt of waste to the site in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006

18. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse, aquifer or soil. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers, associated pipework and sight gauges. The floors and walls of the bunded areas shall be impervious to both water and oil. The pipes shall vent downwards into the bund.

Reason: To minimise the risk of pollution of the water environment and soils in accordance with WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy ENV.11 of the West Berkshire District Local Plan 1991-2006.

**117. APPLICATION NO. 05/02784/FUL - LAND AT BARTON COURT, KINTBURY.**

The Committee considered a report (Agenda Item 2) concerning Planning Application 05/02784/FUL - Section 73 - to continue the retention of a temporary weighbridge and offices in association with a temporary waste transfer station without complying with condition 1 of planning permission 04/01896 to facilitate the continued operation of the weighbridge and offices until 31st December 2007.

In discussion of this application, Members asked if this included the portakabin and believed that it should not be allowed indefinitely but was preferable to a permanent structure on the site.

**RESOLVED that** the Head of Planning and Transport Strategy be authorised to approve the application subject to the following conditions.

**Conditions**

**Temporary Period**

1. The temporary buildings hereby permitted shall be removed from the land on or before the 31<sup>st</sup> December 2007 and all the works necessary to restore the land to agriculture in accordance with planning permission no.114101 as amended and updated by permissions no 143033,148191 and 01/01814 shall be completed by the 30<sup>th</sup> June 2009

Reason: To restrict the period of operations in accordance with the planning application in that the buildings and use of the site is not considered suitable for permanent retention and to ensure the restoration of the site in accordance with policies 7 and 18 of the Replacement Minerals Local Plan for Berkshire 1991-2006 Incorporating the alterations adopted in December 1997 and May 2001.

**Approved details**

2. Unless otherwise agreed in writing with the Local Planning Authority the development hereby permitted, restoration and aftercare of the site shall be carried out in complete accordance with the following submitted documents and plans:

- (a) Letter from land and mineral management dated 7<sup>th</sup> December 2005
- (b) Drawing No. 86/20 B dated June 2004

the details of which are approved except as amended by the following conditions

Reason: To enable the Local Planning Authority to adequately control the development, to minimise its impact on the amenities of the local area in accordance with policy WLP31 of Waste Local Plan for Berkshire 1998-2006.

*(Councillors Anthony Stansfeld, Andrew Rowles, Kathleen French and Barbara Alexander abstained from the vote on this matter)*

**118. APPLICATION NO. 05/02785/FUL - LAND AT BARTON COURT, KINTBURY**

The Committee considered a report (Agenda Item 3) concerning Planning Application 05/02785/FUL - Section 73 - to continue the overnight parking of skip vehicles without complying with condition 1 of planning permission 02/02641 to facilitate the continued parking of up to 6 skip vehicles until the 31st December 2007.

**RESOLVED that** the Head of Planning and Transport Strategy be authorised to approve this application subject to the following conditions.

**Conditions**

## WESTERN AREA PLANNING COMMITTEE – 22.02.06 – MINUTES

1. The parking of skip vehicles hereby permitted shall be discontinued no later than the 31st December 2007 or upon the cessation of the operation of the waste recycling facility at the adjacent Barton Court Landfill site whichever is the earlier date.

Reason: To restrict the period of operations in accordance with the planning application and to link this permission with the adjacent landfill site in the interest of the protection of the North Wessex Downs AONB in accordance with policy WLP30 the Waste Local Plan for Berkshire 1998-2006 and policy ENV.2 of the West Berkshire District Local Plan 1991-2006.

2. The development hereby permitted shall be carried out in complete accordance with the following submitted documents;

- (a) Letter from Land and Mineral Management Limited dated 7<sup>th</sup> December 2005
- (b) Site Plan no 86ii/1 dated November 2002.

the details of which are approved except as amended by the following conditions

Reason: To accord with the application and To enable the Local Planning Authority to adequately control the development, to minimise its impact on the amenities of the local area in accordance with policy WLP31 of Waste Local Plan for Berkshire 1998-2006 policy ENV.2 of the West Berkshire District Local Plan 1991-2006.

3. This permission shall be for a maximum of 6 H.G.V. skip vehicles parked in the area outlined on the site plan no 86ii/1 dated November 2002 at any one time.

Reason: To prevent over intensive use detrimental to the character of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policy WLP30 the Waste Local Plan for Berkshire 1998-2006 and policy ENV.2 of the West Berkshire District Local Plan 1991-2006.

4. No vehicle repairs shall take place on site.

Reason: This permission has been granted for parking purposes only to prevent over intensive use detrimental to the character of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policy WLP30 the Waste Local Plan for Berkshire 1998-2006 and policy ENV.2 of the West Berkshire District Local Plan 1991-2006.

### **119. APPLICATION NO. 05/02925/HOUSE - FISHPONDS FARMHOUSE, THE GREEN, WEST WOODHAY.**

The Committee considered a report (Agenda Item 4) concerning Planning Application 05/02925/HOUSE - Retrospective application for boundary fence.

In accordance with the Council's Constitution, Mr I Donn, the applicant addressed the Committee on the foregoing application.

Mr Donn in addressing the Committee raised the following points:

- There were a few errors in the planning report, the fence started 10m from the crossroads and was 170m not 240m. The road adjacent to the fence was straight and only began to wind after the property.
- The fence was erected to preserve privacy and security, due to a number of thefts during the past 6 years. The natural hedge border had decayed so that large sections were clear of vegetation, new bushes had been planted but until they matured a fence was required.
- There were already 2 existing examples of this style of fencing in the area and so a precedent had been set, in the photos provided with the application a fence over 8ft was allowed in a similar

## WESTERN AREA PLANNING COMMITTEE – 22.02.06 – MINUTES

location. The Fence was set back from the boundary and behind the tree line with planting in front of it.

- He was unaware that the fenced required planning permission but since applying retrospectively there had been no objection to the fence from the Highways Department or Parish Council.

In discussion of this application, the Ward Member stated that he had called this application before Committee as he did not believe it warranted the recommendation for refusal. No objections had been raised and he did not believe that it affected views along this quiet road anymore than the pre-existing vegetation. After the vegetation planted by Mr Donn matured and the fence materials weathered it would no longer be noticeable.

Members stated that they believed that such board fences were typical and as such this application was not out of keeping, they believed that it was of good construction and would protect the trees.

Members asked why the recommendation was for refusal, in reply Officers stated that due to the need to protect the AONB in this case any decision was subjective. It was the Officer's view that, on balance, a 2 metre high fence of this length was quite harsh, and an urban feature, and therefore inappropriate. Members stated that there was a need to clarify a policy regarding fences for use in the future to ensure a consistent approach was taken.

**RESOLVED** that the Head of Planning and Transport Strategy be authorised to approve the application subject to the following conditions:

### Conditions

1. A detailed scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. 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, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy EN1 of the Berkshire Structure Plan 2001 - 2016 and Policies OVS2 (a & b) and OVS 3 (b) of the West Berkshire District Local Plan 1991 - 2006.

## 120. APPEALS.

Members noted the results of the appeals.

Cllr Tony Vickers in the chair.

## 121. APPLICATION NO. 05/01274/FULD - LAND AT MANOR FARM, FARNBOROUGH.

*(Councillors Paul Bryant, Barbara Alexander, George Chandler, Geoff Findlay, Kathleen French, Andrew Rowles, Anthony Stansfeld declared an interest in this item by virtue of the fact that the applicant was Councillor Chandler's wife. Councillors Bryant, Alexander, Chandler, Findlay, French, Rowles, Stansfeld therefore left the meeting and did not take part in the debate and vote on the item.)*

The Committee considered a report (Agenda Item 5) concerning Planning Application 05/01274/FULD - Erection of staff dwelling.

In accordance with the Council's Constitution, Mrs L Chandler and Mr C Boreham, the applicant and agent addressed the Committee on the foregoing application.

## WESTERN AREA PLANNING COMMITTEE – 22.02.06 – MINUTES

Mrs Chandler and Mr Boreham in addressing the Committee raised the following points:

- The business grew out of the need to diversify from farming, all financial targets had been met with accounts in profit.
- The business was labour intensive, and employed local people as well as relatives.
- Pond View only consisted of former agricultural buildings converted into stables, staff accommodation was required to monitor and look after brood mares that were inclined towards volatile behaviour. The proposed Finlodge log cabin and existing barns were not on a public right of way and so would be safer for the horses and member of the public. Although technically a temporary structure the cabin could not be moved as it would become part of the habitat for wildlife. Manor Farm could not be used to house workers, as it was too small, housed an elderly relative and was not near the stables.
- The farm and stud had received a lot of help from Defra to enhance the area and bio-diversity of the enterprise.
- Members asked how many horses were at the site, in reply Mrs Chandler stated that there had been over 30 horses during the last 5 years that had been subdivided between Pond View and Manor Farm. She believed that the correspondence related only to Pond View and had led to misinterpretation in the report she wished to clarify, at least 6 horses were present on site and not just 6 horses.
- Members were concerned that if permission was granted Pond View could in future be sold separately, Mrs Chandler stated that the farm was hereditary and would not be sold. Mr Boreham stated that a draft section 106 agreement tying the properties together and with £9,000 of contributions had been agreed.

In discussion of this application, Members asked Officers if they were minded to permit the application what steps could be taken to tie the dwelling to the farm. Officers stated that although the enterprise was not yet totally sufficient there were signs that it would become viable however it was their responsibility to remain cautious. Allowing a temporary approval would allow the Applicant's to prove the enterprise's viability and conditions to tie properties together could be proposed for the permanent application. After three years the application could be reviewed and either the building removed or if appropriate a S106 applied to tie the properties together, however a S106 on a temporary application would complicate this.

Members were in favour of providing employment in the rural communities to preserve contiguous employment for residents in the locality and prevent their commuting long distances to alternative employment.

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

### Conditions

1. The building hereby permitted shall be removed on or before the 22nd February 2006. All associated plant, materials and equipment shall be removed within 1 month of this permission ceasing and the land shall be returned to its original state within 3 months of the permission ceasing.

Reason: Permission would not normally be granted but regard has been paid to the site in accordance with Planning Policy Statement 7, Policy DP1 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991-2006.

2. If necessary, amended plans showing the structure to be erected on the site as part of this temporary permission, shall be submitted to and approved in writing by the Local Planning

**WESTERN AREA PLANNING COMMITTEE – 22.02.06 – MINUTES**

Authority. This shall be done prior to any work commencing and the work shall be carried out in strict accordance with those details.

Reason: This application sought permission for a permanent dwelling on the site. The granting of a temporary permission may result in the need/desire to alter the design. Any alterations will need to be approved by the Local Planning Authority in the interests of visual amenity in accordance with Policies DP6 and EN1 of the Berkshire Structure Plan 2001 - 2016 and Policy OVS2 and ENV2 of the West Berkshire District Local Plan 1991 - 2006.

3. The occupation of the temporary building shall be limited to a person solely employed in the current equestrian enterprise on site.

Reason: The Local Planning Authority are concerned to ensure that the dwelling remains available for use by a person employed by Chandler Manor Farm for equestrian purposes in accordance with policy DP6 of the Berkshire Structure Plan 2001-2016 and policies ENV18 , HSG2 and HSG3 of the West Berkshire District Local Plan 1991 to 2006.

*(The meeting commenced at 6.30pm and closed at 8.30pm)*

**CHAIRMAN** .....

Date of Signature: .....

<b>Item No</b>	<b>Application No. and Parish</b>	<b>8/13 Week Date</b>	<b>Proposal, Location and Applicant</b>
<b>(1)</b>	05/02843/FULMAJ Newbury	21/03/06	Demolition and redevelopment of 27,428sqm for retail and office uses and 187 dwellings. Land at Park Way, Newbury Standard Life Investments

**Recommendation Summary:** That the Council resolve to grant conditional planning permission subject to the completion of a legal agreement. (Member please note that referral for full decision to Secretary of State under the Shopping Directive)

**Ward Member(s):** Cllr. R. Hunneman  
Cllr. M. Rodger

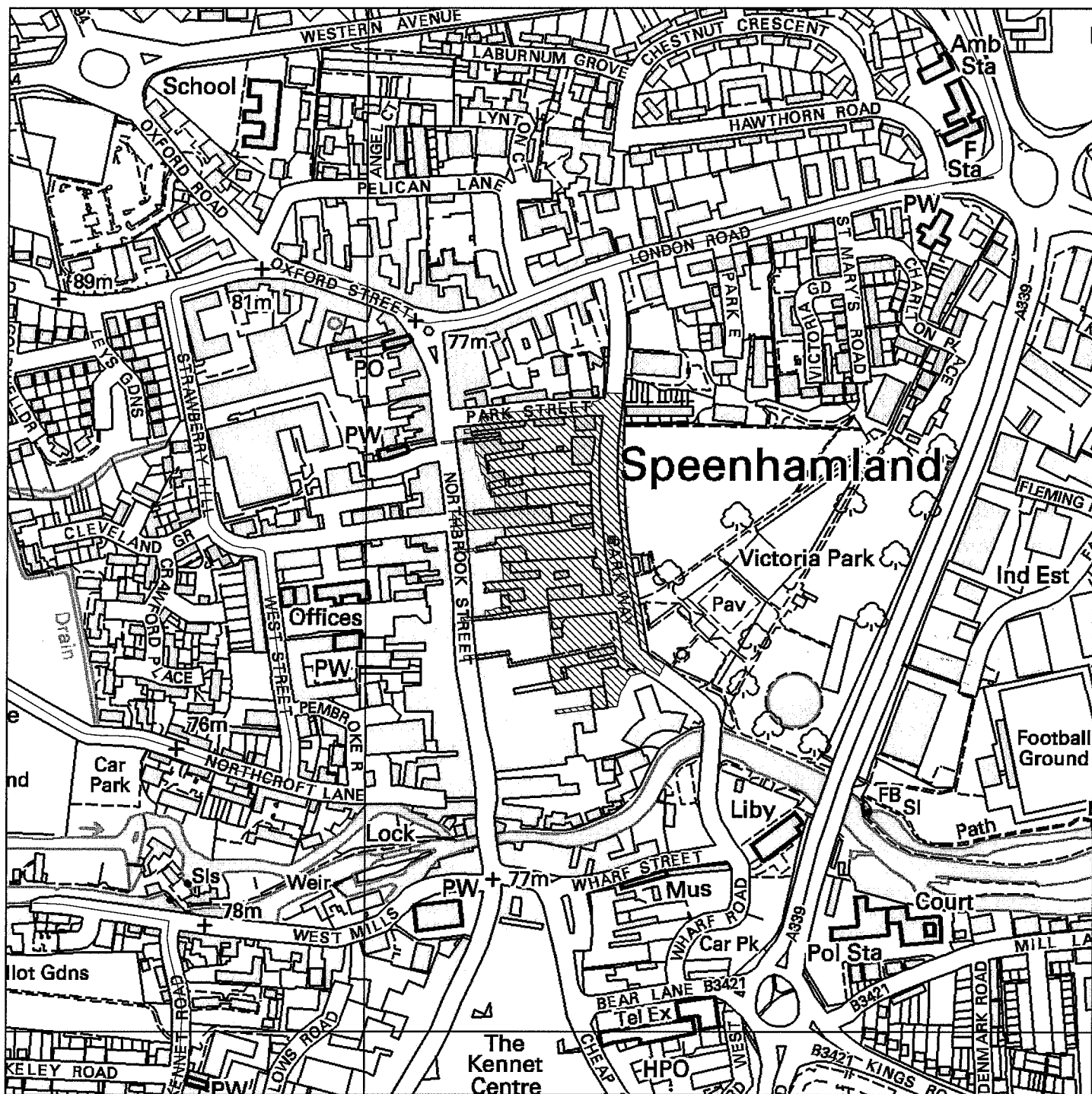
**Reason for Committee determination:** Level of public interest

**Committee Site Visit:** N/A

<b>Contact Officer Details</b>	
<b>Name:</b>	Debra Hammond
<b>Job Title:</b>	Senior Planning Officer
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# Land At Park Way, Newbury

05/02843/FULMAJ

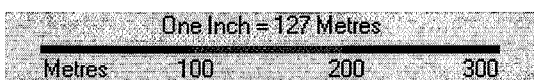


Map Centre Coordinates : 447162.17 , 167415.81

Scale : 1:5000

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	Service Area
<b>Comments</b>	
<b>Date</b>	Monday, March 27, 2006
<b>SLA Number</b>	100015913

## Site History

The site is large and covers many planning units. The history of the site is extensive but mainly involves retail and service related developments. Set out below is a summary of the key permissions that have been issued on parts of the site.

### Land at Park Way:

128244	Shopping centre. No Decision
112426	Conversion of barn to offices. APPROVED – 11 March 1980
01/01588/FUL	New pavilion to be erected in car park and used by LA Fitness as a crèche in conjunction with fitness centre. APPROVED – 4 December 2002
02/01840/FULMAJ	Change of Use of existing office block to provide nine flats and the erection of freestanding block of three flats. WITHDRAWN – 6 December 2002
03/00800/FULMAJ	Change of Use of existing office block to provide nine flats and the erection of freestanding block of three flats. SECTION 106 – 31 July 2003
03/02184/CON	Demolition of building. Former Feltham Tyres. APPROVED – 26 January 2004
03/02183/FULMAJ	Demolition of existing building and construction of 18 flats with 7 parking spaces. Former Feltham Tyres. SECTION 106 – 26 January 2004
03/00871/FUL	Siting of mobile home. Opposite old cinema. APPROVED – 1 August 2004
118480	Change of use from offices to gym. APPROVED – February 1983
137446, 137447 and 137448	Refurbishment of frontage building and redevelopment of rear to form shopping arcade, office and car park and pedestrian link from Northbrook Street to Park Way. REFUSED -19 September 1990
150956	Demolition of buildings to rear of 34/35 Northbrook Street. WITHDRAWN -12 August 1997
151236	Demolition and alterations including internal work. WITHDRAWN - 11 February 1998
01/02527/FUL	Proposed development to provide two retail unit, eleven residential units and car parking. SECTION 106 – 19 February 2002
03/02604/COMIND	Redevelopment to provide retail and food and drink floorspace, replacement and additional town centre car parking, access arrangements and provision of hard landscaping on land to the west of Park Way and east of properties fronting onto Northbrook Street. WITHDRAWN 10 August 2004
03/02605/CON	Mixed use, including town centre car parking and small scale business. WITHDRAWN 10 August 2004
03/02606/LBC	Part demolition and redevelopment to provide 934sqm (gross external) floorspace at ground, first and second floor level. WITHDRAWN 16 September 2004

Below are all the pending applications which flow from this scheme.

05/02855/CON	Demolition of various buildings in connection with application 05/02843/FULMAJ. Pending consideration
05/02845/LBC	25 Northbrook Street - Demolition of the brewery block/later extension at the rear of The Castle. PENDING CONSIDERATION

- 05/02486/LBC 26 Northbrook Street - Demolition of the rear part of the range. PENDING CONSIDERATION
- 05/02847/LBC 33-39a Northbrook Street - 33 Northbrook Street - Demolition of rear of building, 35 and 35a Demolition of building and rear industrial, 36 and 37 Demolition of building, 38 Demolition of building and structures to rear, 39a Demolition of structures to rear. PENDING CONSIDERATION
- 05/02848/LBC 42 Northbrook Street - Alterations to structures within the curtilage of the listed building and works to the north elevation at the rear to create a route through between Caroline Place and new East Street. PENDING CONSIDERATION
- 05/02849/LBC 43 Northbrook Street - Demolition of modern structures within the curtilage of the listed building. PENDING CONSIDERATION
- 05/02850/LBC 44 Northbrook Street - Demolition of parts of the listed buildings No's 44a and 45a within the curtilages of No's 44 and 45 to allow construction of a new north-south aligned block. PENDING CONSIDERATION
- 05/02851/LBC 44a Northbrook Street - Demolition of parts of the listed buildings No's 44a and 45a within the curtilages of No's 44 and 45 to allow construction of a new north-south aligned block. PENDING CONSIDERATION
- 05/02852/LBC 45 Northbrook Street - Demolition of parts of the listed buildings No's 44a and 45a within the curtilages of No's 44 and 45 to allow construction of a new north-south aligned block. PENDING CONSIDERATION
- 05/02853/LBC 45a Northbrook Street - Demolition of parts of the listed buildings No's 44a and 45a within the curtilages of No's 44 and 45 to allow construction of a new north-south aligned block. PENDING CONSIDERATION
- 05/02854/LBC 46 Northbrook Street - Demolition and alterations to buildings and structures within the curtilage of the listed building. PENDING CONSIDERATION

### **Publicity of Application**

Advertised in Newbury Weekly News on 12/01/06

Neighbour Notification expired 12/01/06 (original plans) & 03/04/06 (revised plans)

Site notice expired 03/02/06

## Consultations and Representations (Original Plans)

- Town Council:** No objections, but would make the following comments:
- tower too high and out of character
  - Block E is unattractive due to flatness of the roof
  - Concern was raised at the impact of additional traffic on London Road and the A339
  - Concern at reduced parking provision during the development of the site
  - Full recording of listed buildings to be demolished as a condition
  - Would like to see rear no.45 preserved, or integrating it into part of the scheme
  - Would like the Venetian windows at no.33 to be fully functioning – not screened off
- Highways:** Conditional support with a number of caveats to be covered by condition.  
Contribution sought of £2 163 580 plus Section 278 works.
- Rights of Way:** Net loss of public access, closure of public footpaths 25 and 26 need to be formally carried out by orders under the Town and Country Planning Act prior to development taking place.
- Open Space:** Request further landscaping details  
Disappointed that a more permeable interface with Victoria Park has not been proposed. Would also like to see the fence along the western boundary of the park removed and replaced with an imaginative path and landscaping scheme.  
£714,117 towards open space improvement
- Revised plans/additional information:  
Additional landscaping plans received which show some detail of the structural landscaping for this development. However, will require more detail.
- Ecology:** Site has limited ecological value. Green roofs are an asset, but in addition, some swift nest boxes could be incorporated. Welcomes Outline Sustainability Statement and recommends conditions to ensure objectives outlines are achieved. Requests conditions relating to bats, swifts and carbon emissions, removal of Japanese Knotweed

**Conservation/Design:**

Concepts underlying the scheme are generally sound. Supportive of the landmark building, which will make a positive contribution to the quality of the skyline. Requires justification for demolition of part of no.45 Northbrook Street. Note requirement under 01/01 to allow access for English Heritage for building recording Listed Buildings scheduled for demolition – this is separate from archaeologist's requirement for developer to secure programme of building recording.

**Revised plans:**

The revised design of the buildings to the south east of Block F, represents a missed opportunity to create a landmark building of high quality. Further, the profile/silhouette of the buildings, their relative heights, massing and elevational treatment are such that the overall composition of the elevation to Parkway is unsatisfactory. Feels that although this is a retrograde step it addresses concerns which have been expressed.

**Archaeology:**

Further field evaluation required by condition

16<sup>th</sup> century fabric in 45A Northbrook St – demolition of this building needs to be considered fully – require detailed justification study that shows how alternatives have been considered and why the building should be demolished.

**Newbury Society:**

Welcomes major mixed redevelopment, and subdivision into separate blocks with new lanes. Also welcome improvement to derelict land.

Concerns about practicalities of several facets, which could lead to different use, or non-use, than as planned, and as a consequence loss of vitality.

**Specific concerns:**

- unhappy with design of the new corners into East Street from Northbrook St.
- design and layout of underground car park. Car parking spaces are too small. Pillars will hamper access to rear doors. Only 8 large spaces per floor are shown.
- Height of new tower should be cut down by 3 or 4 storeys, and adjoining sub blocks also reduced
- Sub block on corner by tower should be set back, as it closes off view along Marsh Lane to Victoria Park, discouraging entry and use.
- Park Street frontage of service yard and blank wall of department store should be improved to give better view from property on the other side, and give more active frontage. Business on north side will want to keep and expand their vitality.
- Welcomes retention of facades on Northbrook St . Should take opportunity to lower fascia of Jones Shoes and neighbour to match, repair these facades. Condition that windows remain windows

- Uncle Henrys pub will be truncated. Will this still be viable, and do we still want a pub in this location
- Welcome public conveniences, must be adequately signposted.
- Not enough room to keep car park entrance and exit clear, would prefer 'separate exit for cars
- Position of floodgate is unclear
- Appears to be no adjoining facilities for rubbish, recycling for the flats. Are bin stores big enough
- Strongly object to central 2 blocks of flats on the communal roof garden
- Commend upper gardens, but spoilt by additional flats as above.
- Traffic improvements at Robin Hood and A339/Bear Lane required before Park Way development
- No reference to shelf life of project. Must be designed so that it can be partially demolished, so that future generation does not inherit semi derelict Park Way again.
- Welcome large entrance lobbies in internal flats

Will lifts be large enough? Where will delivery vans park for flats?

**Affordable Housing:**

Request 30% affordable housing provision or 56 units on site. Tenure preference is for 70% rented accommodation and 30% shared ownership. Wish to see inclusion of up to 10 units for people with disabilities within the affordable housing provision in this sustainable location.

Disappointed that pepper potting not achieved on this site. Please to see scheme designed to achieve Eco-Homes 'very good' rating and plans to use modern methods of construction. Affordable housing units should meet Housing Corporation Scheme Development Standards. Encourages early contact with Council's preferred partner RSL.

**Education:**

£686,956 to meet the impact of development on catchment schools

**Public Protection:**

No objections - recommend various conditions relating to construction noise, details of external plant and equipment and air extraction systems, details of scheme to protect the occupants of Blocks A, D and G from noise from the service yard and a contaminated land survey and details of remedial works.

Revised Plans:

Original conditions apply

**Landscape Consultant:** More information needed on roof garden of block F; including hardstanding info; general concern about these additional units  
Concept scheme for Victoria Park required  
Require lighting assessment  
Townscape and visual impact assessment required – medium to long distance views  
Concern about car park approach - require visualisation of the proposed approach down Park Way

**Revised Plans:**

Limited information on roof gardens, these have design implications e.g. loading, drainage, wind loading of trees. Applicant needs to demonstrate to WBC that scheme can be achieved. Trees will need to be carefully selected to ensure that they flourish in the restricted growing conditions. Trees in their mature form will also need to be in scale with the built form. The internal measurements for some of the containers are rather narrow for good growth. A greater use of low ground cover, replacing some of the grassed areas on the roof would be welcomed. More info is needed on how SUDS scheme can be provided on roof garden. Palette of stone paving and setts to be submitted and agreed by WBC.

Park interface with scheme has not been considered – current railings along park will be a poor feature; may be best to lose some trees to open up views into the park

No lighting assessment received – although agree that lighting will improve lighting in park in the evenings; maybe some adverse impact on Park Terrace

Concern about the entrance to underground car park

Although the visual character of this part of the scheme will change, considered that this will be a positive change. The 7 storey residential building on the Park Way frontage will provide a positive addition to the Newbury skyline, in keeping with the more attractive features such as church spires.

Scale and mass of department store will have greatest impact on local views. It will loom over Park Terrace and dominate approach into Park Way

Any park restoration should compliment the Park Way development

**Social Services:** £36,520 towards Home Care provision

**Waste/Recycling** £7,500 towards refuse bins

**Facilities:** £613 towards recycling containers

**NHS Primary Care:** GP Practises would be under pressure to cope with increase in patient population. Contribution sought of £30,855

**Libraries:** Contribution sought: £16, 168

**English Heritage:** (Summary) Entrance from Northbrook St into East St appears too emphatic, undermining a street scene where no one building dominates, but is characterised by a regular rhythm of development generally at two storeys with attics. English Heritage received limited information about visibility of upper levels from within Northbrook St and the impact of the overall development on longer distance views of Newbury. Recommend that proposals are amended to retain more of the listed building 38 Northbrook St and that the height of the entrance buildings at the junction with East St is reconsidered.

**Revised Plans:**

Welcomes amendments where East Street joins Northbrook Street and welcomes the retention of more of the historic fabric in no's 38 and 39a. The revisions have therefore addressed previous concerns. Previous advice relating to façade retention and recording remain. With regards to loss of the rear extension of no.45, EH is content for council to consider the limited loss of historic fabric in the conservation area against the wider context of enhancement to the historic town.

**English Nature:** No objections

**Environment Agency:** No objections but recommend conditions

**Police Liaison Officer:** Concern that Jack Street, Northbrook Place and Caroline Place will not be gated - poor surveillance along these lanes. Require a security management plan to show how the gates to the service lanes will be managed. Active edges should be maintained on the department store, facing the eastern end of East Street. Application gives no indication of how physical crime prevention measures have been considered.

**Ramblers:** Object to closure of Jack St and Northbrook Place unless suitable provision is provided elsewhere.

The new routes should have definitive paths for pedestrians.

A better crossing for disabled users crossing Park Way is required e.g. a toucan crossing

**SPOKES:** Supports in principle, but:

1. disappointed proposal fails to deliver potential benefits through sustainable travel owing to failure to provide adequate provision for cyclists
2. application does not address permeability of site for cyclists to achieve district-wide increases in sustainable travel modes. Imperative that surrounding streets are accessible and permeable in both directions. Cycling access should be improved in Park St, East St and at Wharf Bridge. Additional

movements by motor vehicles should not be encouraged along Park Street. Should be "access" only for motor vehicles. Wharf Bridge should be opened up for two-way cycling. Proposal for East St is flawed at Eastern end. Barriers across its end, and significant changes in levels required to facilitate the car park entrance spoil both the aesthetic and integration.

3. level of surface level cycle parking is critically deficient in a) absolute quantity, b) placement, and c) number of locations. Seek tripling of number of cycle parking places and doubling of number of locations
4. supports proposals for on-carriageway cycling facilities in Park Way, but imperative that continues along London Rd (at the north) and Wharf Rd/bridge (at the south) in order to provide continuous unified provision. Spokes does not support any proposal to take land within Victoria Park to construct a new shared-use footpath/cycleway parallel to Park Way. . Does not connect any two useful destinations for cyclists. Proposal to introduce advisory cycle lanes on the adjacent Park Way is the best method of providing for cyclists making north-south movements. Cycle lanes in Park Way must be at least 1.5m width
5. Mix of units too heavily weighted towards retail usage. Should have additional residential and office space, with equivalent reduction in additional retail space.
6. Separating levels of East St and Marsh Lane from Park Way results in a disintegrated design which fails to visually incorporate and enhance Victoria Park, and discourages pedestrian and cycle movements between them
7. Insufficient secure cycle parking for residents. Seek ratio of one cycle parking place per bedroom
8. Basement cycle parking should be highly visible, not hidden behind walls

#### Revised Plans:

Concerns expressed above have not been addressed.

<b>Disabled Access Panel:</b>	No comments on original plans – amended plans due to be discussed by the panel on 21/03/06
<b>Ancient Monuments</b>	Mitigation can be by record, which should be a condition of any consent.
<b>Society:</b>	
<b>SERCO:</b>	Not affected

<b>Highways Agency:</b>	No objection. Unlikely to be a material impact on the trunk roads. Recommend Council considers appropriate parking controls to avoid non residential parking being used as overspill from development
<b>Fire Service:</b>	Confirm that the proposed layout of the mains and 6 fire hydrants is satisfactory. Request £3,006 (£501 per hydrant).
<b>Thames Water:</b>	Developer should pay for any sewer diversion necessary Surface water must not be allowed to drain to the foul sewer. Encourages the appropriate application of surface water control  Recommend conditions requiring details of site drainage works and request an impact study of the existing water supply infrastructure.  Revised plans
<b>Correspondence:</b>	1 letter of support received and 56 letters of objection, raising the following concerns (n.b. no letters have been received in relation to the amended plans)
Impact on Character of Area	<ul style="list-style-type: none"> <li>▪ Development will have no character and will not enhance the local appealing features of Northbrook St and Victoria Park</li> <li>▪ 8 storey tower will look unsightly and dominate the town centre</li> <li>▪ development is too high and creates an unacceptable change of scale and character to this part of Newbury</li> <li>▪ Harm to skyline</li> <li>▪ Newbury should remain a small market town</li> <li>▪ Loss of listed buildings</li> <li>▪ Northbrook St will become less used</li> </ul>
Highways	<ul style="list-style-type: none"> <li>▪ Development would be a retrograde step for Newbury</li> <li>▪ No re-provision of parking for Park Terrace residents; difficult for residents to receive deliveries; difficult for emergency vehicles to access properties along Park Terrace.</li> <li>▪ Is there adequate parking within town centre during construction period, given other Vision projects</li> <li>▪ Full and unhindered access to main areas of town should be maintained throughout development</li> <li>▪ Inadequate parking for proposed new residential units (187 units only 113 resident spaces)</li> <li>▪ Proposed cycle stands are poorly located away from main routes by which cyclists will approach the development</li> <li>▪ Road improvement proposals will not alleviate congestion on London Rd and over Park Way bridge</li> <li>▪ Does not propose to add any public transport to rural areas</li> <li>▪ Loss of 19 staff parking spaces (Woolworths)</li> <li>▪ No onsite parking facilities for loading</li> </ul>

Amenity	<ul style="list-style-type: none"> <li>▪ Overshadowing of Park Street as a result of high rise buildings (Department Store)</li> <li>▪ Increased night time noise, requires mitigation measures</li> <li>▪ Disruption to business during building</li> </ul>
Principle	<ul style="list-style-type: none"> <li>▪ Amenity of Victoria Park will be lost during construction</li> <li>▪ affects 21/22 Park Way therefore object</li> <li>▪ Contrary to Park Way Brief which states buildings should be no higher than 5 storeys and set back from street level</li> <li>▪ Already unoccupied units in town centre</li> <li>▪ Poor trading location</li> <li>▪ Local artists not consulted prior to proposal who do not wish to move to town centre</li> </ul>
Layout – urban design	<ul style="list-style-type: none"> <li>▪ Proposal for residential dwellings in town is speculative</li> <li>▪ Fence along Park Street acts as a visual barrier, and does not allow for the integration of the other uses along Park Street</li> </ul>
Detailed Design	<ul style="list-style-type: none"> <li>▪ Provision for the arts should be within the Park Way development not by building on the south eastern portion of Victoria Park</li> <li>▪ The design of the tower will not stand the test of time – it will be another BT tower</li> <li>▪ Could block views to corn exchange and St Nicholas Church</li> </ul>
Listed Buildings	<ul style="list-style-type: none"> <li>▪ 45 Northbrook St - Possibly 16<sup>th</sup> century, should not be demolished</li> <li>▪ all buildings to be demolished should be recorded</li> <li>▪ No development should harm setting of 24 Northbrook street</li> <li>▪ Loss of Uncle Henry's and its proximity to Jack O'Newbury's House – an example of 16<sup>th</sup> century brick and timber architecture</li> </ul>
Archaeology	<ul style="list-style-type: none"> <li>▪ comprehensive archaeological excavation behind M&amp;S</li> </ul>
Trees	<ul style="list-style-type: none"> <li>▪ ground water extraction may threaten sustainability of the mature trees along Park Way</li> </ul>
Flooding	<ul style="list-style-type: none"> <li>▪ pipeline across northern edge of Victoria Park and the original land drains have been neglected from assessment, hence the conclusions of minimal impact from this development on local water levels in the long term is not valid.</li> </ul>
Health and Safety	<ul style="list-style-type: none"> <li>▪ inadequate emergency egress arrangements to the rear of M&amp;S and Tesco's</li> </ul>

## Sustainability & Environment

- Proposal does not follow brief which required proposals to be sustainable and use renewable energies – contrary to SPD Quality Design – Sustainable Design Techniques.
- Kennet Valley Fishery Association dissatisfied with scope of EIA accompanying the application and request a further EIA to be prepared on effects on River Kennet and/or Kennet & Avon Canal. In particular with regard to development of wharf, canal side apartments and redevelopment of Boat Basin, arrangements for disposal of sewage, foul water and road runoff from whole development.
- Increase in retail selling space at a time when consumers are cutting back

## Viability of Proposal

- The need for additional retail space has not been demonstrated.

## Servicing

- Inadequate servicing

## Demolition of buildings to rear of Northbrook Street

- Loss of part of the buildings along Northbrook Street – unlikely to be compensated fully by CPO process.
- Disruption to businesses
- Loss of staff parking

## Other

- Residents of Park Terrace would like assurances that they will be compensated for any structural damage to their properties
- M&S have instructed transport consultants and architects to examine scheme
- No public consultation was carried out by council
- Issues with tenants right of access and car parking at rear
- Unnecessary to create more retail units when there are already empty units
- Victoria Place encroaches onto Victoria Park – Loss of park
- Loss of Woolworths Garden Centre and need to reconfigure rear ground floor are occupied by café
- Disruption to servicing Woolworths, customer access and fire escape access during construction works
- Public consultation period not well publicised

## Policy Considerations

### National Planning Policy:

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development

Planning Policy Guidance 3 (PPG3): Housing

Planning Policy Statement 6 (PPS6): Planning for Town Centres

Planning Policy Guidance 13 (PPG13): Transport

Planning Policy Guidance 15 (PPG15): Planning and the Historic Environment

Planning Policy Guidance 16 (PPG16): Archaeology and Planning

Planning Policy Guidance 25 (PPG25) Development and Flood Risk

Circular 6/98: Planning and Affordable Housing

Circular 05/05: Planning Obligations

## Regional Planning Guidance:

Regional Planning Guidance 9: South East  
The emerging South East Plan

## Development Plan:

The Berkshire Structure Plan 2001-2016 (BSP) – Policies: DP1, DP4, DP5, EN4, EN6, EN8, H1, H2, H6, S1, T1, T4, W4

The West Berkshire District Local Plan 1991-2006 (WBDLP) – Policies: OVS1, OVS2, OVS3, OVS4, OVS5, OVS6, OVS10, OVS11, ENV10, ENV11, ENV11A, ENV11B, ENV13, ENV30, ENV32, ENV33, ENV39, ENV40, HSG1, HSG4, HSG7, HSG8, HSG9, SHOP1A, SHOP2, TRANS1, TRANS2, TRANS4, TRANS5, RL1, RL2, RL3

## Supplementary Planning Guidance / Documents (SPG / SPD):

Parkway Planning Brief – Adopted May 2004  
Delivering Investment from Sustainable Development (Developer's Contributions) SPG 4/04 (adopted 27 September 2004)

## Material Considerations:

Newbury 2025 – A Vision of Newbury Town Centre (November 2003)  
West Berkshire Retail and Leisure Study 2003 (July 2003)  
West Berkshire Local Transport Plan 2001/02-2005/06  
Newbury Town Design Statement (April 2005)

## Local Development Framework:

West Berkshire Planning Strategy – consultation on Preferred Options (consultation period due to be completed April 2006)  
Emerging Newbury Town Centre Area Action Plan DPD

## **Description of Development**

### Description of site

The proposal seeks consent for the demolition and redevelopment of the Park Way area, which is located to the rear of Northbrook Street. The site comprises an area of 'backland' in the centre of Newbury. It is currently used primarily for surface car parking, and the servicing of retail properties fronting Northbrook Street, with some light industrial and commercial uses, including office buildings on the corner of Park Street and Park Way. The site stretches from Park Street to the North to Woolworths to the South, and includes the existing service yard behind Tesco and Marks and Spencer. The western edge of Victoria Park forms the eastern boundary of the site.

The site is characterised by remnants of the original ownership pattern of long narrow burgage plots stretching back eastwards from Northbrook Street. There are a number of existing routes between Park Way and Northbrook Street, some of which, such as Jack Street, are narrow and uninviting. Marsh Lane is the main route and provides a direct visual link from Northbrook Street to Victoria Park.

Surrounding buildings are predominantly three storeys, and include several listed buildings on Northbrook Street. Otherwise flat, there is an eastward slope down from Northbrook Street to the park of approximately one metre.

#### Description of Proposals (amended plans)

The original scheme was revised following a number of concerns raised during the initial consultation period. The following description therefore, relates to the amended proposals. It should be noted that the consultation period on the amended proposals expires on 29<sup>th</sup> March 2006. All responses received between the writing of this report and the end of the consultation period will be considered in the update report.

The development comprises a number of mixed use blocks of varying sizes, along new and existing linkages between Northbrook Street and Victoria Park. The main use at ground and first floor level in these blocks is 27,300 square metres (290,000 square feet) of A1 retail, which includes a three storey Department Store (8,360 square metres (90,000 square feet)). This equates to 64 new retail units of varying sizes, this includes the Department store, 4 large store units, a number of small kiosks and several studios. 187 residential apartments are provided in the upper levels of these blocks. An area of public open space - Victoria Place - is provided at the eastern end of Marsh Lane, as is a café, which has a terraced area overlooking Victoria Park and Victoria Place.

The application proposes the following mix of commercial floorspace:

Use Class	Total Existing Floorspace	Total Proposed Floorspace	Net Gain/Loss
	GIA/m2		
<i>Retail - Use Classes A1, A2 and A3</i>			
Department Store	-	8,296	+8,296
Unit Shops	2,195	19,004	+16,809
<b>Total retail</b>	<b>2,195</b>	<b>27,300</b>	<b>+25,105</b>
Offices	3,678	128	-3,550
Residential	data unavailable	11,626	+11,626
Other	data unavailable	-	data unavailable
<b>Total other uses</b>	<b>3,678</b>	<b>11,754</b>	<b>+8,076</b>
<b>Grand Total</b>	<b>5,873</b>	<b>39,054</b>	<b>33,181</b>

### Breakdown of Residential Units:

Type	No's.
1 bed	38
2 bed	121
3 bed	28
<b>Total</b>	<b>187</b>

The proposed department store is located at the North East corner of the site, acting as a landmark building on the approach by car along Park Way. The main entrance to the department store is located on East Street. This is a new street, linking the proposed development to Northbrook Street. Opposite this main entrance, another new street runs southwards parallel to Northbrook Street to join Marsh Lane – Middle Street. At this point a new side entrance will be formed to the existing Marks and Spencer shop, integrating this into the new development. Along Middle Street lie most of the larger of the new shop units. Smaller shop units for small regional operators and local businesses are provided in the vicinity of the junction of East Street and Northbrook Street, and along the Park Way frontage, facing Victoria Place and Camp Hopson's furniture store. A 7-storey residential building will overlook the square.

The main shopping blocks, with the exception of the Department Store, have double-height retail frontages with two or three storeys of residential apartments above, overlooking the streets. On the main block facing Victoria Park the apartments continue down to ground level, and the upper level apartments are accessed from a high-level internal garden which covers the central portion of the block. Other blocks have similar high-level landscaped amenity areas.

The parking provided for shoppers is concealed on two mechanically ventilated basement levels below the shopping streets, with further spaces provided for residents. The entrance to this is from Park Way, immediately to the south of East Street. The entrance to the car park is below the pavement level. Public lifts and stairs are provided from the parking levels to give access to street level in three locations: by the new Department Store entrance, at the east end of Marsh Lane, and into the rear of the existing Tesco and Marks and Spencer units. A further three cores give access to the main residential blocks. Secure cycle parking is provided within the basement, as well as in several locations at street level.

### Consideration of the Proposal

The main issues to be considered are as follows:-

1. Policy and Principle
2. Vitality and Viability
3. Layout
4. Design, Scale and Massing and impact on Conservation Area
5. Listed Buildings
6. Archaeology
7. Visual Impact
8. Landscaping

9. Crime and Safety
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## 1. Policy and Principle

The proposal to locate a major retail development, incorporating a wide mix of uses, on a previously developed site, in the heart of Newbury town centre is consistent with the sustainability objectives set out in: PPS1, PPG3, PPS6 and PPG13; Regional Planning Guidance 9: South East; Berkshire Structure Plan 2001-2016 Policies DP1 and S1; West Berkshire District Local Plan Policies OVS1, OVS2, HSG4, SHOP1A and SHOP2.

Furthermore, the principle of the scheme is also in accordance with West Berkshire District Council's '*Newbury 2025: A Vision for Newbury*'. This document sets out the long term vision for Newbury and the role it will play in supporting the surrounding villages and rural area. The Vision is also informed by the '*West Berkshire Retail and Leisure Study, 2003*'. The Newbury vision document identified a series of Quarters that would have different primary functions which, when taken together, support the long term objective of enhancing the vitality and viability of Newbury. One of the Quarters identified is the Primary Retail Quarter, which includes the Park Way area.

The Park Way Planning Brief was drawn up in response to the '*Newbury 2025 – A Vision of Newbury Town Centre*'. Following an extensive consultation period the brief was adopted as Supplementary Planning Guidance on 13 May 2004. The brief provides a planning and urban design framework for any proposed development of the Park Way area. The remainder of this report will assess the scheme against this guidance, as well as all other relevant planning policies, guidance and material considerations.

See Appendix 1 for a detailed assessment of the scheme against all relevant national, regional and local planning policies.

## 2. Vitality and Viability

The key objective of PPS 6 (set out in paragraph 1.3) is to promote the vitality and viability of town centres, by:

- Planning for growth and development of existing centres; and
- Promoting and enhancing existing town centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

It also states at paragraph 1.6 that local planning authorities should assess the need for further main town centre uses and ensure that there is capacity to accommodate them.

In July 2003 the Council commissioned a District-wide Retail and Leisure Study. The research found that Newbury's position and status as a shopping and leisure destination had been declining over a number of years due to increased investment and development occurring in other major centres in the region. The study identified the lack of modern large shop units required by national retailers, as one of the major contributors for this decline. It also identified a decline in the scale, quality and mix of the town centres retail and leisure offer compared to other centres. The study recommended that without major quantitative and qualitative improvements to the town centre, the decline would continue. The study also recommended that any new town centre scheme should be anchored by a department store.

The proposal for a major retail led, mixed use development in the town centre will help promote and enhance the existing town centre. The scheme addresses the needs identified in the retail study by providing large retail units and an anchor store. Furthermore, the inclusion of other uses in the scheme, including residential and offices, will help increase the vitality and viability of the town centre in line with PPS6.

### 3. Layout

It is your officer's opinion that the layout of the scheme pays regard to the historic grain of the surrounding area, including the pattern of movement across this area of the town centre. The proposal has been carefully designed to integrate with the town centre and Victoria Park, through the creation of a strong framework of north/south and east/west pedestrian links. Whilst some existing access points into Northbrook Street will be closed for safety and security reasons (principally Jack Street and Northbrook Place), this is counterbalanced by the provision of a new street connecting the proposed development with Northbrook Street, (labelled East Street) and improvements to Marsh Lane. This will help ensure that the proposal integrates with the town centre, rather than operating in isolation. The creation of new and improved routes between Northbrook Street and Victoria Park will also help improve access to the park from the centre of town.

A north to south route, linking East Street with Marsh Lane is also proposed (labelled Middle Street). The existing lane, Caroline Place, has been incorporated into the scheme, by linking it to East Street. In the original plans, access could not be gained to Caroline Place via Park Street. This raised a number of concerns from the traders along Park Street about failure to integrate Park Street with the development. The applicants have responded by amending the scheme to include a gated access point on Park Street, which connects to Caroline Place. However, the gate will be locked in the evenings to ensure the safety and security of the residents of the proposed apartments accessed off Caroline Place.

It is therefore considered that the layout of the scheme complies with PPG15, Policies OVS2 and ENV33 of the WBDLP 1991-2006, Policy EN4 of the BSP 2001-2016 and the Park Way Planning Brief as it enhances the character and appearance of the conservation area by strengthening existing connections through the site, as well as introducing new streets and lanes.

#### 4. Design, Scale and Massing and impact on Conservation Area

The Park Way Planning Brief provides the planning and urban design framework for any proposed development of the Park Way area. Its purpose is to ensure that development of the site not only respects the character and appearance of the conservation area and the special architectural and historic character of adjacent listed buildings, but also ensures the vitality and viability of the town centre.

The scheme consists of six, mixed use blocks (A-G) accessed via a permeable network of streets and lanes.

##### Department Store (Block E)

The Department Store is located in the north east corner of the site, at the junction of Park Street and Park Way. This is a particularly prominent position as it will be the first building that comes into view, when approaching the site by car from London Road.

The Department Store is 3 storeys high and although it is essentially a large 'box like' structure, the architects have used various architectural devices to break down the scale and massing of the building. The second floor has been set back along the Park Way frontage and the first and second floors have been set back along the Park Street elevation to reduce the apparent height of the building. This also helps to reduce its impact on the commercial properties on the opposite side of Park Street and the Park Terrace dwellings. The second floor facing Victoria Park, will include a restaurant with a terrace area overlooking the park, thus providing activity at the upper floor level.

Although the main entrance to the department store is located on East Street, the officers felt it was important to ensure that an active street frontage was maintained along the elevation fronting Park Way and at the junction with Park Street. In order to provide a sense of activity and interest on the corners of the building facing Park Way, glazed staircases have been included. Glazing has also been used at ground floor level facing Park Way to ensure that an active street frontage is maintained along Park Way. To provide interest at first floor level louvered panels have been used which will be backed by reflective material and lit at night to give the effect of glazing.

Concerns were raised by the Police Liaison officer regarding the failure of the Department Store to provide an active edge along the eastern end of the East Street near its junction with Park Way. The architects have responded to this concern by amending the scheme to include several retail kiosks along this part of the department store, thus providing an active frontage.

The materials proposed for the Department Store are predominantly glass and stone. The latter has been chosen to reflect the prominence of this building within the scheme.

##### Caroline Place (Block D)

Block D consists of a large store unit, several smaller retail units and residential units located over the service area accessed from Park Street. The space along Caroline Place has a far more intimate feel representing the existing scale of development along lanes elsewhere in the town. It reinforces the hierarchy of streets relating to their function which typifies Newbury Town Centre.

### Junction of East Street and Northbrook Street (Block C)

The application proposes the demolition of no's 35 – 37 Northbrook Street to create a new entrance from Northbrook Street into the development. The original plans also included partial demolition of no's 38 and 39 Northbrook Street. However, concerns were raised by English Heritage that this entrance appeared too dominant, they felt that it undermined a street scene where no one building dominates, and is characterised by a regular rhythm of development generally at two storeys with attics. They also recommended that the proposals be amended to retain more of the listed building 38 Northbrook Street. In response to these concerns the applicants have amended the scheme by removing the third floor and retaining the whole of no's 38 and 39. English Heritage welcome these amendments and feel that they have addressed their original concerns.

### Middle Street (Blocks B and F)

The buildings on either side of Middle Street are contemporary in design with a strong vertical rhythm, and a typical plot width of 6-8 metres, reflecting the narrow proportions of the burgage plots and the typical plot widths in the surrounding conservation area of 6-10 metres. The upper levels of the buildings have been broken down into smaller elements with the introduction of individual gable roofs. It is your officer's opinion that this creates an interesting skyline which reflects the character of the surrounding area, in accordance with the Park Way Planning Brief. It also helps accentuate the vertical rhythm of the buildings, as does the proportion and grouping of the windows and the brick piers that rise up through each storey breaking the building into individual narrow fronted buildings.

The Brief also specifies that buildings within the site should be 2-3 storeys high. The buildings in Block F are 4 storeys high, but their scale has been reduced by the introduction of bay windows at second floor level. This also helps accentuate their vertical rhythm. The buildings on the western side of Middle Street (Block B) are higher, and consist of 5 storeys, although it is only the central portion of the block that forms the fourth storey. The apparent height of these buildings has been reduced by setting back the second, third and fourth storeys and incorporating a roof garden in the space created. Drawing no. 3460/PL209 B – Perspective View 4 of Middle Street provides an illustrative view of how these design devices have reduced the apparent height of the buildings on both sides of Middle Street, creating a more open feel.

### Marsh Lane

The buildings along the north elevation of Marsh Lane are 4 storeys high, but like the buildings along middle Street, the upper floors have been set back to reduce their apparent height. Similar devices to those used along Middle Street have been used to produce a vertical rhythm to the buildings.

### Park Way Frontage (Blocks A, G, F and E)

The buildings along the Park Way frontage have been designed to produce a strong vertical rhythm, incorporating a variety of roof designs, which produce an interesting and varied roofscape, reflecting the varied rooftops and skyline within Newbury Town Centre. The principle element of the Park Way frontage is the middle section, which consists of a series of five storey residential buildings, with the upper two storeys set back to reduce the

apparent height of the buildings from street level. The vertical emphasis of the buildings is accentuated using similar techniques as though along Middle Street. The buildings incorporate a palette of traditional materials, such as red brick and timber.

The original plans for this frontage showed a landmark residential building, comprising eight and a half storeys and using a palette of contemporary materials, including brass cladding. This height and the slender nature of the 'tower' was designed to accentuate the vertical nature of Newbury's buildings and reflect the existing spires across the town centre. CABE (Commission for Architecture and the Built Environment) and the Council's conservation and planning officers felt that the building made a positive contribution to Newbury's skyline and reinforced local distinctiveness.

However, the height and contemporary design of the building raised a number of concerns. In response to these concerns the applicant has amended the scheme by reducing the height of the building by one and a half storeys, glazing the top floor to reduce the perceived height and massing and incorporating a mono pitch roof. In addition the proposed brass cladding has been replaced with brick, and windows have replaced full height glazing on the Park Way elevation. It is the officer's opinion that the reduction in height of the landmark building has reduced its distinctiveness.

The conservation officer notes that reference has been made in *By Design: Urban Design in the Planning System* and elsewhere to the importance of character and legibility in urban design. Landmark buildings can contribute towards imbuing development with a sense of place and can provide a civic focus. She is of the opinion that the amended design of these buildings represents a missed opportunity to create a landmark building of high quality. Further, she considers the profile/silhouette of the buildings, their relative heights, massing and elevational treatments are such that the overall composition of the elevation to Parkway is unsatisfactory.

Notwithstanding this missed opportunity to create a landmark building, it is your officer's opinion that the applicant has addressed the concerns expressed with regard to the building's height, design and use of materials. Furthermore, the revised design of these buildings, whilst not as satisfactory as the original scheme (in terms of making a positive contribution to Newbury's skyline) would not warrant refusal.

Blocks A and G, towards the south of the site, were designed with flat roofs so as to not compete with the central element of the Park Way frontage. However, concern was raised regarding the amount of flat roof along this element and the horizontal nature of the buildings. The applicants have responded to these concerns by amending the design of Block A. The ground floor columns dividing the colonnade have been taken through the first floor and reflected in the structure of the balconies and roofs above, to give a more vertical emphasis. Detailing of the parapet and balconies have been developed and the material changed from buff to red brick. The flat roof has been retained and will reflect the flat roof on the recent rear extension of Camp Hopson.

The flat roof on Block G, adjacent to Block A, has been amended to a hipped slate roof, similar to that of the adjacent Camp Hopson furniture store.

It is considered that the scheme has been designed to a high standard, taking design cues from the surrounding conservation area, e.g. in its use of gables, parapets and vertically proportioned buildings. Rather than provide a series of large monolithic blocks the applicants have used various design devices to break up the scale and massing of the

buildings, thus reflecting the scale and massing of the surrounding area. The main streets are flanked by narrow fronted retail units, reflecting typical building widths in the surrounding area. The design of the scheme is therefore considered consistent with PPS1, PPG15, Policies OVS2 and ENV33 of the WBDLP 1991-2006, Policies EN4 and DP5 of the BSP 2001-2016 and the Park Way Planning Brief.

## 5. Listed Buildings

The proposal involves the demolition, in whole or in part, of a number of listed buildings and curtilage listed structures. It is recommended that the listed building applications for each of these buildings (10 in total) should be dealt with under delegated powers. However, issues are addressed here as part of the principle of the scheme.

English Heritage assessed the original plans, in terms of their impact on the listed buildings, and raised several concerns. The first concern related to the proposed works to no's 38 and 39 Northbrook Street, they recommended that the proposals be amended to retain more of the listed building, no.38 Northbrook St, and that the height of the entrance buildings at the junction with East Street be reconsidered. Amended plans have been received which address these concerns (see previous section on Design). They also raise some concerns regarding the loss of no.45a Northbrook Street, as it contains the remains of some 16<sup>th</sup> century timbers. The Council have also raised these concerns with the applicant and in response a justification statement for the demolition of this building has been received.

Whilst there is some disappointment over the detail provided, in respect of the opportunities taken to explore its retention, it appears as though the building is, in fact, not listed. Therefore, whilst its loss is considered unfortunate in relation to its local interest, the building does not enjoy any statutory protection. Officers have exhorted the applicant to retain the building but detailed turning arrangements and configuration of the department store necessitate its removal. Given the non-listed status of the building and its relatively minor contribution to the overall historic fabric within the town, officers accept its loss in light of the overall scheme. It is noticeable in this regard that English Heritage have left the decision at the local level, subject to the report.

The conservation officer notes the requirement under circular 01/01 to allow access for English Heritage for building recording Listed Buildings scheduled for demolition – this is separate from the archaeological officer's requirement for developer to secure programme of building recording.

## 6. Archaeology

The applicants have carried out an archaeological study of the site. The archaeological officer has assessed this report and is generally satisfied with its contents and findings subject to a condition requiring a further field evaluation. He also recommends a condition requiring a programme of building recording for each listed building affected by the development. It is recommended that this condition be imposed on each of the Listed Building Consents.

## 7. Visual Impact

On the request of the landscape officer, the applicants commissioned a Visual Impact Assessment of the proposals. The assessment found that the site is only visible from a few areas as it has a very tight visual envelope. These views are all relatively short distance views. Overall the assessment found that the overall visual impact of the scheme would be beneficial, due to the improvements to visual amenity, enhanced permeability and the re-defining and animation of Park Way.

The Council's landscape consultant agrees with the thrust of this assessment and advises that although the visual character of this part of the scheme will change, this is considered to be a positive change. However, she does have some concerns that the scale and mass of department store will have the greatest impact on local views. Notwithstanding the views of the landscape officer, it is considered that the department store is a fundamental element to the whole scheme, as it acts as an anchor to the development. Its size and visual impact from the approach along Park Way are considered to be appropriate to its status. This view is supported by the design/conservation officer. It is considered that the building will act as a 'gateway' to the scheme from the approach along Park Way and is of good quality. Therefore, the overall visual impact is acceptable given the retail need outlined earlier. Furthermore, the upper floors have been set back to reduce the impact on the residents of Park Terrace.

## 8. Landscaping

The scheme includes a new public open space - Victoria Place – located at the eastern end of Marsh Lane, opposite Victoria Park. This piece of open space offers a transitional area between the development and the park. It also provides an area for customers of the café to sit. This will be a hardstanding area, comprising stone steps, stone paving and granite steps and fixed seating. Some provision for tree planting is also shown on the plans.

The scheme also provides roof gardens for the residential properties.

Further landscaping plans were received at the request of the Council's landscaping consultant and public open space officer (drawing no's 3460/PL/20-23). These plans provided further detail of the structural landscaping for the proposal. However, the landscaping consultant and public open space officer feel that the information received so far lacks sufficient detail and complete landscaping specifications are required. Your officer feels that a complete landscaping scheme can be obtained through conditions.

The landscape consultant also feels that there is limited information on the roof gardens, which have design implications e.g. loading, drainage, wind loading of trees. She requests that the applicant demonstrates to the Council that scheme can be achieved. She advises that trees will need to be carefully selected to ensure that they flourish in the restricted growing conditions. Trees in their mature form will also need to be in scale with the built form. She notes that the internal measurements for some of the containers are rather narrow for good growth and that a greater use of low ground cover, replacing some of the grassed areas on the roof would be welcomed. More info is also needed on how SUDS scheme can be provided on roof garden. It is recommended that conditions are attached requiring this information.

One particular area of concern raised by the landscape consultant and the public open space officer was the lack of consideration that has been given to the Park interface with scheme, for instance the current railings along park will be a poor feature and it may be best to lose some trees to open up views into the park. Whilst the applicants agree with this, the railings along the park fall outside of the red site line. It is therefore recommended that an element of the S106 contribution towards improving public open space go towards re-designing the edge of the park.

## 9. Crime and Safety

The Police's Crime Prevention Design Advisor has assessed the original plans and is generally happy with the level of natural surveillance the scheme offers as a result of its mix of uses and active frontages. However, he has recommended a number of revisions to the layout and design, including: gating of Jack Street more information regarding the management of the access control gates along the lanes; more active frontage along the East Street elevation of the department store. He also recommends the submission of a security strategy document.

Amended plans have been received which address the concerns about the East Street elevation of the Department Store. Kiosks have been incorporated into this elevation in order to produce an active street frontage.

The applicants have confirmed that Jack Street, Northbrook Place and the gates at either end of the lane to the rear of the properties along Northbrook Street will be gated 24 hours. The gates providing access to Caroline Place from Northbrook Street and Park Street will only be gated during the day. In accordance with the advice of the Crime Prevention Design Advisor, it is recommended that a condition be attached requiring the submission of a security strategy document.

## 10. Highways

Most issues originally raised by the Highways Department have now been resolved, however some concerns remain that are issues for West Berkshire Council as well as the developer. They include:

- The proposed number of bus stops may be insufficient, as Park Way could become a bus interchange
- Concern over temporary loss of public car parking during construction.
- Concern that queuing may occur from the proposed car park onto Park Way during busy periods.

The following issues also need to be concluded:

- Details of pump system required for lowered section of Park Way
- Some areas of the site will need to be secured at night, a construction management plan will need to be submitted

## ACCESS ARRANGEMENTS

### Cars:

Underground basement car parks are proposed underneath the development. To enable access to these car parks, it is proposed to lower the carriageway of Park Way to a maximum depth of 1.8 metres below existing levels. The car park access from Park Way will consist of a mini roundabout with the new carriageway then ramped either side to meet existing carriageway levels. The proposal of lowering Park Way with a pumped drainage system has been agreed in principle with Highway Officers, however specific design details of the pumps will need to be agreed. A planning condition is recommended to continue this work.

### Servicing:

Two service areas will be provided with the proposal with the southern service area being provided to the rear of Tesco accessed direct from Park Way. The northern service area will be accessed from Park Street, which is proposed to be widened to 6.7 metres in width up to the service area to enable two way traffic. The service areas will be linked to the proposed central retail units and some of the existing premises fronting Northbrook Street by secure service corridors.

### Pedestrians:

Within the southern section of Park Way a pedestrian friendly environment will be provided linking the site into Victoria Park. Two main pedestrian routes will be provided through the development linking Victoria Park with Northbrook Street. The footway within Northbrook Street will be widened fronting the northern through route.

Pedestrian crossings over Park Way are being proposed at either end of the ramps to the proposed lowered section of Park Way including a dropped kerb crossing on the southern end with a signalised crossing at the northern end.

A 2 metre wide footway will be provided along the widened section of Park Street and be linked into the remaining narrow section of Park Street that will be resurfaced as a shared surface following completion of a surface water sewer diversion scheme

### Cyclists:

Advisory cycle lanes are proposed on either side of Park Way, however they are only 0.6 metres in width when 1 metre is recommended. The cycle lanes may therefore need to be deleted. Even if this was to occur, the development will significantly improve the environment for cyclists within Park Way.

### Public Transport:

Two northbound bus stops are within laybys and two southbound on carriageway bus stops are proposed with the development. The West Berkshire Council Transport Section is concerned that this may be insufficient for future needs, should Park Way become a bus interchange. However, at this stage there are no definitive plans for a bus interchange at Park Way, nor are precise details known.

## Extinguishment of Highway Rights:

The development will be provided over the western half of Park Way resulting in the necessity of highway rights being extinguished under Section 247 of the Town and Country Planning Act 1990.

The public right of way along Marsh Lane will need to be extinguished. It is also the view of the Highway Officers that highway rights over Jack Street and Northbrook Place will also need to be extinguished as they will become cul-de-sacs outside retail hours and will need to be secured during that time. Caroline Place, which is not public highway, should also be secured in a similar way.

## Traffic Regulation Orders:

A Traffic Regulation Order (TRO) will be required to delete the on street car parking within Park Way and to enable two way traffic to enter the northern service yard from Park Street. The TRO would be processed following planning permission and included within an agreement under Section 278 of the Highways Act 1980.

## PARKING

### Cycles:

Secure storage for one cycle per flat has been provided within the upper basement car park close to accesses to the residential floors above. 44 cycle stands are also proposed within the main pedestrian routes through the site. Motorcycle parking is also proposed on the Upper basement car park.

### Cars:

757 car parking spaces are proposed on two levels of underground car parking including 47 spaces for disabled persons and 14 parent and child spaces within the retail car parking. Shop mobility is also provided within the upper basement car park

113 of the car parking spaces will be separated and allocated for the 187 residential units, to give a ratio of 0.6 spaces per residential unit. With reference to the West Berkshire Council car parking standards and considering the central location of the site, Highway Officers consider this provision to be acceptable.

644 car parking spaces are proposed for the retail uses. This car parking replaces the 327 existing public car parking spaces within Park Way and within the site. An additional 317 car parking spaces are therefore provided within the development.

The developer's highway consultants are projecting that the additional 317 spaces is sufficient by undertaking car parking accumulation surveys of the car parks in Park Way, Jack Street, Northbrook Place and Kennet Centre, and then using the results to assist in the projection.

The highway consultants have also evaluated car parking accumulation surveys from other large retail developments within the UK, such as the Oracle in Reading. The

surveys revealed that the large retail developments had a higher car parking accumulation than the Newbury car parks, and therefore this was used by the highway consultants to project the level of car parking required. From these results it was projected that 12.00 to 13.00 hours on Saturday's will have the greatest level of car parking demand with an accumulation at 592 cars or 92% of the total car parking spaces available for retail.

However concern has been raised regarding the temporary loss of the public car parking within the site during construction and the permanent loss of up to 100 car parking spaces used by staff to premises such as Woolworths and Argos.

A recent parking study prepared by consultants Atkins within their '*Movement Framework*' report revealed a 20 % surplus in car parking levels within the centre of Newbury. The loss of the public car parking for this proposed development will by itself not result in a deficit in car parking within the centre of Newbury, however combined with the Cinema development and the potential Market Street residential development there is a possibility of such a deficit. This is an issue that West Berkshire Council is currently actively working to resolve but is not part of this application.

A Travel Plan for retail staff has been submitted but further work may be required. Therefore a condition is proposed to ensure this work is carried forward.

The loss of the 100 retail spaces is a management issue for the retailers.

## TRAFFIC GENERATION

During construction:

This will be a large construction project and it is estimated that there will be an average of 200 lorries per day during construction. A Construction Management Plan is required to be submitted and agreed prior to commencement of any works detailing items such as lorry routing and maintaining access to existing retail premises such as Tesco, Marks & Spencer and Camp Hopson.

From the development:

The expected traffic flows from the residential units were established from the Trip Rate Information Computer System (TRICS), which is a national database of traffic surveys from many different land uses within the British Isles.

To project the retail traffic generation, the car parking accumulation surveys mentioned above were used to project traffic levels.

Upon completion in 2009, it is projected that the development will generate the greatest levels of traffic on a weekday evening 17.00 to 18.00 hours peak and Saturday 12.00 to 13.00 hours. It is projected that there will be an additional 244 vehicle movements (143 leaving, 101 arriving) during a weekday peak with an additional 293 vehicles movements (147 arriving, 146 leaving). Highway Officers consider these projections to be robust.

## Traffic Distribution:

The traffic distribution has been obtained from the July 2003 Retail and Leisure Study that detailed where people travelled from when shopping in Newbury. Highway Officers consider this to be a reasonable approach.

## TRAFFIC IMPACT ON JUNCTIONS

The developer's highway consultants assessed the capacity of the following roundabouts using the ARCADY computer programme produced by the Transport Research Laboratory:

A4 Western Avenue / B4494 Oxford Road  
Bear Lane / Wharf Road  
London Road / Park Way  
London Road / Northbrook Street / Oxford Street  
Oxford Street / Old Bath Road  
Proposed Site Car Park Access / Park Way

They also assessed the capacity of the following traffic signal junctions using the TRANSYT computer programme produced by the Transport Research Laboratory:

Cheap Street/Bear Lane Junction  
A339 Bear Lane Signalised Roundabout (PM Peak)  
A339 Robin Hood Gyrotory (PM Peak)

To obtain the results, the consultants have undertaken traffic surveys during Autumn of 2005 and during March 2006 following closure of the Park Way bridge to ascertain a worse case scenario that was then applied to the analysis of the junctions.

The Lofmark Consultancy on behalf of West Berkshire Council Highways Development Control has checked the ARCADY and TRANSYT results. The traffic impact from the development proposal is as follows:

### Park Way / London Road mini roundabout

This junction will take the greatest impact from the development. The junction currently operates at capacity, but is expected to exceed capacity by 2009. This situation will be further exacerbated by the proposal. It is therefore proposed to widen the two approach lanes from the east and from Park Way to modern standard widths to increase flows through the junction and to improve capacity to 104 % by 2009 with the development.

The impact from the additional traffic then begins to disperse once traffic has passed through this junction.

### A339 Robin Hood Gyrotory

This junction already operates at above capacity within some of its links. The development will have some impact on the London Road approaches from east and west and across the southern westbound links of the gyrotory. The developer has therefore suggested a financial contribution to a West Berkshire Council scheme to improve the operation of this junction. This is considered acceptable.

All other junctions

It is projected that there will not be a significant impact on any other junctions within Newbury town centre.

The highways officer is satisfied that the above issues can be resolved through the use of conditions.

## 11. Energy Conservation

The applicant has submitted an 'Outline Sustainability Proposal', which sets out the different measures that could be incorporated into the development in order to improve the environmental performance of the development.

The various energy reduction measures that they propose include:

- Improved insulation
- Natural ventilation
- Information packs provided to residents to encourage them to choose energy efficient appliances
- Low-energy lighting
- Gas rather than electricity
- The residential units have been designed to receive solar hot water heating and photovoltaics – information packs will be given to new occupants advising them of how they install solar energy devices and advising them of available grants
- Low water usage – dual flush, water metres
- Green roofs
- Roof and wall will achieve 'A' rating BRE Green Guide and Green Guide to Housing Specification

It is recommended that a condition is attached to any consent ensuring that the energy reduction measures proposed in their Outline Sustainability Report are implemented in full.

The report assesses the residential parts of the development against the EcoHomes criteria and concludes that it could achieve a 'Very Good' rating if certain measures are incorporated.

The scheme will also be designed to comply with revised Part L 1 and Part L 2 Building Regulations, due to come into force April 2006, for reducing carbon emissions from domestic and non-domestic buildings.

In terms of sustainable waste management, it is recommended that a condition be attached requesting waste management plan, identifying the volume and type of construction and demolition waste, and demonstrate how off-site disposal of wastes will be minimised and managed

The applicants have considered the use of renewables but advise that they would seriously impact the viability of the scheme, particularly when taking into account the pay back time on these and the cost implications of providing an underground car park.

It is acknowledged that the Park Way Planning Brief advises that any development on the Park Way site meet the EcoHomes "Excellent" rating and incorporate renewable sources of energy. However, it is considered that the scheme has many attributes which make it highly sustainable, not just in an environmental sense, but also economically and socially. For instance, the underground car park has resulted in a highly efficient layout, comprising a mix of different uses, thus making the best use of this brownfield site. This will have huge socio and economic benefits for the local community. Furthermore, the creation of a street scene, rather than a covered mall or a monolithic block, will enhance the character and appearance of Newbury Conservation Area.

It is recommended that a condition is attached ensuring that the scheme meets the EcoHomes "Very Good" standard.

## 12. Flooding

The site lies partially in Flood Zone 2. PPG25 seeks to ensure that flood risk is considered at all stages of the planning and development process. The applicant has consulted with the Environment Agency during the design evolution of the proposal and has produced a Flood Risk Assessment (FRA) as part of their submission. The FRA includes the following mitigation measures, which reduce the risk of flooding to low:

- Ground level raised to 76.27m
- Flood warning and evacuation procedure provided
- Flood gate to entrance of car park
- Highway drainage - provision of duty/standby pumps and warning signs

The Environment Agency have considered this assessment and note that although it demonstrates that the site currently lies outside the 1 in 100 floodplain, should water levels rise by a matter of 100mm, the site, and the surrounding area, is liable to flood. However, the Agency have raised no objections, in principle, to the proposal, but recommend that a number of planning conditions are imposed on any consent. The application is therefore considered to be in accordance with PPG25, Policy EN6 of the BSP 2001-2016 and Policies ENV11, ENV11A and ENV11B of the WBDLP 1991-2006.

## 13. Ecology and Nature Conservation

The EIA submitted with the application, found that the only ecological feature on the site was the possibility of the presence of bats. The Council's ecological officer agrees that the site has limited ecological value. Therefore, the applicant commissioned a licensed bat surveyor to carry out a daytime search for bat roosts and two evening emergence studies. The surveys did not find any evidence of bat roosts, but did find limited bat activity (a single Common Pipistrelle bat was observed, but no roost was found). The EIA concluded that although it was unlikely that the proposal would have any impact on the local bat population, care should be taken during demolition. The ecological officer has requested a condition be attached to any consent, this is to ensure that those buildings to be demolished and identified on Map 1 'Results of Bat Survey' in Appendix 3 of the EIA as having medium potential for bat roosts, will have their roofs removed by hand.

The ecological officer also recommends that a condition be attached ensuring that any Japanese Knotweed on site be removed to a licensed tip at the commencement of

development and that a plan be submitted showing 10 Swift nest boxes. Furthermore, he welcomes the Outline Sustainability Statement and recommends conditions are attached to ensure the objectives outlined are achieved. It is considered appropriate to incorporate these conditions

#### 14. Air quality

The accompanying EIA includes an assessment of air quality that may arise as a result of the proposed development, both during construction and after (principally from increased traffic flows). It concluded that although the proposal would cause a small increase in pollutant concentrates it would not exceed any of the statutory objectives. The Council's public protection officer has assessed the EIA and concurs with its findings. He has concluded that whilst impacts on air quality will occur during construction (principally emission of dust) and after as a result of increased traffic flows. The in pollutant concentrates will only be small and would not cause any exceedences of the statutory objectives.

#### 15. Noise

The accompanying EIA also considers that the environmental impact of the construction and operation of the scheme in terms of environmental noise and vibration. It finds that without mitigation measures during the construction phase there would be a temporary, major adverse impact on nearby residents and commercial properties. The public protection officer recommends that the Public Protection Department uses its powers under Control of Pollution Act to require an application for prior consent for construction noise to ensure that 'Best Practicable Measures' is used to minimise construction/demolition noise.

In terms of noise generated from Electrical and Mechanical Plant Services, the EIA proposes adoption of indicative plant noise emission limits for day and night time (23:00-07:00). To ensure that background levels are not increased and that new residential development will not be affected by plant noise, the public protection officer recommends that a condition requiring approval of all external plant and equipment be attached to any consent.

In terms of the impact on residents of the proposed Blocks A, D and G from noise generated from the service yard, which the EIA recognises as being a potential problem, the public protection officer has recommended a condition requiring the submission of a scheme for protecting these residents from noise from the service yards. This should include details regarding double glazing, acoustic air vents and sound proofing in floors.

The public protection officer recommends further conditions relating to noise from extraction systems in any restaurant and takeaway use.

#### 16. Contaminated Land

A preliminary intrusive investigation (visual inspection in an exploratory hole) carried out as part of the EIA revealed possible contamination including possible contamination of the sub-surface by hydrocarbons, ground gas and Japanese Knotweed. The public protection officer therefore recommends that further intrusive investigations are carried out during a full site investigation to delineate any potential contamination plume. He also notes that

all Made Ground, Alluvium and most of the Terrace deposits (to a depth of 6-7 metres) will be removed from the majority of the site during construction. Therefore, the majority of contamination documented to date and any potential contamination to be identified during detailed ground investigation is to be removed from site. He therefore recommends a condition requiring further investigative works and full details of remedial works.

### 17. S106 Contributions

The following S106 contributions have been requested in accordance with Circulars 05/05 and 06/98, Policy DP4 and H5 of the BSP 2001-2016, Policies OVS3, HSG7, HSG8 and HSG9 of the WBDLP 1991-2006 and SPG4/04.

#### Housing:

Request 30% affordable housing provision - 56 units on site. Tenure preference is for 70% rented accommodation and 30% shared ownership. Wish to see inclusion of up to 10 units for people with disabilities within the affordable housing provision in this sustainable location.

#### Public protection (CCTV):

1. 2x new installation in East St. and Marsh Lane = £32,000
2. 2x relocation of existing cameras on Park way = £32,000

Total = £64,000

#### Open Space:

##### Commercial element

Retail A1: 25,105sqm  
Floorspace to employee ratio = 27sqm:1  
Nos employees = 929

B1a: -3550sqm  
Floorspace to employee ratio = 20sqm:1  
Nos employees = -177

Total nos employees = 929-177= 752

Commercial Element Contribution =  $£115.68 \times 752 = £86,991.36$

##### Residential element

121+28 (2 or 3 beds) =  $149 \times £4,133.96 = £615,960.04$   
38 (1 bed) =  $38 \times £293.83 = £11,165.54$   
Total residential contribution = £627,125.58

##### Grand total

Commercial element + residential element  
 $£86,991.36 + £627,125.58 = £714,116.94$

This figure is based on the minimum provision standard of 3ha of public open space per 1000 head as stipulated in the SPG 'Delivering Investment from Sustainable Development'. There are to be 187 new dwellings and the SPG assumes 2.54 persons

per dwelling. This therefore generates another 474 new residents. Including the commercial element, the total number of 'new people' generated is therefore  $474+752=1226$ .

Based on the 3ha per 1000 head standard, 3.678ha of public open space is required.

Taking into account the 800sqm on site provision (Victoria Square), then the contribution pro rata falls to £698,584.18. ( $3.598/3.678*£714,116.94$ ).

The contribution sought should therefore be **£698,584**

Libraries:

£170 per dwelling = £31,790 ( $£170 \times 187$ )

£21.50 per employee for commercial development (approximately 752 employees) = £16,168

Health Care Provision:

£165 per dwelling = £30,855 towards primary health care in the district

Waste Facilities:

Refuse

1 bed =  $38 \times 140\text{ltrs} = 5320$

2 bed =  $121 \times 240\text{ltrs} = 29040$

3 bed =  $28 \times 240\text{ltrs} = 6720$

Total units = 187

Total Capacity = 41,080 Litres

Capacity of individual bin = 1100 bins –  $41,080 / 1100 = 36$  bins

Cost @ £208 each = £7,696

Recycling

1 beds -  $38 \times 2$  baskets per household = 76

2 beds -  $121 \times 2$  baskets per household = 242

3 beds -  $28 \times 2$  baskets per household = 56

Total = 374 baskets.

Cost =  $374 \times £1.45 = 542 + \text{VAT} = £636$

Social Service Provision:

On average, an increase of 440 in the West Berkshire population would bring the following additional needs for Adult Social Care:

- One older person needing to be admitted into a residential or nursing home every two years, giving an extra annual cost of £9,776
- Six older people supported to live in their own home, at an annual cost of £12,458
- One adult aged 18-64 with physical disability each year supported to live in their own home, at an annual cost of £4,602

- One adult aged 18-64 with learning disabilities every 18 months supported to live in their own home, at an extra annual cost of £7,098
- One adult aged 18-64 with mental health problems every year supported to live in their own home, at an annual cost of £1,558

These calculations include the cost of providing extra 'Home Care, referred to above, and give a total extra cost of £35,492 per year. This is required as a lump sum.

Highways:

A financial contribution of £2,000, 000 towards the following items:

- a) The provision of Visual Information Signs detailing availability of car parking within Newbury town centre.
- b) Northbrook Street Improvement Scheme

Also one or more of the following items

- c) The provision of improvements to the A339 to increase traffic flow capacity with improved pedestrian and cycle links across the A339 within the vicinity of the Robin Hood Gyratory.
- d) Bus Services in West Berkshire

The following off site items are to be provided by the developer under Section 278 of the Highways Act 1980 to facilitate access to the site:

- a) The resurfacing of the southern end of Park Way with a pedestrian friendly surface including bus stops and a taxi rank
- b) A section of Park Way be lowered to enable access to the proposed basement car parks complete with retaining walls and a mini roundabout at the car park access onto Park Way
- c) The provision of pedestrian crossing facilities within Park Way at either end of the proposed lowered section
- d) The widening of Park Street from Park Way to the proposed northern service yard.
- e) Dropped kerbs and tactile paving across Park Street at the junction with Park Way
- f) The provision of required Traffic Regulation Orders
- g) Proposed widening of the footway in Northbrook Street fronting the proposed East Street with realignment of the bus gate.

The following off site items are to be provided by the developer under Section 278 of the Highways Act 1980 as items provided using the SPG

- a) Widening the approach lanes from Park Way and the London Road east arm at the London Road / Park Way Mini roundabout.

- b) The provision of a 2 metre wide footway along the proposed widened section of Park Street with resurfacing of the retained narrow section as a shared surface road.
- c) The provision of a continuous footway along the western side of Park Way from Park Street to London Road
- d) The possible provision of advisory cycle lanes on both sides along Park Way.
- e) The provision of dropped kerbs and tactile paving at the West Street / Strawberry Hill junction.

Education:

£686,956 towards primary and secondary school provision

Fire Service:

£3,006 (£501 per hydrant) towards the provision of fire hydrants.

Thames Water

Requested a S106 agreement to cover off site drainage works.

**TOTAL FINANCIAL CONTRIBUTION = £3,575,183**

18. Assessment of Environmental Impact

The application falls within Schedule 2, Category 10b of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as an 'urban development project' which, due to its nature, scale and location has the potential to significantly alter or affect the environment. The regulations prohibit the determination of a planning application to which the regulations apply without first taking into consideration the information contained within the EIA.

Officers have assessed the applicant's EIA, as well as their original and revised plans and information and concluded that there is unlikely to be any significant adverse environmental impact, which would warrant refusal of the application, subject to satisfactory mitigation measures outlined in the EIA and ensured through the imposition of conditions and planning obligations.

19. Process

As the proposal exceeds 20,000 square metres net retail floorspace, it is covered by the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993. Therefore, if the Council is minded to approve the application it must be referred to the Government Offices for the South East (GOSE). GOSE will consider the application against national planning policies rather than the particular circumstances of the case. They will also consider whether the Secretary of State's intervention is needed and if necessary, prepare a submission summarising the planning issues for the Secretary of State to decide whether to call in the planning application.

## Conclusion

The proposal to locate a major retail development, incorporating a wide mix of uses, on a previously developed site, in the heart of Newbury town centre is consistent with the sustainability objectives set out in: PPS1, PPG3, PPS6 and PPG13; Regional Planning Guidance 9: South East; Berkshire Structure Plan 2001-2016 Policies DP1 and S1; West Berkshire District Local Plan Policies OVS1, OVS2, HSG4, SHOP1A and SHOP2.

Furthermore, the principle of the scheme is also in accordance with West Berkshire District Council's '*Newbury 2025: A Vision for Newbury*' and the Park Way Planning Brief.

The proposal for a major retail led, mixed use development in the town centre will help promote and enhance the existing town centre. The scheme addresses the needs identified in the West Berkshire Retail and Leisure Study 2003 (July 2003) by providing large retail units and an anchor store. Furthermore, the inclusion of other uses in the scheme, including residential and offices, will help increase the vitality and viability of the town centre in line with PPS6.

It is considered that the scheme has been designed to a high standard, taking design cues from the surrounding conservation area, e.g. in its use of gables, parapets and vertically proportioned buildings. Rather than provide a series of large monolithic blocks the applicants have used various design devices to break up the scale and massing of the buildings, thus reflecting the scale and massing of the surrounding area. The main streets are flanked by narrow fronted retail units, reflecting typical building widths in the surrounding area. The design of the scheme is therefore considered consistent with PPS1, PPG15, Policies OVS2 and ENV33 of the WBDLP 1991-2006, Policies EN4 and DP5 of the BSP 2001-2016 and the Park Way Planning Brief.

The highways implications of the scheme have been fully considered by the Highways Department and no objections have been raised subject to a number of conditions. It is therefore considered that the scheme complies with PPG13, Policies T1 and T4 of the Berkshire Structure Plan 2001-2016, Policies TRANS1, TRANS2, TRANS4 and TRANS5 of the West Berkshire District Local Plan 1991-2006.

## Full Recommendation

That the Council resolve to grant conditional planning permission subject to the completion of a legal agreement. (Members please note that referral for full decision to Secretary of State under the Shopping Directive)

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans, unless otherwise agreed in writing by the local planning authority.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2. Prior to the commencement of development, a schedule and samples of the materials to be used in the proposed development shall be 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 DP5 of the Berkshire Structure Plan 2001 - 2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

3. Prior to the commencement of development a scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be landscaped in accordance with the approved scheme which shall ensure:-

(a) the carrying out of any earth moving operations concurrently with the carrying out of the building and other works;

(b) completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing by the Local Planning Authority;

(c) the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Local Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development in accordance with policies DP5 and EN1 of the Berkshire Structure Plan 2001 - 2016 and policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

4. Prior to the commencement of development a scheme of landscaping for the roof gardens shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be landscaped in accordance with the approved scheme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development in accordance with policies DP5 and EN1 of the Berkshire Structure Plan 2001 - 2016 and policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

5. The hours of building work on the site, including access and egress of vehicles shall be:

Monday to Friday: 07.30 – 18.00 hours, Saturday: 08.30 – 13.00 hours and at no time on Sundays and Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policies OVS2, OVS5 and OVS6 of the West Berkshire District Local Plan 1991 - 2006.

6. Noise emitted from any external plant or equipment shall not exceed 41 dBA between 07.00 hours and 23.00 hours, on any day, and 31 dBA at any other time as measured at the external façade of any residential dwelling.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policies OVS2, OVS5 and OVS6 of the West Berkshire District Local Plan 1991 - 2006.

7. Any proposed external plant and equipment shall be submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policies OVS2, OVS5 and OVS6 of the West Berkshire District Local Plan 1991 - 2006.

8. No air extraction system shall be used on any A3, A4 or A5 planning uses until a scheme which specifies the provisions to be made for the control of noise and odour emanating from the site or to other parts of the building, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policies OVS2, OVS5 and OVS6 of the West Berkshire District Local Plan 1991 - 2006.

9. A scheme for protecting the proposed residential properties in blocks A, D and G from noise from the service yards shall be submitted to and approved by the Local Planning Authority prior to the commencement of building work on these blocks. All works that form part of the scheme shall be completed before the buildings are occupied.

Reason: In the interests of the amenities of the residential occupiers of Blocks A, D and G in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policies OVS2, OVS5 and OVS6 of the West Berkshire District Local Plan 1991 - 2006.

10. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the local planning authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.

Reason: In order to ensure satisfactory development and in the interests of the safety and amenity of future occupants in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policy OVS2 and ENV30 the West Berkshire District Local Plan 1991 - 2006.

11. Prior to the commencement of development a Security Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how the access control gates are operated and managed. The Security Management Plan shall thereafter be implemented and maintained in full.

Reason: In the interests of the safety and security in accordance with Policies OVS2 and OVS11 of the West Berkshire District Local Plan 1991-2006.

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

Reason: To ensure that any archaeological features or finds identified area adequately investigated and recorded in accordance with Policy ENV39 of the West Berkshire District Local Plan 1991-2006.

13. No demolition/ site works/ development shall take place within the application area until the applicant has secured the implementation of a programme of building recording for all listed buildings altered or demolished as part of the development in accordance with

a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

Reason: To ensure that an adequate record is made of these buildings of historic interest in accordance with Policy ENV39 of the West Berkshire District Local Plan 1991-2006.

14. Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.

Reason: To ensure that Thames Water have sufficient lead-in time to provide additional services as necessary in accordance with Policy ENV11A of the West Berkshire District Local Plan 1991-2006.

15. Development should not commence until Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with any additional demand in accordance with ENV13 of the West Berkshire District Local Plan 1991-2006.

16. Prior to the commencement of development details of the external lighting to be used in the areas around the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no building shall be occupied until the external lighting has been installed in accordance with the approved details.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006.

17. Prior to the commencement of development a scheme for the means of treatment of the hard surfaced areas of the site shall be submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policy OVS.2 of the West Berkshire District Local Plan 1991 - 2006 and Policy DP5 of the Berkshire Structure Plan 2001 - 2016.

18. Prior to the commencement of development details of provision for the storage of domestic refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority before development commences. Thereafter refuse shall be stored in accordance with these approved details.

Reason: In the interests of amenity in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

19. Prior to the commencement of development a plan showing how 10 Swift nest boxes are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the nest boxes shall be located in accordance with these approved details.

Reason: In the interests of nature conservation in accordance with Policy ENV9 of the West Berkshire District Local Plan 1991-2006.

20. Those buildings to be demolished and identified as having bat potential in the Environmental Impact Assessment will have their roofs removed by hand.

Reason: In the interests of nature conservation in accordance with Policy ENV9A of the West Berkshire District Local Plan 1991-2006.

21. Prior to the commencement of any development, full details of a scheme for the management, destruction and/or disposal of Japanese knotweed, to be carried out by the developer, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include a timetable for implementation. Should a delay of more than a year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of the development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority for approval in order to ensure that the agreed scheme is still applicable.

Reason: To prevent the spread of Japanese knotweed in the interests of nature conservation in accordance with Policy ENV9 of the West Berkshire District Local Plan 1991-2006.

22. The development hereby approved shall be constructed to meet the "Very Good" EcoHomes standard as set out in the applicant's accompanying Outline Sustainability Report received in this office on 3 January 2006.

Reason: To ensure expected energy efficiency measures are implemented in the interests of sustainability in accordance with Policy OVS10 of the West Berkshire District Local Plan 1991-2006.

23. The roofs and walls of each building shall have an overall "A" rating from the BRE Green Guide and Green Guide to Housing Specification.

Reason: To ensure expected energy efficiency measures are implemented in the interests of sustainability in accordance with Policy OVS10 of the West Berkshire District Local Plan 1991-2006

24. The energy reduction measures outlined in section 6.1.4 of the applicant's accompanying Outline Sustainability Report received in this office on 3 January 2006 shall be implemented in full.

Reason: To ensure expected energy efficiency measures are implemented in the interests of sustainability in accordance with Policy OVS10 of the West Berkshire District Local Plan 1991-2006

25. 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. 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 in accordance with Policies DP1, DP5, T4 and T5 of the Berkshire Structure Plan 2001-2016 and Policies OVS.2, TRANS.1 and TRANS.2 of the West Berkshire District Local Plan 1991-2006.

26. Prior to first operation / occupation of the development hereby approved, the owner / occupier shall develop and receive approval (in writing from the Local Planning Authority) of an appropriate travel plan for the site and its associated activities. The owner / occupier shall implement the approved travel plan from first operation / occupation of the development and take reasonably practicable steps to achieve and maintain the agreed targets within the timescales set out in the plan.

Reason: To ensure the development reduces reliance on private motor vehicles in accordance with Policies TRANS 2 and OVS 3 of the West Berkshire District Local Plan 1991-2006.

27. Prior to the commencement of development, a Construction Management Plan shall be submitted in writing and by the Local planning Authority. The plan should detail items such as lorry routing and potential numbers, travel and parking arrangements for construction workers and maintaining access to existing premises. The plan shall be implemented in full and retained until the development has been constructed.

Reason: To ensure potential disruption is minimised as much as possible during construction in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

28. Prior to the commencement of development a detailed design shall be submitted on pumped drainage and flood control systems 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 and the development shall be carried out in accordance with the approved designs.

Reason: To ensure that all appropriate measures are taken to ensure against flooding of the public highway to the detriment of free flowing traffic in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

29. Following completion of the development the applicant shall monitor the operation of the car park with the Highway Authority. In the event that traffic queuing onto the public highway has been a frequent occurrence, a report reviewing the operation of the car park including proposals for amendments to the layout of the car park and the car park entrance shall be submitted and approved in writing by the Local planning Authority. Any amendments shall then be undertaken by the applicant.

Reason: To ensure that all appropriate measures are taken to ensure free flowing traffic within Park Way adjacent the car park access in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

30. Prior to the commencement of development the applicant shall submit a site waste management plan, identifying the volume and type of construction and demolition waste, and demonstrate how off-site disposal of wastes will be minimised and managed. Thereafter the plan shall be implemented in full.

Reason: To ensure the implementation of sustainable construction methods which will help protect and improve the urban environment in accordance with Policy ENV30 of the West Berkshire District Local Plan 1991-2006

31. Prior to the commencement of development full details of how the spoil will be removed from the site shall be submitted to and approved in writing by the Local Planning Authority. The spoil shall be disposed of in accordance with these approved details.

Reason: To ensure appropriate dispersal of spoil and to ensure that ground levels are not raised in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016, Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 and Policy WLP6 of the Waste Local Plan for Berkshire 1998 - 2006.

32. The development shall be designed and constructed in accordance with the Flood Risk Assessment produced by CUNDALL dated 7 November 2005 Reference N5221/7 Revision A.

Reason: To protect the buildings and their occupants from the risk of flooding and to prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with Policy EN6 of the Berkshire Structure Plan 2001-2016.

33. Surface water drainage works including surface water source control measures shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding and improve water quality in accordance with Policy EN6 of the Berkshire Structure Plan 2001-2016 and Policies ENV11 and ENV11B of the West Berkshire District Local Plan 1991-2006.

34. Details of the Flood Gates shall be submitted to and approved in writing by the Local Authority before development commences.

Reason: To protect property from flood waters in accordance with Policy EN6 of the Berkshire Structure Plan 2001-2016.

35. No development approved by this planning permission shall be commenced until:

- a) A site investigation has been designed for the site using the information obtained from the desktop study and diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.

- b) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
- c) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters in accordance with Policies ENV11, ENV11A, ENV11B and ENV12 of the West Berkshire District Local Plan 1991-2006.

36. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer. This is in accordance with Policy ENV12 of the West Berkshire District Local Plan 1991-2006.

37. Prior to the commencement of related work full details of the design and external appearance of the shop front(s), including the fascias, shall be submitted to and approved in writing by the Local Planning Authority. This is irrespective of any indications as to those matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application does not contain sufficient details of the shop fronts to enable the Local Planning Authority to give proper consideration to those matters in accordance with Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

**APPEAL DECISIONS WESTERN AREA SUB-COMMITTEE**

Parish and Application No	Location and Appellant	Proposal	Decision	Officer Recommendation
COLD ASH 05/01258	Fencewood House Slanting Hill Hermitage Timeout Childcare Solutions Club	Change of Use of House to Children's Day Nursery	Dismissed 13.2.06	Approval
NEWBURY 05/01365	Land at 16 Rockingham Road, Newbury RG14 5PB Renaissance Habitat Ltd	Demolition of one dwelling and construction of 7 two bedroom apartments with associated parking	Dismissed 23.2.06	Delegated Refusal
INKPEN 04/00818	3 New Anvilles Cottages, Anvilles, Hungerford Ramsbury Estates Ltd	Certificate of Lawful Development for occupation in breach of an agricultural condition	Allowed 28.2.06	Delegated Refusal
NEWBURY 05/01828	137 Andover Road, Newbury Donnington New Homes	Construction of 4 new houses with the grounds of the existing house	Allowed 1.3.06	Approval
SHAW-CUM- DONNINGTON 05/00643	Land between 2 and 3 Stable Court, Love Lane, Shaw Mr & Mrs Beardmore	Construction of a 2-storey 3 bed dwelling with detached garage and associated infrastructure works	Allowed 2.3.06	Delegated Refusal
NEWBURY 05/01182	Northcroft and Avonbank House, West Street, Newbury F Meadowlark Investment Ltd	Construction of new residential development comprising 70 apartments with underground car parking (following demolition of existing office buildings)	Withdrawn 3.3.06	Approval
NEWBURY 05/01520	Land to rear of 15 Holborne Close, Newbury Mr & Mrs Harding	Detached one bedroom dormer bungalow	Dismissed 6.3.06	Delegated Refusal
SHAW-CUM- DONNINGTON 04/00622	Trinity School Playing Fields, Love Lane, Newbury West Berkshire Council	Outline planning application for the development of part of Trinity School playing fields for residential use.	Permission 20.3.06	Called in Application
CHIEVELEY 04/02327	Woods Folly, Beedon Common Mr R Stronge	Construction of an All- Weather Gallop at Priors Farm Peasemore	Delegated Refusal	Allowed 23.3.06

COLD ASH 05/01258	Fencewood House Slanting Hill Hermitage Timeout Childcare Solutions Club	Change of Use of House to Children's Day Nursery	Dismissed 13.2.06	Approval
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The Inspector considered that the main issue at appeal was the impact the new use would have on the established residential nature of the vicinity which is within in the AONB.

She noted that the appeal property was a substantial and attractive dwelling in the countryside, about 1 mile from the village of Hermitage. She further noted that the scheme would be tantamount to a small school with up to 57 children at any one time. In addition there would be 15 members of staff with a 33 space car park.

The dwelling is surrounded by significant woodland where a number of other large dwellings in spacious curtilages are located. She considered that the peaceful atmosphere and rural character of the locality would be disrupted and disturbed by the new use, notwithstanding the intervening mature vegetation between the dwellings, given the noise that would be caused by the children playing outside, especially during the summer months and at weekends. This disturbance would be further exacerbated by the poor location of the site in terms of sustainability which would mean many vehicle movements for drop off/collection purposes. She stated that whilst the number of residents affected might be small, this did not reduce the significance of the noise/disturbance issue.

Finally she considered that the need for additional security on site and the additional lighting would also serve to harm the area.

In conclusion, whilst noting the applicants' willingness to enter into a s106 planning obligation for the off site highway works, the Inspector dismissed the appeal.

DC

NEWBURY 05/01365	16 Rockingham Road, Newbury	Demolition of one dwelling and construction of 7 two bedroom apartments with associated parking.	Delegated Refusal	Dismissed 23 February 2006
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The application was for the demolition of the existing dwelling and erection of seven flats. The application was refused due to lack of Section 106 contributions. The Inspector supported the Development Plan policies which seek developer (DP4 Structure Plan and OVS3 Local Plan). These are in line with government advice contained in Circular 05/2005: Planning Obligations. He also attached substantial weight to the SPG 4/04 Delivering Investment from Sustainable Developments as it has been subject to appropriate consultation.

The Inspector concluded that the proposed development would generate additional need for services, amenities and infrastructure in the area and these would be most appropriately provided by contributions. The appellant argued that the method used by the Planning Authority to calculate contributions was wrong. In support of the appeal, an unsigned Unilateral Agreement was submitted by the applicant. This fell short of the required contributions. The Inspector considered that the applicant had not provided sufficient evidence to support alternative calculation methods.

The applicant requested that a condition be attached to any permission. However, the Inspector was not convinced that the levels of contributions proposed would adequately mitigate the impact of the development, particularly as the proposed method of calculation has not been subject to the appropriate consultation.

Conclusion: The Inspector supported the requirement for Developer Contributions and without contrary evidence supported the methods used for calculation, particularly given the fact that the SPG has been subject to appropriate consultation.

DC

INKPEN 04/00818	3 New Anvilles Cottages, Anvilles, Hungerford Ramsbury Estates Ltd	Certificate of Lawful Development for occupation in breach of an agricultural condition	Allowed 28.2.06	Delegated Refusal
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A Certificate of Lawful Use was applied for on the basis that the cottage had been occupied by a gamekeeper employed as part of the now fragmented Hungerford Park Estate. An affidavit was submitted with the application describing the duties of the gamekeeper. This information was considered sufficiently ambiguous (i.e. that the gamekeeper could also have been carrying out agricultural work) that this, and a subsequent application, was considered Unlawful.

At the Hearing, the former Land Agent provided a high level of detail regarding the role of the gamekeeper and the occupier of No. 3 The Anvilles in particular.

The Inspector agreed that gamekeeping is clearly a rural activity, but such recognition does not make it an agricultural pursuit as defined by the Act.

The Inspector took the view that the gamekeeper did not fall under the definition of Agriculture (Section 336 of the 1990 Act) and therefore the dwelling had been occupied in breach of the agricultural occupancy condition for more than 10 years and therefore granted the Certificate.

DC

NEWBURY 05/01520	Land to rear of 15 Holborne Close, Newbury Mr & Mrs Harding	Detached one bedroom dormer bungalow	Dismissed 6.3.06	Delegated Refusal
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The application was in outline for one detached bungalow in the rear garden of Holborne Close, Newbury

One of the reasons for refusal was the non completion of the necessary s106 planning obligation, in order to fulfil the applicants' requirements for payment of contributions towards local services, in respect of SPG 4/04. The appellants at the site visit stage produced a unilateral obligation to satisfy this aspect. The Inspector accepted this point.

The Inspector noted that due to the limited scale of the appeal site [ie a small back garden to the existing bungalow], it would appear unduly obtrusive and uncharacteristically constrained. There would thus be a material adverse impact on the attractive nature of the immediate vicinity which, although in a suburban setting, was quasi rural in aspect. The sense of a cramped impact and the over-development of the site would be accentuated by the increase in levels from the present bungalow, whilst it would also disrupt local rear building lines. There would additionally, be some detrimental impact on surrounding residential amenity.

For all these reasons the Inspector dismissed the appeal.

DC

SHAW-CUM-DONNINGTON 05/00643	Land between 2 and 3 Stable Court, Love Lane, Shaw Mr & Mrs Beardmore	Construction of a 2-storey 3 bed dwelling with detached garage and associated infrastructure works	Allowed 2.3.06	Delegated Refusal
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The Inspector felt that although the site was outside of an identified settlement, it did adjoin the settlement. He noted that the site was sustainable in the sense that there is a post office, school and a regular bus service nearby. The Inspector was satisfied that the design and location of the house would not harm the character and appearance of the surrounding area or the amenity of any neighbouring properties.

He accepted that the proposal did not comply with any of the exception criteria listed in Policy HSG2 of the West Berkshire District Local Plan. However, he felt that other material considerations outweighed this non-compliance.

DC

CHIEVELEY 04/02327	Woods Folly, Beedon Common Mr R Stronge	Construction of an All-Weather Gallop at Priors Farm Peasemore	Delegated Refusal	Allowed 23.3.06
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The main issue was the effect of the proposed all-weather gallop on the character and appearance of the North Wessex Area of Outstanding Natural Beauty.

The Inspector walked most of the main route from the stables to Hailey Lane, part of Footpath 6 and was driven the length of the proposed gallops. He was satisfied that the proposal would not have a significantly adverse effect on the safety or enjoyment of walkers in the countryside and considered horse activity as one of the characteristics and an attraction of this part of the countryside.

The Inspector considered that the proposal was in accordance with Local Plan Policies ENV2 and Econ.9 and that the gallop would have only a marginal and localised effect and conserve the natural beauty of the landscape, visual quality and amenity of the AONB.

Three conditions were imposed;

Development to start within a 5 year period,  
The submission of archaeological details and  
The all-weather surface to be located no closer than 4 metres from the hedgerow immediately adjacent to BOAT22.

DC