

Supplemental Items for Western Area Planning Committee

Wednesday 20 July 2022 at 6.30 pm
in Council Chamber Council Offices
Market Street Newbury

Part I

Page No.

2. **Minutes**

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To approve as a correct record the Minutes of the meetings of this Committee held on 8th and 29th June 2022.

Sarah Clarke

Service Director (Strategy & Governance)

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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE**MINUTES OF THE MEETING HELD ON
WEDNESDAY, 8 JUNE 2022**

Councillors Present: Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Jeff Cant, Carlyne Culver, Claire Rowles, James Cole (Substitute) (In place of Dennis Benneyworth) and Lynne Doherty (Substitute) (In place of Howard Woollaston)

Also Present: Sharon Armour (Solicitor), Tom Dunn, Paul Goddard (Team Leader - Highways Development Control), Scott Houston, Cheyanne Kirby (Planning Officer), Masie Masiwa (Senior Planning Officer), Gordon Oliver (Principal Policy Officer) and Simon Till (Principal Planning Officer (Team Leader))

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth and Councillor Howard Woollaston

PART I**3. Minutes**

The Minutes of the meeting held on 16 March 2022 were approved as a true and correct record and signed by the Chairman subject to the following amendments:

- Page 9, paragraph 6 – delete unnecessary ‘was’
- Page 7, paragraph 10 – the minutes should have indicated that the nursery facility could not be used

The Minutes of the meeting held on 6 April 2022 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

- Condition 4 – it had been agreed that the solar panels should have a brown hue

The Minutes of the meeting held on 10 May 2022 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

Councillors Phil Barnett and Tony Vickers declared an interest in Agenda Items 4(1), 4(2) and 4(3), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

The Chairman declared an interest in Agenda Item 4(3), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

5. Schedule of Planning Applications

- (1) **Application No. and Parish: 22/00493/FUL, Sterling Gardens, Hectors Way, Newbury**

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(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways Committee. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00493/FUL in respect of a new link road connecting Hectors Way to Kings Road through the Sterling Estate Development with associated retaining walls.
2. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports and the completion of a Section 106 legal agreement, or if the legal agreement was not completed by 9th September 2022, to delegate to the Service Director - Development and Regulation to refuse planning permission, for the reasons set out in Section 8.4 of the report, or to extend the period for completion if it was considered expedient to do so.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the link road scheme had a long history. It was covered by saved policies from the 2007 Local Plan (Trans 1A). The first part of the link road had been constructed 25 years ago, and development of the site had always been reliant upon construction of the link road. The scheme would bring significant benefits including:
 - Reduced traffic on Kings Road and Mill Lane, turning them into quieter residential streets;
 - Improved pedestrian and cycle routes through the site, connecting the racecourse development to the town centre;
 - Reduced traffic on the A339 / B3421 / Bear Lane roundabout, since traffic would be able to turn right out of Sainsbury's;
 - Economic benefits from improved links from the Hambridge Road commercial area to the A339 and onwards to the A34.
4. The principle, design and layout of the Link road scheme had been agreed in a previous application in 2015. Members were encouraged to focus on the proposed changes, as set out on page 3 of the update report, namely:
 - Reduction in width of the east-west section to 6.1m - this reduced the size and extent of the associated retaining wall and it was the same width as the proposed north-south section and Hambridge Road
 - Deletion of the footway on the southern side to provide an infiltration trench and connect to the surrounding drainage network. A 2m footway would be retained on the north side with crossing points. A green verge would be provided around the trench.
 - The proposed road level had been raised by 1m in places. This would reduce the amount of spoil to be removed from the site and would remove the gradient on the north-south section. The change would require provision of a retaining wall.

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- Deletion of the proposed traffic signals adjacent to the London Apprentice due to the prohibitive cost of utilities diversion works (estimated at £1 million). Traffic modelling showed little difference in the performance of the signalised junction and the uncontrolled crossroads. The zebra crossing outside the London Apprentice would be retained and other crossings would be provided. Also, a new footway would be provided on the south-west corner of the junction.
- 5. Mr Goddard noted that this had been a difficult site to work with due to the contamination and site constraints. There had been little choice about the changes made - retaining the original levels would require reconstruction of the development, and neither the developer nor the Council were able to fund the increased cost of the signalised junction. However key elements would be retained, including: widening of Boundary Road and its rail bridge, provision of the new footway on the eastern side, and the zebra crossing. Following completion of the Link road, the Council would consider measures on Kings Road and Mill Lane in consultation with residents. Loss of parking had been raised as a concern by residents – this would be considered as part of a parallel planning application for the building.
- 6. In accordance with the Council's Constitution, Nigel Foot, Newbury Town Council, and Nicola Blythe, objector, addressed the Committee on this application.

Town Council Representation

- 7. Mr Nigel Foot in addressing the Committee raised the following points:
 - At the meeting on 28 March 2022, the Town Council's Planning and Highways Committee had indicated that they wished this application to be considered by the Western Area Planning Committee.
 - The Planning and Highways Committee had raised concerns about parking, highways and flooding issues, and the fact that part of the original justification for the application was the closure of Kings Road to through traffic, and this should be considered.
 - The Town Council had concerns for residents of Kings Road, particularly at the Boundary Road end. They had been forced to close their windows for a year during decontamination works and it was felt that every effort should be made to address their concerns.

Member Questions to the Town Council

- 8. Members asked what the Town Council considered should be done to respond to residents' concerns. Mr Foot highlighted the need to improve traffic flow and expressed disappointment that the traffic signals had been deleted from the proposal. Road safety was a primary concern and signals would have helped to stop traffic. HGV traffic passing close to houses was also highlighted as a concern. In addition, drainage and removal of surface water during torrential downpours was considered to be an issue, since the site was in a dip.
- 9. Mr Foot was asked if the Town Council had any proposals for pedestrian crossings. No suggestions were offered - the Town Council wanted this to be considered by Western Area Planning Committee in order to benefit from Highway Officers suggestions.

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Objector Representation

10. Ms Blythe in addressing the Committee raised the following points:

- Securing a good standard of amenity for existing and future occupants was a core planning principle of the framework, but this did not seem to apply to residents of 132 - 148 Kings Road.
- Residents of Gordon Road had been given substantial consideration (i.e. provision of acoustic barrier with no adverse impact on daylight / sunlight amenity). What similar arrangements would be provided for Kings Road residents?
- Due to the Sterling development being at least 1m higher than originally planned, there were at least six apartments with clear lines of vision into the bedrooms, living rooms and gardens of Kings Road, with distances of 15m, which was well below the 21m standard. This was disturbing and intrusive and did not secure a good standard of amenity for existing occupants.
- Environmental Health Officers considered the impact on amenity to be minimal and would not have a materially harmful impact on Kings Road residents. However, the same officer considered that proposed glazing, balcony balustrades and fences would protect future occupiers of the new flats from noise from the Link road. In addition, the report stated that the proposed acoustic barrier would be effective in protecting the existing residential amenity on Gordon Road. This was considered to be inconsistent, with the needs of Kings Road residents ignored.
- The purpose of the Link road was to reduce through traffic on Kings Road and Mill Lane, which were unsuitable for the volumes and types of traffic. The Link road would allow these to be made into quieter residential streets, apart from the section between 132 - 148 Kings Road where residents' health and safety would be affected.
- In summary, residents would be affected by: a loss of permit parking spaces (without consultation or alternative provision); use of the road by HGVs (there was an existing restriction on Mill Lane); increased numbers of pedestrians, cyclists and children sharing space on narrow footways; safety concerns about the crossings at the Kings Road / Boundary Road junction due to the proposed deletion of the traffic signals; a startling invasion of privacy, because the development bore no relation to the plans; and an absence of parity of consideration and provision for residents of Kings Road and Gordon Road.

Member Questions to the Objector

11. Members noted that Speen residents had been sent letters inviting them to claim compensation for excess noise related to the Newbury bypass and asked if this had been done for the Link road scheme. Ms Blythe confirmed that a firm had been in touch a few years ago.
12. There was a question about parking and the number of vehicles affected. It was noted that there had been very little communication on this matter. Ms Blythe did not have information on vehicle numbers.
13. Members asked, if the closure of Kings Road to through traffic had been included in the proposal, would it have made a difference to the objectors, and would it have addressed the parking issue? Ms Blythe confirmed that it would have made a difference – she highlighted the narrow width of the footways, which forced people to

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step into the carriageway to let others pass. She also agreed that it would have addressed the parking issue.

14. Members noted that residents of 132 - 148 Kings Road would need to cross the road to access proposed additional parking spaces and asked if the objector would advocate the inclusion of an additional crossing. Ms Blythe agreed that there would be a need for a crossing, since it was already difficult to cross with just one-way traffic. She highlighted that the planning notices had all been posted on the south side of the road.
15. Clarification was sought as to the discrepancies between the plans and the as-built development. Ms Blythe confirmed that the windows of the flats had been shown as being further round or at an angle to her windows rather than directly opposite. Residents would have highlighted this as an issue at the planning stage.
16. Members asked about the frequency of roadworks in the area in the last 12 months. Ms Blythe did not know this, but confirmed that there had been a lot of roadworks.
17. Clarification was sought as to the best location for an additional pedestrian crossing. It was confirmed that this would be a matter for consultation with all affected residents.
18. Members asked for views about the proposed acoustic barrier. Ms Blythe highlighted the disparity in the treatment of residents of Gordon Road, whose concerns had been addressed, and those of Kings Road who would be impacted more severely, but had not been consulted.

Ward Member Representation

19. Councillor Phil Barnett in addressing the Committee raised the following points:
 - Points had been made about traffic on Kings Road - those who attended the site visit had experienced difficulties in crossing the road with existing one-way traffic restrictions.
 - Vehicle movements between the town centre and areas to the east, including the Hambridge Road Industrial Estate, had been an issue for residents of Mill Lane, Kings Road, Boundary Road and Queens Road for many years. Conversion of commercial / industrial units to flats had exacerbated the issue.
 - The Link road could help to reduce HGVs and speeding vehicles on Mill Lane, Boundary Road and Queens Road, where 20 mph speed limits were rarely observed. Quality of life for those residents would be improved.
 - Gordon Road residents would also benefit from the scheme.
 - The impact on residents of 132 - 148 Kings Road was the main issue.
 - It was also important to consider the possibility of Kings Road becoming a cul-de-sac and this should be addressed through a condition.
 - A significant amount of parking on Kings Road was already covered by a residents' parking permit scheme, but some parking had no restrictions – these spaces should be brought into the permit scheme.
 - The Kings Road / Hambridge Road / Boundary Road crossroads was a major concern that needed to be addressed, since it would be difficult for traffic turning right out of Boundary Road North and South, particularly at peak times. This could

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be addressed using staggered traffic signals or additional signal-controlled crossings.

- He asked Members to consider those residents who would be affected most by the proposed scheme in terms of traffic, noise and parking.

Member Questions to the Ward Member

20. Members asked about the locations of additional crossings. Councillor Barnett observed that the London Apprentice crossing was already well used and he felt that this should remain. He also suggested that there should be a set of staggered lights away from the junction to help traffic turning out of Boundary Road across the two-way traffic. In addition, he reiterated the need for Kings Road to be turned into a cul-de-sac and for displaced parking for 20 residents to be reprovided, with appropriate crossing facilities to allow residents to access the new parking location.
21. Councillor Barnett was asked for his views on what the solution to the parking issues might be. He highlighted that there were 12 spaces with no parking restrictions on Kings Road opposite Sainsbury's, which could be included in the permit scheme. However, he also advocated securing additional parking within the new development.

Member Questions to Officers

22. Members asked if it had been agreed for parking to be provided within the new development. Officers confirmed that it had not, but it was the Council's aim that displaced parking be accommodated within the proposed development site. This matter had been considered in the original planning application from 2015, and an informative had been attached to the permission. It was suggested that a condition could be attached to the permission for a proposed amendment to the building. This application was currently being considered. Unfortunately, the red line did not allow this to be considered as part of the Link road application.
23. Officers were asked about difficulties in providing a safe crossing for north-south movements on Kings Road. It was noted that there would be a new footway to the north of the development and a piece of scrubland could provide a suitable landing point for a crossing. Officers confirmed that a crossing had been considered at this point, but there was not sufficient visibility on the short section of road between the two junctions. The existing zebra crossing to the east of Boundary Road would be retained and dropped kerbs would be provided on the Boundary Road arms of the junction. It was suggested that dropped kerbs with tactile paving could be provided on Kings Road to the west of the junction. It was suggested that pedestrian flows would not be sufficient to justify a controlled crossing at this location, even if one could be provided.
24. Members asked about what traffic modelling had been done to estimate the number of right-turn movements from the northern section of Boundary Road - currently traffic did not have to check for vehicles approaching from the west when making this manoeuvre. It was explained that the sight lines met design standards. Junction modelling had shown that there was little difference in the performance of the signal-controlled crossroads and the uncontrolled junction. It was noted that there would be a reduction in traffic from Mill Lane as a result of the Link road scheme.
25. Members noted that the northern arm of Boundary Road would be narrowed and asked if this was for safety reasons. Officers confirmed that this was the case - the

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road could be narrowed from two lanes to one due to the reduced traffic flows. This would help to improve visibility and would provide a safer crossing for pedestrians.

26. Members asked if other options had been considered for the Kings Road / Boundary Road junction. Officers stated that the current proposal was the only option that could be delivered with the available funding.
27. It was noted that turning out of Boundary Road would become more difficult with two-way traffic on Kings Road and officers were asked if a mini-roundabout could be considered for this junction. Officers were also asked if the closure on Kings Road could be near the location of the mini-roundabout shown on the plans. Officers explained that four-arm mini-roundabouts did not work well, since drivers struggled to work out who had right of way and there would also be visibility issues – mini-roundabouts were considered more appropriate for three-arm junctions. It was confirmed that the Council intended to make Kings Road a cul-de-sac to prevent it from becoming a 'rat run', and residents would be consulted on any improvements.
28. Members asked about pedestrian access to Sainsbury's from the new flats. It was explained that dropped kerbs would be provided on the north-south section of the Link road. This would provide access the footway on the northern side of the Link road or the existing route via Kings Road. At the western end, pedestrians would use the existing crossing at the Kings Road junction. It was noted that dropped kerbs were not present at the Sainsbury's access road roundabout, since there was currently no crossing demand at this location, but officers undertook to look at this.
29. Officers were asked about the differences between mitigations proposed for residents of Gordon Road and Kings Road. It was explained that mitigations had been approved as part of the 2015 planning permission, which could still be implemented. No additional measures were proposed as part of the current application. At the time of the previous application, the Committee considered, on balance, that the impact on the amenity of Kings Road residents would be acceptable. Continuous noise assessments were carried out at five locations in 2018. These showed more significant noise at Gordon Road in terms of existing and proposed levels.
30. Members asked if the 2018 surveys were still considered valid. It was confirmed that the Environmental Health Officers were happy with the surveys. A condition of the original planning permission had required that surveys be carried out and mitigations be identified prior to occupation.
31. Officers were asked about signage to be provided on the A339 at the Burger King and Sainsbury's roundabouts. It was explained that this had not yet been considered, but would be in due course.
32. Members highlighted that Boundary Road north was heavily used by Thames Valley Police.
33. Members asked if the issues with direct line of sight between rooms in the new and existing properties was as a result of the new buildings being constructed on a different alignment to that agreed in the 2015 permission. It was explained that the new building had a similar footprint and orientation to the planning permission. However, in 2020 planning permission was granted for changes to the appearance of the building, including removal of cladding in response to the Grenfell disaster. However, it did not change the relationship between the new and existing buildings. Also, amendments were made during construction, including changes to the basement floor height of around 1m. The height of each subsequent floor had been reduced by around 7.5cm to compensate for the change to the basement level, so

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the relationship between the buildings had not changed in any significant manner. Officers confirmed that the current planning application related to the road layout and so the relationships between buildings were not relevant.

34. A question was asked about the extent of the area to be adopted as highway. Officers confirmed that all of the road would be adopted and there would be no 'ransom strip'.
35. Officers were asked about details of local HGV restrictions. It was explained that there was an existing weight restriction on Mill Lane, which routed lorries via the A339 and A4 to access the Hambridge Road Industrial Estate. The Link road would provide more direct access.
36. A further question was asked about the effect of proposed reductions in carriageway widths on HGV access. Officers confirmed that the layout had been checked to ensure that it could accommodate the largest vehicles.
37. Members asked about the proposed location and height of the acoustic barrier. It was confirmed that this would be located at the bottom of the embankment and would be 2m high. Members asked if the proposed location was correct. Officers indicated that the location had been determined by the noise assessment report. The Environmental Health Officer had reviewed the recommendation and had agreed that the location and design were appropriate to protect the amenity of the Gordon Road residents.
38. The Chairman noted that on the site visit, there had been a lot of discussion about the topography of the site and the retaining wall, but Members felt that their concerns had been addressed.

Debate

39. Councillor Adrian Abbs opened the debate. He indicated that he was opposed to the proposed scheme due to its impacts on local residents. He had hoped that these impacts could be mitigated, but nothing had been proposed. He was shocked by the removal of the traffic signals at the Kings Road / Boundary Road junction, and felt that there would be safety issues for emergency vehicles emerging from the northern arm. He felt that there was a need to provide safe crossings, and zebra crossings would be easier to see than dropped kerbs. He did not see how enough amendments could be incorporated to make the scheme safe and so he expressed a preference for the decision to be deferred.
40. Councillor Tony Vickers indicated that he was keen to see the Link road opened. He acknowledged that it was not an ideal solution, but the decision on the line of the road and its relationship to adjacent buildings was not part of this application, which focused on the detail of the design. He noted that a lot of public money had gone into the scheme and the Council was keen to see the road opened with minimal delay, due to concerns about construction inflation. He suggested that there were two options:
 - 1) to ask the Local Enterprise Partnership for additional funding for the signal-controlled crossroads, which might not be forthcoming; or
 - 2) to accept officers' recommendation

He noted the weaknesses of current planning law, but hoped that the scheme benefits could be realised quickly. He suggested that an experimental traffic order could be introduced on Kings Road on the day that the Link road opened. He also

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hoped that negotiations could be concluded with the applicant to secure parking to replace the spaces displaced from Kings Road. He indicated that he was not prepared to refuse or defer the application.

41. Councillor Phil Barnett noted that the Link road would deliver significant benefits, including for cycleways. He noted that some residents would benefit from the scheme and benefits had already been realised from the introduction of electric trains. However, he accepted that some residents would be adversely affected, particularly those living at 132 - 148 Kings Road. He stressed that as elected Members, they had to consider the wider impacts. He indicated that he had concerns about traffic movements at the Kings Road / Boundary Road junction. Overall, he was unable to support the application in its current form and was inclined to agree with Councillor Abbs that it should be deferred to allow further work to be undertaken to address Members' concerns.
42. Councillor Carlyne Culver felt it would be difficult to reject the application if that would cause access difficulties for the new flats. However, she suggested that approval should be subject to additional conditions related to closing Kings Road to through traffic and addressing concerns related to the mini-roundabout. She did not understand why the cost of the signal-controlled junction had risen to £1 million. She also suggested that there should be a condition related to improvement of access to Sainsbury's. If these could not be conditioned, and if they could not be delivered at the same time as the Link road scheme, then she was inclined to support a deferral. She noted that the development had been approved in 2015, but an agreement on accommodating displaced parking had still not been concluded. This did not give confidence that the provision of a cul-de-sac would be delivered quickly enough.
43. Councillor Lynne Doherty stressed that Members should only consider matters covered by the current application. She noted that the main change from previous proposals was the omission of traffic signals on the Kings Road / Boundary Road junction. However, traffic modelling showed that there would be little difference in the performance of the junction, which had operated safely for many years. She also highlighted the fact that the existing zebra crossing would be retained at the London Apprentice. As such, she was minded to support the application. However, she was concerned about the impact on residents of Kings Road. In addition to securing parking within the new development, she highlighted the opportunity to incorporate additional spaces within the residents permit scheme. She also supported the need to turn Kings Road into a cul-de-sac to prevent this from becoming a rat-run.
44. Councillor James Cole indicated that he was minded to support a deferral unless conditions could be agreed in relation to the creation of a cul-de-sac on Kings Road and creation of safe walking routes.
45. Councillor Claire Rowles noted that the principle of the Link road had been agreed under a previous application. She recognised that there would be clear benefits arising from the scheme, but she had concerns about the loss of the traffic signals. She hoped that conditions could be agreed to allow the scheme to be approved.
46. Councillor Jeff Cant suggested that Members should trust that officers had looked at all available options and should consider whether there were any significant or obvious flaws. He had not seen or heard anything to lead him to believe that this was the case, nor that there were grounds for refusal. He highlighted the 167 flats that were under construction - these would be adversely affected by any delay. He acknowledged that the Link road would be uncomfortable for a number of residents and was sympathetic towards them, but on balance he was inclined to support the application.

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47. Councillor Abbs indicated that he was minded to defer the application because he did not think it likely that conditions could be agreed at the meeting. He advocated inclusion of additional zebra crossings to the north, south, east and west of the site, across Boundary Road to the north of Kings Road, and also at Sainsbury's. He expressed concern that modelling was undertaken with traffic signals included, and that they had subsequently been deleted from the scheme.
48. The Chairman acknowledged that it was a difficult and complex application and asked for a list of possible conditions.
49. Councillor Abbs listed these as follows:
- Replacement of parking for displaced residents.
 - A zebra crossing at the middle of the north-south link.
 - A zebra crossing to the north of the development.
 - Noise mitigation for affected residents, including relocation of the noise barrier to the top of the embankment.
50. Councillor Vickers indicated that he would like to see the traffic signals as a pre-occupation condition to give additional time to find the necessary funding. However, if that could not be secured, then he indicated that he would support the approach advocated by Councillor Abbs.
51. Councillor Culver proposed the following conditions:
- Kings Road to become a cul-de-sac concurrent with the opening of the Link road.
 - Construction of a new crossing to Sainsbury's.
 - Alternative parking provision to be made available for residents of 132-148 Kings Road prior to that section of Kings Road opening to two-way traffic.
52. Councillor Doherty proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. She did not feel that the traffic signals should be a condition, since the cost was prohibitive and the traffic modelling did not indicate that this was needed. She agreed that there should be conditions relating to additional zebra crossings, alternative provision of displaced parking and the closure of Kings Road to through traffic. She felt that if the traffic signals were included as a condition, then it could prevent access to the flats, since funding would be unlikely to be secured. The proposal was seconded by Councillor Cant.
53. The Chairman invited officers to collate the additional conditions that Members had requested. Officers summarised these as follows:
- Pedestrian access to Sainsbury's. (It was noted that this was outside the red line of the current planning application, but could be considered separately by Highways outside the planning process.)
 - Closure of Kings Road to through traffic to be timed to coincide with the opening of the Link road. (Again, it was noted that these works would be substantially outside of the red line for the planning application, but Highways had advised that they would consider this separately in consultation with residents. It was suggested that this could be covered by an informative.)
 - Provision of a mini-roundabout at the Kings Road / Hectors Way junction.

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- Provision of additional zebra crossings. (It was noted that crossings would need to comply with Department for Transport criteria. Officers were unable to confirm at the meeting whether the proposed crossings would satisfy these criteria. Therefore, it was proposed that these be addressed by a set of Informatives.)
 - Provision of alternative parking for that displaced by the Link road scheme. (It was noted that officers had been seeking to agree the parking with the developer for around eight years, but the condition related to the existing planning permission had not yet been discharged. It was suggested that a new condition could be imposed on the parallel planning application for non-material changes to the building where the parking would be located.)
 - Relocation of the acoustic boundary to the top of the embankment. (A condition could be applied to require submission of a plan that showed the relocated acoustic boundary. It was noted that the Environmental Health Officer had undertaken a thorough assessment and the proposed location had been challenged by Highways, but the Environmental Health Officer had confirmed that this was the optimal location for preserving the amenity of affected properties. Nevertheless, it was noted that the Committee could choose to override this with a revised condition.)
 - Councillor Vickers had sought the reinstatement of the traffic signal-controlled junction at the Kings Road / Boundary Road junction, but Councillor Doherty did not wish this to be included as part of her proposal.
 - Agreement of the parking allocation prior to the opening of the two-way section of Kings Road. (It was noted that this would be dealt with as part of a separate planning application and it would be unlawful to impose a duplicate condition on this application where the parking would be outside of the red line.)
54. Councillor Claire Rowles asked about the differences between a condition and an informative. It was explained that a planning condition would require the developer to do something, while an informative provided a direction for either the developer or another involved party to consider something. In this case, they would invite the Council to look at the potential for providing crossings. The concern was that the Highway Authority would look at these works as part of the adoption process and so it would be outside of the control of the planning permission.
55. Councillor Doherty confirmed that she did not know enough to override an Environmental Health Officer, so asked for this condition to be excluded from the proposal.
56. Mr Goddard noted that there were two locations where crossings had been proposed that were within the red line, including the crossing on Kings Road to the north of the site and the crossing to the west of the site. Conditions could be added that prior to the Link road being brought into use, appropriate and improved crossing points would be provided in both locations, with plans to first be submitted and approved by the Local Planning Authority.
57. Councillor Abbs asked if the existing zebra crossing at the London Apprentice could be converted to a signal-controlled crossing. This would break up the flow of traffic. Mr Goddard noted that the crossing was not within the red line for this application, but it could be covered by an informative. Again, he highlighted that there were design criteria which the crossing would need to meet, so he could not give a definitive view in the meeting.

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58. Councillor Barnett asked when the parking issue would be resolved and the timing and location of the closure of Kings Road to through traffic. He highlighted that there was an opportunity to incorporate unrestricted parking on Kings Road within the residents parking permit scheme. Also, if the point at which the road was to be closed was near to 132 Kings Road, there might be an opportunity to create additional parking for residents affected by the Link road scheme.
59. The Chairman then asked officers to summarise the final list of conditions and informatives to be attached to the planning permission if the proposal was approved. Mr Simon Till indicated that these would be as per officers' recommendation plus:
- A condition that prior to the road being brought into use, appropriate and improved crossing points would be provided on Kings Road to the north of the site and on the Link road to the west of the site, with plans to be first submitted and approved by the Local Planning Authority.
 - Informatives relating to: formalised pedestrian access to Sainsbury's; exploration of permit parking for the unrestricted parking spaces on Kings Road; and exploration of new / improved crossings on Boundary Road (North), adjacent to the London Apprentice.
60. It was confirmed that the alternative provision of parking spaces displaced by the Link road scheme would be addressed through the parallel planning application for non-material changes to the buildings.
61. The Chairman invited Members of the Committee to vote on the proposal by Councillor Lynne Doherty and seconded by Councillor Jeff Cant to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation be authorised to grant planning permission subject to completion of a Section 106 Legal Agreement by 9 September 2022 and in accordance with the following conditions:

Heads of Terms for the Section 106 Agreement Deed of Variation

1.	<p>Summary of amendments to Highway Works section of the Section 106 Legal Agreement dated 31 March 2015.</p> <ol style="list-style-type: none"> 1) Add the "retaining wall and acoustic barrier fence" to the definition of "the Access Road" in the definitions Section 1.1 2) Add this application reference "22/00493/FUL" to the definition of "the Application" in the definitions Section 1.1 <p>First Schedule</p> <ol style="list-style-type: none"> 3) Amend the wording in clause (5) from "Not to commence the development until they have entered into an agreement with the Council pursuant to Section 278 of the Highways Act", such that the clause states "Not to occupy the development" 4) Amend the Clause (5) sub sections 5.1, 5.2 and 5.3 respectively as follows: <ol style="list-style-type: none"> a) The provision of a mini roundabout onto Kings Road along with associated footways fronting the site alongside Kings Road. b) Provision of improvements to the Boundary Road / Hambridge Road / Kings Road crossroads. c) Realignment of Boundary Road between Hambridge Road and the
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	<p>railway bridge, with the provision of a footway along the western side of Boundary Road</p> <p>5) Amend the wording in clause (6) from “Not to commence the development until they have entered into an agreement with the Council pursuant to Section 38 of the Highways Act”, such that the clause states “Not to occupy the development”</p> <p>6) Amend the wording in clause (7) from “Not to commence the development” such that it states “Not to occupy the development until the Access road, acoustic barrier fence, retaining wall and access rights for inspection and maintenance have been completed and adopted by the Council as public highway maintainable at the public expense.”</p> <p>Second Schedule: “Infrastructure Contribution”</p> <p>7) Add a Clause to the Second Schedule which states that the applicant will provide and pay for all the permits/agreements and all costs (including third party costs) with Network Rail for West Berkshire Highway Authority to inspect and maintain the retaining wall structure. The sum of contribution will be finalised and included in the Second Schedule.</p> <p>8) Add to the Second Schedule, a sum of funding (level to be advised by Highway Authority) for measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.</p> <p>Amend as necessary, any other associated clauses in association with the above Heads of Terms and proposed development as advised by the Council’s Legal Service.</p>
2	<p>Council’s Costs</p> <ul style="list-style-type: none"> To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee.

Conditions

1.	<p>Time Limit for commencement</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>Received on 24 February 2022</p> <ul style="list-style-type: none"> Jakoustic reflective fence details Noise assessment

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- Application form

Received on 28 February 2022

- Location plan
- Highway construction details
- Section 38 long sections
- Section 38 swept path analysis bus
- Section 38 setting out plan
- Amended Section 278 cross sections

Received on 08 March 2022

- Drainage strategy, SUDS and sewer system improvements part 1
- Drainage strategy, SUDS and sewer system improvements part 2
- Drainage strategy, SUDS and sewer system improvements part 3
- Construction management plan logistics plan

Received on 15 March 2022

- Amended Section 278 site clearance
- Amended Section 278 contours and levels
- Amended Section 278 pavement finishes and kerb types
- Amended Section 278 road markings and signage
- Amended Section 278 plan
- Amended Section 278 proposed street lighting sheet 1
- Amended Section 278 proposed street lighting sheet 2
- Amended Section 278 swept path analysis rigid bus
- Amended Section 278 boundary road railway bridge proposals
- Amended Section 278 scheme layout
- Amended Section 278 proposed drainage
- Amended Section 278 swept path analysis refuse vehicle sheet 1
- Amended Section 278 swept path analysis refuse vehicle sheet 2
- Amended Section 278 new routes temporary signing plan

Received on 05 May 2022

- Applicant response regarding acoustic fence

Received on 06 May 2022

- Jackure fence 25 year guarantee
- Fencing due diligence statement
- Section 278 comments
- Amended construction management plan statement
- Amended section 38 proposed phasing and drainage plan
- Amended Newbury remaining construction method schedule
- Amended section 38 retaining walls
- Amended section 38 scheme layout
- Amended section 38 proposed levels
- Amended section 38 pavement finishes and kerbs
- Amended section 38 road markings and signage

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	<ul style="list-style-type: none"> • Amended section 38 adaptable highway infrastructure plan • Amended section 38 cross sections • Amended section 38 proposed street lighting • Amended section 38 swept path analysis refuse vehicles • Cable ducting plan • Amended drainage construction details <p>Received on 26 May 2022</p> <ul style="list-style-type: none"> • Amended acoustic fence details plan <p>Received on 27 May 2022</p> <ul style="list-style-type: none"> • <u>Applicant response to drainage comments</u> • Section 38 <u>Amended drainage plan</u> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>External Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and documents. The development shall be carried out in accordance with the approved materials.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>Sustainable drainage measures</p> <p>Irrespective of the submitted details, the development hereby approved shall not be first used or open to traffic until details of the full sustainable drainage measures to manage surface water runoff within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The sustainable drainage measures shall be implemented in accordance with the approved details before the link road hereby permitted is open to traffic, in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of the West Berkshire Supplementary Planning Document Quality Design (June 2006).</p>
5	<p>Surface water ground infiltration</p> <p>No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance any submitted details that are approved.</p>

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	<p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
6	<p>Piling and Groundwater</p> <p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with any submitted details that are approved.</p> <p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
7	<p>Construction Method Statement</p> <p>The development shall be carried out in accordance with the approved Construction Method Statement and site set-up plan.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
8	<p>Construction hours</p> <p>No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
9	<p>Link road completion prior to Phase one occupation</p> <p>No dwelling within phase one shall be occupied until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements are provided and maintained before the dwellings are occupied, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>

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10	<p>Link road completion prior to Phase two development</p> <p>No development shall take place within phase two until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements and the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
11	<p>Retaining wall structure</p> <p>No dwelling within phase one shall be occupied until all retaining structures, barriers and fencing along the railway line have been constructed in accordance with the approved drawings.</p> <p>Reason: To ensure that safe access arrangements and the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
12	<p>Gordon Road Vehicle Restraint System</p> <p>No dwelling within phase one shall be occupied until a Risk Assessment covering the need for a vehicle retaining barrier at the top of the embankment alongside Gordon Road has been submitted in writing and approved by the Local Planning Authority, all appropriate recommendations provided, with the system then being constructed in accordance with the approved drawing(s).</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
13	<p>Acoustic barrier</p> <p>The development hereby permitted shall be implemented in accordance with the Noise Impact Assessment Ref P17-450-R01v1 by Hepworth Acoustics Ltd dated January 2019, Jakoustic reflective fence details received on 24 February 2022, Applicant response regarding acoustic fence received on 5 May 2020, Jackure fence 25 year guarantee details, the fencing due diligence statement received on 06 May 2022 and the amended acoustic fence details plan received on 26 May 2022.</p> <p>The completed acoustic fence shall be coated with anti-graffiti application as detailed on the amended acoustic fence details plan received on 26 May 2022.</p> <p>No dwelling within phase one shall be occupied until the approved Acoustic Barrier details have been approved as part of being adopted as Highway by the West Berkshire Highway Authority.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers of properties along Gordon Road, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

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14	<p>Pedestrian crossings fronting development</p> <p>Prior to the north to south section of the new link road being completed to a base course, details of pedestrian crossing facilities across Kings Road to the north and Hector's Way to the west of the phase one building have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the crossings have been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway/cycleway.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026)."</p>
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Informatives

1.	<p>Approach of the LPA</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>Legal agreements - Section 106</p> <p>This Decision Notice must be read in conjunction with the terms of the Legal Agreement of the *. You are advised to ensure that you have all the necessary documents before development starts on site.</p>
3	<p>Consent to enter land</p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.</p>
4	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
5	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>

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6	<p>Network Rail Assets protection</p> <p>Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.</p>
7	<p>Drainage</p> <p>Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.</p>
8	<p>Ground Levels</p> <p>The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.</p>
9	<p>Ground Disturbance</p> <p>The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.</p>
10	<p>Piling</p> <p>Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.</p>
11	<p>Potential additional pedestrian crossing near Sainsbury</p> <p>Highway Officers shall consider appropriate pedestrian crossing facilities to the north of the Hectors Way / Sainsbury access roundabout. If considered appropriate, highway officers shall endeavour to provide such a facility as early as practically possible.</p>
12	<p>Potential upgrading of zebra crossing fronting London Apprentice PH</p> <p>Highway Officers shall consider upgrading the existing zebra crossing facility fronting the London Apprentice PH to a signal controlled crossing. If considered appropriate, highway officers shall endeavour to provide such a</p>

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	facility as early as practically possible.
13	<p>Kings Road</p> <p>Highway Officers shall consider the future of Kings Road from the existing B3421 Kings Road traffic signal junction to the proposed B3421 Hectors Way / Kings Road mini roundabout. Items to consider would include the provision of cul-de-sacs with turning areas at appropriate locations, along with future arrangements for on street car parking along this section of Kings Road. Such considerations shall take place in consultation with the local community, members and other appropriate stakeholders. When an appropriate design solution is agreed, highway officers shall endeavour to provide the highway works as early as practically possible.</p>

S106 Planning Obligation Refusal Reason

The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

(a) Highway safety in accordance with Policy CS13 and TRANS.1 without which the proposal would be contrary to the NPPF, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Planning Obligations SPD.

(2) **Application No. and Parish: 21/03132/HOUSE, 14 Lime Close, Newbury, RG14 2PW**

(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways Committee. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/03132/HOUSE in respect of Partial Retrospective: Retention of existing metal staircase to side gable end wall and addition of proposed privacy screen.
2. Mr Scott Houston, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, Ms Karen Munroe, objector, and Ms Amanda Olley, agent, addressed the Committee on this application.

Town Council Representation

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4. Mr Foot in addressing the Committee raised the following points:

- This application had come before Newbury Town Council on two occasions.
- At the meeting of 24 January 2022, the Planning and Highway Committee's recommendation was to object due to overbearing of neighbours causing privacy concerns, and noise from the metal staircase.
- At the meeting of 7 March 2022, the Committee's recommendation was to strongly object for the same reasons as before. They went on to ask that the Local Planning Authority take enforcement action in this matter, since it was a retrospective application that had given neighbours no chance to object before it was built.

Member Questions to the Parish/Town Council

5. Members did not have any questions of clarification.

Objector Representation

6. Ms Munroe in addressing the Committee raised the following points:

- She lived at 38 Cresswell Road directly opposite the gable end shown in the photographs.
- Members who attended the site visit could see that 80% of her property was overlooked by the staircase and door, including her bedroom and living room.
- She had been unable to use her garden and for the last 18 months, she had had to keep her curtains and blinds shut for fear of overlooking.
- The photographs showed that the staircase was an eyesore and the proposed privacy screen would be overbearing for her and her neighbour.
- Three other properties were also affected, since the garden was on a corner of Cresswell Road.
- This was a retrospective application and it was questioned whether the changes had been inspected by Building Control.
- Ms Munroe had undertaken changes at her own home, which had required planning permission and inspections by Building Control.
- The staircase had affected her wellbeing and day-to-day life for the last 18 months, and she was saddened that she was having to again seek the Committee's support to have it removed.
- She appreciated that it was not a great area, but it did not mean that residents did not care about their properties, and she suggested that Members would feel the same if they had a similar view from their properties.
- She was also concerned about noise.
- She felt that it made a mockery of the planning process to submit a retrospective application for a change that had already been made.

Member Questions to the Objector

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7. Members asked for further details about noise issues. It was noted that the staircase was metal, so sound would travel when people went up and down. There was also a doorbell fitted, which suggested that there would be a lot of use of this entrance. Wiring had also been installed for a security light that would shine onto neighbouring properties. The owner had continued to do work and had used the access even though it had not been approved.

Agent Representation

8. Ms Amanda Olley from Summit Planning Limited in addressing the Committee raised the following points:
 - The officer's report brought to a head some 18 months of submissions in relation to this matter.
 - The development had been the subject of an initial application that had been refused planning permission under delegated powers. This was appealed and the appeal was dismissed on the grounds of overlooking of neighbouring properties. This was on the basis of retaining the staircase in its current form.
 - The appeal inspector's judgement was clear that no reasonable grounds of refusal could be sustained regarding the visual appearance of the staircase.
 - Regarding the concern about overlooking, the inspector had opened a door to a solution, which was the subject of the current application.
 - It was proposed to introduce a privacy screen at a height of 1.8m, which would be more than the eye height of an average person. The screen would be obscurely glazed to remove any potential for overlooking of neighbouring properties.
 - The screen would also help to neutralise the impact of comings and goings at the property as viewed from outside the site.
 - The positive impact of the privacy screen had been reflected in the representations made in relation to the application. There was a balance between those nearby neighbours who wished to maintain an objection and those who had recognised the efforts of the applicant to address the single area of concern.
 - A nearby neighbour who had a direct view of the stairs had confirmed no ongoing objection.
 - As advised in the officer's report, the addition of the privacy screen resulted in highly limited views from all angles.
 - The proposal was felt to strike an appropriate balance between the extent of the privacy screen and its visual appearance. However, at the site visit, Members suggested that the proposed height might not be sufficient. The applicant was amenable to increasing the height of the screen if Members felt this to be necessary to reduce the perceived impact on neighbours.
 - Having been through the appeal process and having received a clear judgment and direction by the inspector, the applicant was keen that the matter should not end up at appeal again in order to avoid any associated appeal for costs.
 - The proposed privacy screen had appropriately addressed the single concern highlighted by the inspector and presented an acceptable way forward that was hoped would draw the matter to a close.
 - She encouraged Members to support the officer's recommendation.

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Member Questions to the Agent

9. Members noted that the agent had not mentioned noise and asked if she considered this would be an issue. Ms Olley confirmed that the staircase was not finished and that noise was not anticipated to be an issue.
10. Members asked why the external staircase was necessary. Ms Olley confirmed that the applicant wished to bring his mother-in-law to live at the property and to create an internal annexe with an independent means of access. Members asked if this would create two flats. Ms Olley confirmed that it would not.
11. It was noted that other parties might consider noise to be an issue, and the agent was asked if the applicant would be prepared to consider rubber matting on the stairs. Ms Olley indicated that the applicant was open to solutions to mitigate against any perceived impacts.
12. In relation to the proposed barrier, it was noted that this would have Level 3 obscure glass, which people could just about see through. The agent was asked if a higher level of obscurity would be acceptable. Ms Olley did not consider this to be justified, but confirmed that it could be considered if Members felt it was necessary.

Member Questions to Officers

13. Members noted that the distance from the staircase to Ms Munroe's bedroom was less than 21m and asked if the proposed screen would be sufficient to address the issue of overlooking. It was confirmed that officers had made a discretionary judgement. The 21m distance was taken to apply to facing windows. In this case, the level of obscurity proposed was felt to provide effective mitigation.
14. Members asked for details of what the screening would look like. It was confirmed that there would be black trellis below the glass screen. The possibility of a condition requiring vegetation to be planted to screen the trellis had been discussed, but was considered to be an onerous imposition.
15. The colour of the trellis was queried, since the black finish was felt to be overbearing. It was confirmed that this colour had been chosen to match the existing staircase, but Members could ask for an alternative colour.
16. Members asked about the appeal decision. Officers indicated that in determining the acceptability of the staircase, the inspector felt that it had an unacceptable impact on neighbours' privacy and amenity. There was a refusal reason related to the impact on the character and appearance of the area, but the inspector, mindful of the limited views from the public domain, did not uphold this as a reason for refusal. In terms of the current application, Members would need to be satisfied that the privacy screen would have a significantly higher impact on visual amenity than the existing staircase, and that there was sufficient justification in terms of visual impact on public as well as private views in order to cite impact on character and appearance as a reason for refusal. It was acknowledged that the appeal decision set a difficult position in terms of removal of the staircase. If the application for the screen were to be refused then it would be open to the applicant to seek an alternative or to appeal the refusal. There would also be the potential for costs if the inspector considered that the matters had been substantially addressed from the previous appeal. However, the Committee could seek to impose conditions relating to the height of the screen, alternative trellis treatment, provision of rubber treads on the stairs and lighting. The applicant had

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already confirmed that he would be willing to consider an increase in the height of the screen if Members considered this necessary.

Continuation of meeting

17. In accordance with the Council's Constitution point 7.13.5, the Committee agreed that the remaining business could not be concluded by 10.30pm, and so the meeting would have to be concluded by 10pm.

Debate

18. Councillor Jeff Cant opened the debate. He felt that it was covert redevelopment into two flats and that the proposal was intrusive on neighbours, so he was inclined to vote against it.
19. Councillor Tony Vickers observed that noise issues were not covered by the appeal, and this should be covered by a suitable condition. He did not consider it necessary to increase the obscurity of the screen, but increasing the height to 2m would ensure there was no loss of privacy for neighbours. He indicated that he would be minded to support the application if these changes could be secured by conditions.
20. Councillor Adrian Abbs felt that the black colour scheme increased the visual impact and the Inspector's comments had been based on a staircase rather than a black monolithic block. He indicated that he was opposed to the proposal in its current form.
21. Councillor Phil Barnett expressed concerns about distance, intrusion and noise affecting neighbours. He considered that the development was out of character with the surrounding area. He indicated that he was minded to oppose the application.
22. Councillor James Cole thought that if the application was refused, then it would go to appeal. He noted that the staircase was already in place and had been to appeal once. He suggested that it should be approved, but with stringent conditions.
23. He felt that the black colour should be changed and broken up, the height of the screen should be increased, and the opacity of the screen increased to Level 4. He also proposed that there should be rubber matting on the stair treads to address the noise issue. Also, any outside lighting should be agreed by the Local Planning Authority and should be restricted.
24. Councillor Cole proposed to accept officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report and with additional conditions to: increase the height of the screen to 2m; increase the opacity of the screen to Level 4; provide rubber matting on the stair treads to minimise noise; and to require the applicant to submit plans for approval for any associated lighting. This was seconded by Councillor Tony Vickers.
25. Councillor Lynne Doherty indicated that she was opposed to the proposal, since it was a retrospective application that was being forced through. She felt sorry for the affected neighbours and suggested that this should not be how planning was done.
26. The Chairman invited Members of the Committee to vote on the proposal by Councillor James Cole, seconded by Councillor Tony Vickers to grant planning permission. At the vote the motion was rejected.
27. Councillor Lynne Doherty proposed to reject officer's recommendation on the basis that that the inspector's reservations about intrusiveness and detrimental impact on

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appearance had not been resolved, as well as Members' concerns about increased visual impact, noise and the impact of associated lighting. This was seconded by Councillor Jeff Cant.

28. The Chairman invited Members of the Committee to vote on the proposal by Councillor Lynne Doherty, seconded by Councillor Jeff Cant to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

Reasons

- The proposed works are partially retrospective for the retention of an existing external stair that was erected without planning permission. An appeal, reference APP/W0340/D/21/3276930, against the refusal of planning application 21/00445/HOUSE was dismissed due to concerns with the impact on neighbouring privacy and amenity due to overlooking generated by the unauthorised stair. Following this appeal decision the proposed works are reliant on a privacy screen and trellis to be added to the existing stair in order to mitigate overlooking, loss of privacy and the perception of loss of privacy resulting from the location and use of the stair. The proposed works would result in the imposition of additional development in the form of the privacy screen and trellis that would be observed from the rear windows and rear amenity spaces of several neighbouring properties and visually imposing with a conspicuous and overbearing appearance when viewed from the rear windows and amenity areas of those surrounding properties, as well as from the public domain in glimpsed views between numbers 40 and 42 Cresswell Road to the north east of the application site where the existing stair can already be seen. Furthermore the proposed works, by virtue of the combined monolithic appearance of the stair, trellis and privacy screen, would be of a poor quality of design and result in a detrimental impact on the character and appearance of the site and surrounding area. The proposed works would therefore fail to meet with the requirements of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy 2012 for development to demonstrate a high quality and sustainable design that respects and enhances the character and appearance of the area. Furthermore, the proposed works would result in disruption to neighbouring amenity due to noise of an intrusive nature arising from the use of the stair for day to day comings and goings and the use of any associated lighting. The proposed works would therefore fail to provide for a high standard of amenity for existing and future occupants of land and buildings adjacent to the site or to make a positive contribution to the quality of life in West Berkshire, contrary to the requirements of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy 2012.

(3) **Application No. and Parish: 22/00648/FULD, 61 Russell Road, Newbury, RG14 5JX**

Members agreed that that as there was not sufficient time to determine the application at this meeting, it would need to be deferred to a subsequent meeting.

(The meeting commenced at 6.39 pm and closed at 9.59 pm)

CHAIRMAN

.....

WESTERN AREA PLANNING COMMITTEE - 8 JUNE 2022 - MINUTES

Date of Signature

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 29 JUNE 2022

Councillors Present: Clive Hooker (Chairman), Tony Vickers (Vice-Chairman), Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Carolyn Culver, Claire Rowles and Howard Woollaston

Also Present: Paul Goddard (Team Leader - Highways Development Control), Kim Maher (Solicitor), Simon Till (Principal Planning Officer (Team Leader)), Stephen Chard (Democratic Services Manager), Jack Karimi (Democratic Services Officer), Matthew Shepherd (Planning Officer) and Cheyanne Kirby (Planning Officer)

PART I

6. Minutes

Councillor Tony Vickers proposed a number of amendments to the Minutes of the meeting on 8 June 2022:

- Condition 10 of Item 1: Amend to state that Hectors Way was to the west of the Phase 1 building.
- Additional conditions of Item 1 on Page 14: Amend to state that the mini-roundabout was on the Kings Road / Hectors Way junction.

Councillor Carolyn Culver proposed a number of amendments to the Minutes of the meeting on 8 June 2022.

- Condition 13 of Item 1: Amend to specify the location of the acoustic barrier.
- Informative 11 of Item 1: Strengthen wording to specify timescale.
- Informative 12 of Item 1: Cross-reference condition to ensure that new condition did not supersede the previous one.

The recording of the previous meeting would be checked to clarify the decisions that were made.

The approval of the Minutes of the meeting held on 8 June 2022 was deferred to the next meeting.

7. Declarations of Interest

Councillor Phil Barnett declared an interest in Agenda Items 4(1) and (2), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tony Vickers declared an interest in Agenda Item 4(1), but reported that as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

The Chairman declared that all Members had been lobbied with respect to Agenda Item 4(1).

8. Schedule of Planning Applications

(1) Application No. and Parish: 22/00648/FULD, 61 Russell Road, Newbury RG14 5JX

(Councillor Phil Barnett declared an interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council's Planning and Highways Committee. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Tony Vickers declared an interest in Agenda Item 4(1) by virtue of the fact that he was a long term local resident. Councillor Vickers added that he was predisposed towards approval of the application but not predetermined and, as such, would listen to the debate before determining his view on the item. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(The Chairman declared that they had been lobbied with respect to Agenda Item 4(1).)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00648/FULD in respect of 61 Russell Road, Newbury, RG14 5JX.
2. Ms Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to refuse planning permission, for the reasons listed in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the parking policies were decided in 2015/16 by the Transport Policy District, and were presented to Members and approved, as well as to a Planning Inspector. Newbury was separated into three zones, Zone 1 containing the town centre, Zone 2 in suburban Newbury, and Zone 3 outside that area. This application was in Zone 2, and the proposal required 10-12 parking spaces, of which only 8 were proposed. The area was renowned for car parking congestion, and evidence suggested that the area was one of the worst for parking, with the demand for parking near the site at 105%. Therefore, Highway Officers deemed there to be demonstrable harm, and recommended refusal of planning permission on parking grounds.
4. In accordance with the Council's Constitution, Nigel Foot, Newbury Town Council, Linda Philo, objector, Sukey Russell-Hayward, supporter, and Stuart Bartlett, applicant, addressed the Committee on this application.

Town Council Representation

5. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
 - The Newbury Town Council Planning & Highways Committee had no objection to the application, concluding that the design was in keeping with the surrounding houses on Russell Road, but there were concerns over parking. Newbury Town Council was concerned that the report did not mention car club usage and reducing the demand for cars.

Member Questions to the Town Council

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6. Members did not have any questions of clarification.

Objector Representation

7. Mrs Linda Philo in addressing the Committee raised the following points:

- There were a large number of disabled and elderly residents on the neighbouring Dyson Close, which was a small cul-de-sac.
- Mrs Philo raised scepticism about the conclusion of the Transport Survey recommending that visitors could park in Newbury car parks, with those expecting visitors to give up their car parking space. In reality, visitors would park on Dyson Close.
- The Transport Survey agreed with the assessment that there was limited capacity for parking, as well as the diagrams of the area.
- There was an existing issue with parking on the pavement in Dyson Close, blocking access for wheelchairs and mobility scooters and the development would exacerbate the existing problems.
- Mrs Philo strongly disagreed with the conclusion of the Transport Survey which stated that there would be no adverse effects on parking, as there were already breaches of Highway Rule 2.4.4 which prohibited parking on pavements.
- Community police officers advised Dyson Close residents to report illegal parking, with anti-social warnings and fines issued in some cases.
- If the development would go ahead, there would be heavy duty vehicles in the vicinity of Dyson Close on a regular basis, further blocking the walkways and pavements, and preventing access to the road for deliveries and carers.
- There was no objection to a single new build property replacing the bungalow, or two new build properties, but three would be excessive and have a direct impact on Dyson Close residents.
- Russell Road residents had been identified using the car parking spaces on the private Sovereign car park, Sovereign imposed hefty fines for use for those without a permit. An escalation of this issue was envisaged.
- Dyson Close had six access points to car parking spaces, and there was only enough space for four or five cars without infringing on the pavement.
- Dyson Close residents strongly opposed the development as they believed that it presented a direct threat to the safety of residents.

Member Questions to the Objector

8. Councillor Adrian Abbs asked how often car parking on the kerb in Russell Road occurred. Mrs Philo responded that it happened on a daily basis.
9. Councillor Tony Vickers asked whether Dyson Close was a public highway with yellow lines prohibiting parking. Mrs Philo responded that double yellow lines only existed for a small section, and that people parked on the remainder, single yellow lines.

Supporter Representation

10. Ms Sukey Russell-Hayward in addressing the Committee raised the following points:

- Ms Russell-Hayward read out statements written by local residents on Russell Road.

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- Liz Goddard at 72 Russell Road stated that the design was in keeping with the local area and would provide much-needed family accommodation.
- Ms Goddard understood that the main objection was the allocation of car parking, however, more residents were working in a flexible manner and the parking issues had decreased. Parking on Dyson Close was largely limited to carers and visitors to residents, including Sovereign vehicles, none of whom had permits for the two car parks. Dyson Close residents parked on the road even when they held permits for the car parks. Better management of the smaller public car park would improve the situation, in particular the clearing of abandoned cars, the trimming of trees and hedges, and better lighting. Better management would negate the need for the 2.5 car limit to be imposed.
- Sukey Russell-Hayward at 95 Russell Road, Beth Graham at 86 Russell Road and Karen Bennett at 90 Russell Road stated that the gardens of the proposed development were similar to neighbouring terraced houses, but some on the road were unusually large, skewing the average for the road as a whole.
- They rarely experienced parking issues, and when there were, the small public car park was used, and there had been a reduction in the number of cars on the road. More family housing was needed. Parking on Dyson Close was largely down to visitors and carers, and residents were willing to work with the residents of Dyson Close, the Council and Sovereign to solve any issues.
- Residents of Russell Road undertook a survey and found that the average car ownership was far below the two car parking spaces resolved. One side had an average of 1.19 whereas another had an average of 1.33.
- In conclusion, the residents strongly supported the development with the proposed two parking spaces per dwelling. Better management of existing car parks, including the addition of clear signs and parking bays, as well as double-yellow lines on one side of Dyson Close, would alleviate issues.

Member Questions to the Supporter

11. Members did not have any questions of clarification.

Applicant Representation

12. Mr Stuart Bartlett in addressing the Committee raised the following points:

- 61 Russell Road had belonged to Mr Bartlett's grandfather for over 50 years and it was important for him to ensure that the development added to the community and was supported by the residents. The project was discussed at length with neighbours, including a leaflet drop and open site visit, and the development was widely supported before submission.
- Mr Bartlett was aware of the concerns raised by the residents of Dyson Close and assured them that the development would not pose any threat to their safety or ability to navigate the streets, as this could be covered in a planning condition requiring a Construction Management Plan.
- Mr Bartlett accepted that the development was in Zone 2, which required 2.5 car parking spaces per dwelling, and there was little parking space on Russell Road. However, Mr Bartlett stated that there were extenuating circumstances which made the two car parking spaces sufficient, such as the development being within walking distance of the town centre and other amenities such as Northcroft Park and the bus stop on Craven Road. In addition, average car ownership for the area was 1.6 cars per household.

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- Mr Bartlett disagreed with the assertion by Highways that it would set a precedent, giving the rest of Zone 2 extenuating circumstances to avoid the requirement, as he noted that extenuating circumstances were accepted for another development on Pond Close. Pond Close was further away from the town centre, and had a higher car ownership due to the lower amount of transport link. It had not been the case that a precedent was set. Instead, it would allow flexibility at a time where car ownership and usage in sustainable areas should be discouraged in favour of public and active transport.
- On the size of the gardens, Mr Bartlett stated that the question was whether the amenities were appropriate and sufficient to serve the development. The 2006 Quality Design Planning Document provided a general guide, it acknowledged the need to use land effectively, and accommodate garden features. Mr Bartlett believed that the proposed garden size was appropriate and sufficient to do this. In addition, the close proximity of Northcroft Park from the development alleviated the need for garden space.
- The development was ideal to deliver small family homes, was well-designed, and sat comfortably within the street scene. It was efficient without being an overdevelopment of the site.

Member Questions to the Applicant

13. Councillor Jeff Cant asked why four dwellings was being applied for when a lower number might address concerns. Mr Bartlett responded that it was the right size for a family home, which was what was in demand.
14. Councillor Tony Vickers asked how approving the application would not set a new precedent in Mr Bartlett's view. Mr Bartlett responded that the ability to walk into the centre of town, to a bus and train station, was an exceptional circumstance, and he did not believe it would undermine the policy in such a way to set a precedent.
15. Councillor Claire Rowles asked whether reducing the number of dwellings had been considered. Mr Bartlett responded that other options such as three dwellings or eight flats had been considered.
16. Councillor Rowles noted that disabilities might be an issue for the parking situation as not everybody could walk into Newbury. Mr Bartlett responded that many disabled residents lived on Dyson Close and the town centre was accessible to them.
17. Councillor Adrian Abbs asked whether the argument for having garden amenity less than half of the policy requirement was being justified on the basis of the local park. Mr Bartlett responded that he would consider it a privilege to live so close to a park and it would be an acceptable alternative.
18. Councillor Abbs asked if Mr Bartlett had looked into the issues caused by parking congestion. Mr Bartlett responded that he had considered the accessibility of the road, and did not believe it would be a major issue.

Ward Member Representation

19. Councillor Martha Vickers in addressing the Committee raised the following points:
 - On the car parking spaces proposed as part of the development, Councillor Martha Vickers noted the research initiated by the applicant which found that the average number of cars owned in the area was 1.6 per household. Changing attitudes to car ownership lowered the demand for cars and, declaring a climate emergency, the Council should recognise this change. Several town centre planning applications contained very few car parking spaces, and this approach

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should be endorsed. The Council should additionally support the local car club, which could reduce the need for car ownership.

- Councillor Martha Vickers noted that she was willing to work with Dyson Close residents to respond to their concerns, and that she supported the development's focus on family housing.
- Councillor Martha Vickers noted that if the application was refused, the next one for the site might be for flats, as the parking standards were lower. Houses would be preferred to fit with the local area, which was predominantly terraced housing.
- On amenities, Councillor Martha Vickers noted that many nearby houses had small gardens, and that this was acceptable for many families. The close proximity of the development to Northcroft Park should also be considered, and the residents of Russell Road and Dyson Close had access to the canal towpath. The issue of improving the towpath near the canal and Monkey Bridge had been raised and agreed in principle, and could be made a planning condition.

Member Questions to the Ward Member

20. Members did not have any questions of clarification.

Member Questions to Officers

21. Councillor Tony Vickers agreed with the importance of exercise but asked whether exercise had to be within one's home or garden, noting the local park. Ms Cheyanne Kirby responded that the coronavirus pandemic had highlighted that people did need garden amenity space, and that the combination of garden amenity and parking issues led to a conclusion that the development would be too cramped.
22. Councillor Tony Vickers asked why the parking policy did not take into account the use of bicycles for active travel. Mr Paul Goddard responded that there was a separate standard for cycle parking that detailed all cycling requirements for new developments. It was not part of the parking policy because it had not long been written when the parking policy was formulated.
23. Councillor Claire Rowles asked for more information as to what exceptional circumstances could be considered in relation to the parking policy. Mr Goddard responded that the policy was that 2.5 spaces were required per dwelling, so 10-12 were required. Policy P1 stated that exceptional circumstances did exist, but this was not an exceptional case as it was on a congested road. An example of an exceptional circumstance would be a historic building that would need to be partially demolished to fulfil parking requirements.
24. Councillor Phil Barnett asked whether the development would have to be built on foundations to be level with the road. Ms Kirby responded that it would be raised to the level. Councillor Barnett asked whether the roof line would be level with existing buildings. Ms Kirby responded that it would be higher, to accommodate the second floor bedroom. They would be level with the flats to the west. The Chairman noted that these levels were present in the pack.
25. Councillor Adrian Abbs asked when the previous application's appeal would be decided on. Mr Simon Till responded that the appeal was validated on 3 April 2022, and that statements had been received by the appellant. A start date had not been received, and it would be a while before the consideration of the written representations appeal, which would not have a set date.
26. Councillor Abbs asked whether the recommendation was that it was a borderline case or a strong objection to the application. Mr Goddard responded that it was a

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strong objection considering the shortfall of parking, and that it would set a precedent against raising a parking objection in Zone 2. Mr Till responded that he was confident that the decision to refuse planning permission was not made on balance, and that officers considered the issues of parking and garden amenity to be indicative of overdevelopment, with simply too many dwellings proposed, and not sufficiently addressed by the applicant. Those reasons were robust and officers were prepared to defend them at appeal. If the Committee took a different route, it would raise questions as to whether the appeal could be defended. Councillor Abbs asked whether it was a strong enough decision to take to District Planning. Mr Till responded that it depended on what the Committee said in debate.

27. Councillor Dennis Benneyworth asked whether the local park should be taken into account when considering garden amenity. Mr Till responded that the individual merits of each development proposal must be considered, and officers did not consider there to be a sufficient planning benefit to justify alterations to the planning policy in this case.
28. Councillor Benneyworth asked whether family houses could raise a scenario where four cars would be necessary at a single dwelling. Mr Goddard agreed, noting that the 2.5 space requirement was reached due to considering all scenarios.
29. Councillor Howard Woollaston asked how far away from Zone 1 the proposed development would be, and what the parking requirement for Zone 1 would be. It was noted that Zone 1 was 150 metres away. Mr Goddard added that two parking spaces was the requirement in Zone 1.
30. Councillor Jeff Cant asked whether there was a parking permit system in place to prevent an overflow in cars. Mr Goddard confirmed that there was and overflow cars could park in Dysons Close.

Debate

31. Councillor Tony Vickers opened the debate by stating that he had lived on the Westfields estate since 1987, and had represented it on the Council for all but seven years. Councillor Tony Vickers stated that neither of the ward members during the time that the Parking Policy was approved lived near Eastfields or Westfields, and stated that the Committee could and should make an exception for any site within the flood plain of the old Victorian housing. Councillor Tony Vickers stated that very few opportunities to redevelop the area or develop family homes would present themselves, and stated that two parking spaces was acceptable, noting that he had a single parking space in Zone 1 which had been sufficient. The site was 150 metres from the Zone 1 boundary, and the entire Westfields area was highly sustainable for active travel, so it could not be compared with other areas in Zone 2.
32. Councillor Tony Vickers noted that Zone 2 stretched two miles away from the town centre, and it was unreasonable to assume both areas had the same transport needs. Councillor Tony Vickers noted that he was aware of the sensitive issues around Dyson Close but that proposals had been made to solve them. He added that something would always be built on the site, and temporary inconvenience was inevitable. Councillor Tony Vickers noted the housing surveys which had underlined flaws in the Parking Policy, and the lack of regard for cycling in the policy.
33. On amenity space, Councillor Tony Vickers stated that there should be flexibility in the policy, noting that it only effected the household and not the wider community, and it was a personal choice. Councillor Tony Vickers concluded by stating that it was the twenty-first century and a climate emergency, and that these exceptions could be made without undermining the overall policy.

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34. Councillor Adrian Abbs stated that he asked whether the application was an on balance case because he was aware that it was the role of the Committee to decide on difficult and more complicated cases, and that he was also acutely aware of the ongoing appeal. Councillor Abbs stated that he had concluded that it was not the role of the Committee to make changes to planning policy, and that if the strong recommendation of officers was to refuse planning permission then it should be listened to. Councillor Abbs added that the planning policy might be flawed but that it must be amended through proper means.
35. Councillor Phil Barnett noted that the application was in a difficult situation in terms of parking, and that he had taken into account the arguments made by Councillor Tony Vickers. However, although he did not always agree with the policy, he had accepted the strong recommendations put forward by officers.
36. Councillor Jeff Cant stated that he believed this to be a case of proposed overdevelopment. However, Councillor Cant had considered closely the evidence presented and the need for family homes in close proximity to amenities, and that context had convinced him to support the application. Councillor Cant stated that it was the Committee's role to consider exceptions to policy rather than apply it rigidly.
37. Councillor Dennis Benneyworth stated that he was sympathetic to the proposal for the site, but that he had not been convinced that it was the right proposal. Councillor Benneyworth had considered the strong objection by Mr Paul Goddard, and the fact that four three-bedroom houses would increase the number of cars, and concluded that he could not support the application.
38. Councillor Claire Rowles raised concerns about Councillor Tony Vickers' predisposition in regards to the application. The Chairman responded that he had received counsel from Legal with regards to it but had concluded that Councillor Tony Vickers should receive the benefit of the doubt.
39. Councillor Claire Rowles stated, in regards to the application, that she was not opposed to development on the site but that she was not convinced that it was the right development. Councillor Rowles had considered the strong objections of officers, and concluded that the development did not pass the 'exceptional circumstances' clause in planning policy and that she would support officers' recommendations.
40. Councillor Howard Woollaston stated that he believed that it was a finely balanced decision. Councillor Woollaston stated that he thought it was well-designed and in keeping with the character of the area, but reluctantly he could not support the application in light of the strong objections raised by officers. However, planning policy should be looked at in circumstances where the site was close to the boundaries between zones.
41. Councillor Tony Vickers stated that, in light of the concerns raised by the Chairman and other Members regarding his predisposition, he would abstain from the vote.
42. Councillor Adrian Abbs proposed to accept Officer's recommendation and refuse planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Phil Barnett.
43. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Phil Barnett to refuse planning permission. At the vote the motion was carried. Councillor Tony Vickers abstained from the vote.

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RESOLVED that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

Refusal Reasons

1.	<p>Overdevelopment</p> <p>Policy CS14 of the West Berkshire Core Strategy seeks high quality design to ensure development respects the character and appearance of the area and has a positive contribution to the quality of life. The proposed dwellings and associated parking would appear cramped within the development site and as an overdevelopment of the plot. Whilst the development would take influence from the existing street scene the number of dwellings proposed along with the sub-standard car parking provision and garden amenity level would all lead to a visually and physically overdeveloped and cramped site and as such would not be an appropriate. The proposed development is contrary to policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document: Quality Design 2006, and the National Planning Policy Framework.</p>
2.	<p>Garden Amenity</p> <p>According to the National Planning Policy Framework, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should ensure that developments will (amongst others) function well and add to the overall quality of the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions.</p> <p>Part 2 of the Council's adopted Quality Design Supplementary Planning Document series provides minimum size guidelines for residential development, with 100 square metres being the minimum size for the size of dwellings proposed. The division of the plot to create four dwellings will result in four substandard rear gardens, significantly below the minimum policy expectation. Having regard to the local design standards set out in the adopted SPD, the proposed development fails to achieve a high standard of design in terms of providing adequate private outdoor amenity space for occupants of both the new and retained dwellings. The application is therefore contrary to the NPPF, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Part 2 of the Council's adopted Quality Design SPD.</p>
3	<p>Parking</p> <p>The proposal contains 8 parking spaces on site for the four 3 bed dwellings, which equates to a shortfall of 2 to 4 spaces as required under policy P1 of the Housing Site Allocations DPD 2006-2026. This shortfall would exacerbate the likelihood of increased on-street parking in the vicinity of the application site to the detriment of local highway safety. The proposed works therefore fail to comply with the requirements of the National Planning Policy Framework and Policy P1 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) 2017.</p>

Informatives

1.	<p>Proactive Refusal</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision</p>
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	in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.
2.	<p>CIL Refused</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>

(2) **Application No. and Parish: 21/03024/FULTEXT, Former Newbury Magistrates Court and No. 20, Mill Lane, Newbury, RG14 5QU**

(Councillor Phil Barnett declared an interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council's Planning and Highways Committee. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

44. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/03024/FULTEXT in respect of the former Newbury Magistrates Court and No. 20, Mill Lane, Newbury, RG14 5QU.
45. Mr Matthew Shepherd, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports and completion of the Section 106 legal agreement, or to refuse planning permission if the Section 106 legal agreement was not completed.
46. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the application was for redevelopment of an existing site, and the access into the site was existing and would be unchanged. The application complied with the Car Parking Standards and standards for cycle spaces. The Committee report noted traffic movements alongside Mill Lane which objectors had raised, and there would be a 0.7% increase. However, Highways considered that the previous Magistrates Court on the site would have generated a much higher amount of car usage than this residential development, and raised no objection.
47. In accordance with the Council's Constitution, Nigel Foot, Newbury Town Council, Annie Speller and Mark Wiltshire, objectors, and Kerry Pflieger, agent, addressed the Committee on this application.

Town Council Representation

48. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
 - Newbury Town Council's Planning and Highways Committee had raised as a concern the additional pressure and strain on water drainage and sewers, as the area around the station was very difficult for drainage.

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- The Newbury Society raised that the application's design was a missed opportunity to create a well designed building in line with the character of Newbury.

Member Questions to the Town Council

49. Councillor Claire Rowles asked how the look and design of the development was unsatisfactory and how it could be improved. Mr Foot responded that the early design had taken cues from the police station, and he believed it could be more architecturally creative. In addition, he believed it could have a better optimised roof.

Objector Representation

50. Mr Mark Wiltshire in addressing the Committee raised the following points:

- Mr Wiltshire noted that the majority of his presentation was going to be about preserving the concrete structure but he now understood this was being retained.
- Mr Wiltshire's main concern was the report's mention of a fallen willow tree down the east side of the bank. The tree had in fact fallen down the end of the bank 10 to 15 years ago, and now formed part of the bank along with another willow tree. Mr Wiltshire's concern was that building could risk the bank, and that the bank was known for leaking when the water level rose. Mr Wiltshire noted that he was unable to discuss it during the on-site meeting, but that it was raised with Members.

51. Mrs Annie Speller in addressing the Committee raised the following points:

- Mrs Speller concurred with the statement made by Mr Wiltshire on the risks of flooding.
- Mrs Speller stated that she and the residents of Mill Lane, Connaught Road, Kings Road and Boundary Road were opposed to the building of flats on the site, and the site was overdeveloped, with 698 flats being built in the area.
- Mrs Speller noted that the development of the area had caused a great amount of disturbance, and that she had almost been run over a number of times, and pylons had caused disturbances in the ground.
- There was a significant amount of speeding that occurred on Mill Lane, and residents had fought for a 20 MPH speed limit and for HGVs not to drive down the road, which had not been respected.
- A GP surgery was unable to purchase the site, and there were not enough schools in the area. Mrs Speller raised that flats were predominantly being built in Newbury. Homes England had made the case that 19 new homes be built on the site in 2018, rather than the 28 proposed by the application.

Member Questions to the Objectors

52. Councillor Tony Vickers noted that he agreed with Mrs Annie Speller about speeding vehicles but asked if she was aware that Mill Lane was soon to be closed to through traffic and made a residential street as a result of another development. Mrs Speller responded that Mill Lane was not a marked road. Councillor Tony Vickers responded that he thought it was a B road.
53. Councillor Phil Barnett thanked Mrs Speller for organising the petition that led to the consideration of the application. Councillor Barnett noted the difficulty monitoring the 20 MPH zone, and asked Mrs Speller if she would consider it a benefit if Mill Lane

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was closed off. Mrs Speller responded that she could not see it happening, and there was confusion as to whether Mill Lane or Kings Road would be closed off.

54. Councillor Barnett noted that 12 and 14 Mill Lane were the most affected houses by the development, and asked Mrs Speller if she could see the development having a clear visibility into those properties. Mrs Speller responded that they would, and that they would be overlooking the properties.
55. Councillor Dennis Benneyworth asked Mr Mark Wiltshire whether he considered it in the applicant's interest to preserve the integrity of the bank. Mr Wiltshire responded that he did consider it in the applicant's interest to preserve the bank, and that he believed the statutory consultants were not fully informed as to the state of the bank, particularly where there was not a concrete structure, and that there had been no consideration as to the work needed to preserve it. Mrs Speller added that opposite Connaught Lane was an osteopath, and residents had been writing to West Berkshire Council about river flooding, as the water had been leaking under the osteopath and into the road. Councillor Barnett concurred.

Agent Representation

56. Ms Kerry Pflieger in addressing the Committee raised the following points:

- Ms Kerry Pflieger noted that the site had been purchased by Homes England, who were the joint applicant.
- The proposed apartments were located entirely within Flood Zone 1, and no changes to levels were proposed within Flood Zones 2 or 3. The Environment Agency accepted the proposals.
- The applicant had confirmed that no alterations would be made to the canal bank and all work would be subject to permits from the Environment Agency.
- A policy-compliant level of car and cycle parking was proposed, including 31 car and 44 cycle parking spaces, including charging points for electric vehicles. Residents on the development would not be entitled to apply for local parking permit schemes.
- The site was highly sustainable, in close proximity to the town centre and active transport links.
- Four other apartment developments had been built by the applicant, with a single car parking space per apartment, and the applicant continued to act as the management company for the developments. No issues with parking had arisen, and the application was in line with the aspirations of the local authority to reduce cars in town centre locations.
- The development would be constructed using a fabric-first approach which focused on the lifetime energy consumption of the building. Solar panels were proposed across the roof, and a heat recovery plant would be installed, achieving a 57% reduction in carbon emissions over standard building regulations. The majority of apartments would have an Energy Performance Certificate rating of A. In addition, the development would result in a net biodiversity gain on a brownfield site, and an Ecological Enhancement Area was proposed on the site's boundary with the canal.
- The site was close to Victoria Park, and residents would have access to balconies and a communal seating area. This was a comparable level of amenities with other developed sites in Newbury.

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- The building took design cues from surrounding developments and the former Magistrates Court, and was a contemporary design.

Member Questions to the Agent

57. Councillor Claire Rowles asked if there was anything in the immediate vicinity that had been looked at when deciding the design of the proposed development. Ms Pfleger responded that previous buildings on the site were considered.
58. Councillor Carolyn Culver asked whether Ms Pfleger would be able to comment on Homes England's consideration of 19 homes on the same site. Ms Pfleger responded that she was not aware of that.
59. Councillor Adrian Abbs questioned the statement that the development was the same size, as it added a floor. Ms Pfleger responded that she did not have the exact measurements but that it was a similar height.
60. Councillor Dennis Benneyworth asked whether it was in the applicant's interest to preserve the integrity of the canal bank. Ms Pfleger responded that it was, as Homes England were responsible to the Environment Agency to maintain the bank.

Ward Member Representation

61. Councillor Phil Barnett in addressing the Committee raised the following points:
 - The site where the development was proposed lay next door to the canal and the marina, where the banks were known to collapse during rainy periods. The most important condition related to the retaining or replacement of the old supports of the canal bank, and Councillor Barnett considered it to be imperative.
 - The surrounding area of the site had been flooded on several occasions, and the proposed development would join the Thames Water sewage system, which had been overloaded in the past, and the old Victorian sewer system would be subject to further pressures.
 - The building would be slightly higher than the police station, it would overlook the area and dominate the local houses and other developments.
 - On the parking, Councillor Barnett questioned whether 31 spaces was enough, noting that 25 apartments had two bedrooms. Despite the proximity to the town centre, many of the proposed developments would require more than one car. Councillor Barnett questioned whether additional cars would block the police station, and called for restrictions to prevent that, and noted that there were two hour spaces on Mill Lane which were being taken by non-residents.
 - Councillor Barnett noted that Numbers 12 and 14 Mill Lane would be the most adversely affected, and called for strong conditions on heavy vehicles on the site during building to prevent adversely affecting local residents.

Member Questions to the Ward Member

62. Councillor Tony Vickers asked how the parking burden on Mill Lane would be increased when those who lived on the development were not eligible for parking permits. Councillor Barnett stated that there were too many parking permits and spaces for two hours parking, which was not being monitored, and he would like to see it changed to only allow residents' parking.

Member Questions to Officers

63. Councillor Adrian Abbs asked for the officers' view on what made the design of a proposed development in keeping with the local area, and how the decisions were

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made. Mr Matthew Shepherd responded that the character of the area was determined in terms of scale, as well as what was on the site beforehand. Conservation officers were additionally consulted.

64. Councillor Jeff Cant asked Mr Paul Goddard what the policy was on Zone 1 parking, and whether fewer than one space per dwelling was sufficient. Mr Goddard responded that a one bedroom apartment required 0.75 spaces, and a two bedroom apartment required 1. The development as a whole required 25 spaces, with one space per 5 apartments being provided for visitors, resulting in a total of 31 spaces.
65. Councillor Claire Rowles asked Mr Goddard where additional visitors would park, and asked whether the one disabled car parking space was sufficient. Mr Goddard referred to the plans, noting that the visitor spaces were provided internally within the site.
66. Councillor Rowles asked whether Thames Valley Police access had been ensured, noting that it was not conclusively stated in the report. Mr Goddard responded that the access into the site was private, so it would be a civil matter between the developer and the Police.
67. Councillor Rowles asked whether the opening hours of the former Magistrates Court had been taken into account when concluding that the proposed development would lead to a reduced level of traffic movement. Mr Goddard agreed, but stated that the level at night would still be low.
68. Councillor Rowles asked how many properties would have balconies and which would not. Mr Shepherd responded that the ground floor would not, and the first and second floor would have some facing north, and the third floor would. Councillor Rowles asked for confirmation that over half would not. Mr Shepherd responded that they would have a shared amenities space.
69. Councillor Carlyne Culver noted that the policy would dictate 5.88 social rent properties, and 5 were provided in the proposed development, and asked if it could be conditioned. Mr Shepherd responded that it was decided in consultation with the Affordable Housing Officer, and took into account the fact that the First Homes policy had recently come into force.
70. Councillor Culver asked why proposed dwelling numbers went up to 29 listed flats when 28 were part of the proposed development. Mr Shepherd responded that there was no flat numbered 13.
71. Councillor Culver asked how the ground floor shared amenity space compared with other apartment building developments. Mr Simon Till responded that he could not give other examples, but on sites for redevelopment, compromises were necessary to deliver on housing gain in town centre locations.
72. Councillor Culver asked who would be responsible for maintaining the road. Mr Goddard responded that it would be a civil matter, and he imagined that the site would be managed by a management company, paid to some extent by the residents.
73. Councillor Tony Vickers noted that he was surprised not to see a street scene in the application that included Mrs Speller's house, and noted that there was no pavement on the north side. Councillor Tony Vickers asked why the Committee was not shown that. Mr Shepherd responded that officers considered the street scene provided in the application was deemed to be sufficient to give Committee Members an understanding of the area.

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74. Councillor Tony Vickers asked if the limited communal area could lead to anti-social behaviour, and asked why there was not a Secure by Design consideration. Mr Shepherd responded that Thames Valley Police were asked for comment but did not receive a response, but that it would be very close to the apartments on the ground floor and there would be an element of self-policing by residents.
75. Councillor Tony Vickers asked why there was no statement by Thames Water or the lead local flood authority, and whether the risk of flooding had not been properly considered. Mr Shepherd responded that Thames Water had responded and raised no objections, and offered informatives to officers as to the ground water risks and management. The lead local flood authority had also responded, raising no objections subject to the conditions they had submitted.
76. Councillor Tony Vickers asked which apartments were social rent, and asked whether there could be a condition as to who would manage them for the benefit of all residents. Mr Shepherd responded that there were one-and two-bedroom social rent apartments considered and that it would be agreed within the Section 106 agreement.
77. Councillor Adrian Abbs noted that the application was for 16 one-bedroom apartments and 12 two-bedroom apartments, which by his calculations should be at least 29 car parking spaces. Councillor Abbs asked where his calculations differed from the officers' calculations. Mr Goddard responded that there are 28 apartments proposed, with Policy P1 requiring 0.75 for one-bedroom apartments and one for two-bedroom apartments.
78. Councillor Abbs asked why only one disabled parking space was required and why it was placed next to the bin store. Councillor Abbs asked for a condition for it to be moved. Mr Goddard responded that the policy requirement was for 4% and therefore one space for this development. Condition 9 could be amended to move the car parking space.
79. Councillor Abbs asked what the average amenity space per apartment proposed was. Mr Shepherd responded that it was 382 square metres total, split between the balconies (around 5 square metres each) and shared space (128 square metres).
80. Councillor Phil Barnett asked for clarification on the existing parking permit policy, and whether there was a restriction on parking on existing premises. Mr Goddard responded that the parking permit scheme was run by Parking Services, and if a resident had existing off-street parking it did affect their eligibility for a parking permit for an on-street parking permit.
81. Councillor Dennis Benneyworth asked if the protection of the canal bank on the eastern boundary could be conditioned. Mr Shepherd and Mr Till responded that a condition requiring details of how the canal bank would be treated could be imposed, but added that there were environmental permitting schemes that usually dealt with these matters. The Environment Agency was consulted and did not raise an objection. It would additionally not be possible to impose a condition relating to works further down the canal bank.
82. Councillor Tony Vickers noted that the Canal & River Trust raised a point recommending conditions relating to the canal bank. Mr Till responded that the Canal & River Trust had not raised any specific concerns that could be addressed by conditions. Both the canal bank and the impact on ecology were raised by the officers' report and addressed, and the Committee could consider a condition to require details of any works to the canal bank be submitted and approved prior to works.

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Continuation of meeting

83. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion to extend the meeting beyond 10pm as it was felt that the remaining business could be concluded by 10.30pm.

Debate

84. Councillor Adrian Abbs opened the debate by stating that the Committee was rightly concerned about parking allocation, and this application just about met the minimum, adding that amenity space was another issue, with the proposed development having half of the amount specified in policy, with an average of 10 square metres per apartment. Councillor Abbs stated that both of these were a result of attempting to build 28 apartments on a space which was too small. Councillor Abbs additionally criticised the design, stating that comparisons to the police station were not positive. Councillor Abbs stated that the conditions relating to the canal bank were an attempt to make an insufficient application acceptable, and that he favoured rejection of the application.
85. Councillor Jeff Cant stated that he did not see the need for a long debate, as the proposed development clearly satisfied the criteria to grant planning permission, and that he would support it.
86. Councillor Howard Woollaston concurred with Councillor Cant, but agreed with Councillor Abbs that where it met the criteria it had done so marginally. Councillor Woollaston supported the building of additional social housing, and added that he personally liked the architectural design. Councillor Woollaston stated that he supported the application and was willing to propose it.
87. Councillor Tony Vickers stated that he knew the site very well, and that he did not see anything that Planning could do with the issues in the application beyond wishing the applicant luck. Councillor Tony Vickers stated that it was unfortunate that the justification with regards to design was selective, and that he was unhappy with the application, but he was willing to support it if the conditions relating to the canal bank were accepted.
88. Councillor Phil Barnett concurred with points raised by Councillor Abbs and Councillor Tony Vickers, and stated that he was very uneasy about the application. Councillor Barnett raised issues with the design and parking, particularly the ability of emergency vehicles to access it. Councillor Barnett was additionally concerned about the access to the canal bank. Councillor Barnett stated that he was going to vote to reject the application.
89. Councillor Dennis Benneyworth stated that he regretted the lack of amenity space but believed that it was mitigated by the nearby Victoria Park. Councillor Benneyworth stated that he would be voting in favour of officers' recommendations.
90. Councillor Jeff Cant proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Howard Woollaston
91. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Howard Woollaston to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation be authorised to grant planning permission subject to the following conditions and subject to the Section 106 agreement:

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Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan. Drawing number 2145/PL/01 Rev B. Building Section. Drawing number 2145/PL/05 Rev K. Proposed site and Roof Plan. Drawing number 2145/PL03 Rev Q Proposed Floor Plans. Drawing number 2145/PL/06 Rev M. Proposed Bin Store Plan and Elevations. Drawing number 2145/PL/12 Rev D. Proposed Cycle Store Plan and Elevations. Drawing number 2145/PL/11. Rev B. Proposed elevations. Drawing number 2145/PLO7 Rev L.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Schedule of materials</p> <p>No development above slab level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p>
4.	<p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (f) Temporary access arrangements to the site, and any temporary hard-standing; (g) Wheel washing facilities; (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (i) A scheme for recycling/disposing of waste resulting from demolition and construction works; (j) Hours of construction and demolition work; (k) Hours of deliveries and preferred haulage routes; <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-</p>

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	commencement condition is required because the CMS must be adhered to during all demolition and construction operations.
5.	<p>Hours of work (construction/demolition)</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
6.	<p>No impact piling</p> <p>No impact piling shall take place until a piling method statement has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The method statement shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works. No piling shall be undertaken except in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy (2006-2026). The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p>
7.	<p>Protection from external noise (prior approval)</p> <p>No dwelling shall be first occupied until mitigation measures to protect its occupants from externally generated noise have been provided in accordance with a scheme of works that has first been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be informed by an appropriately detailed investigation to address the noise impacts from the Police Station, adjacent commercial building, surrounding roads, and any other features considered necessary. The scheme should consider the long term unattended night time measurement of 56dBLAeq,8hr when considering the protection methods.</p> <p>Reason: To protect future occupiers of the development from excessive noise levels from surrounding uses, to ensure a good standard of amenity. The approval of this information is required before occupation because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p>
8.	<p>Contaminated land (investigation and remediation)</p> <p>No development* shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. The above scheme shall:</p> <ul style="list-style-type: none"> (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s). (b) Include a remediation scheme* which ensures that, after remediation, as a

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	<p>minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.</p> <p>(c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.</p> <p>(d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.</p> <p>Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.</p> <p>If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.</p> <p>The development shall not be occupied* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p> <p>(* Unless otherwise agreed in writing by the LPA)</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase.</p>
9.	<p>Parking (approved plans)</p> <p>The development shall not be occupied until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
10.	<p>Cycle parking/storage (approved plans)</p> <p>The development shall not be occupied until cycle parking/storage facilities for that</p>

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	<p>dwelling have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
11.	<p>Refuse Storage</p> <p>The development shall not be occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in accordance with submitted plans Proposed Bin Store Plan and Elevations. Drawing number 2145/PL/12 Rev D.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
12.	<p>Electric vehicle charging points (prior approval)</p> <p>The development shall not be occupied until electric vehicle charging points have been provided for the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
13.	<p>Biodiversity measures (prior approval)</p> <p>No development above slab level shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied until the measures related to that development have been installed/constructed in accordance with the approved details or in accordance with an agreed timetable by the LPA.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> <p>A pre commencement condition is needed as the details will need to be agreed possibly implement throughout the construction of the development.</p>
14.	<p>Construction Environmental Management Plan (CEMP)</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP</p>

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	<p>shall include the following:</p> <ul style="list-style-type: none"> (a) Risk assessment of potentially damaging construction activities. (b) Identification of “biodiversity protection zones”. (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). (d) The location and timing of sensitive works to avoid harm to biodiversity features. (e) The times during construction when specialist ecologists need to be present on site to oversee works. (f) Responsible persons and lines of communication. (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. (h) Use of protective fences, exclusion barriers and warning signs. <p>The Environments Agency seeks specific comment on the following</p> <ul style="list-style-type: none"> - The timing of the works. - Construction methods. - The measures to be used during construction in order to minimise the environmental impact of the works, particularly on the River Kennet SSSI. This should include measures to prevent contaminated surface water run-off and dust from entering the SSSI. - A map or plan showing habitat areas to be specifically protected. - Any necessary mitigation for protected species. - Details of the lighting used during construction that should be directional away from the River Kennet SSSI. This is to avoid disruption to the activities of nocturnal animals such as bats that use the watercourse for commuting and - Information on the persons/bodies responsible for particular activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: This condition is necessary to ensure the protection of local biodiversity, in particular the River Kennet SSSI, in line with local planning policies and national planning policy. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
15.	<p>Landscape and Ecological Management Plan (LEMP)</p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP), including long- term maintenance, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. This should be in line with the recommendations in the Biodiversity Management Plan. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:</p> <ul style="list-style-type: none"> - Detail the extent and type of new planting. In the ecological enhancement/buffer zone adjacent to the River Kennet SSSI, this should be native species of UK and preferably local provenance.

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	<ul style="list-style-type: none"> - Details of the new habitats to be created on site. - Details of the treatment of site boundaries and/or buffers alongside the River Kennet SSSI. - Details of maintenance regimes over the longer-term for each habitat type, as recommended in the Biodiversity Management Plan v2. - Details of management responsibilities over the longer-term, including a named body responsible for this management. - Details of how the new habitats on site will be monitored and reported on for at least the first five years following their creation, by a suitably qualified ecologist. This is necessary to ensure the habitats are being managed correctly and any changes can be included in a revised LEMP. - Details of the lighting scheme for the development that should be directional away from the River Kennet SSSI. This is to avoid disruption to the activities of nocturnal animals such as bats that use the watercourse for commuting and foraging. <p>The approved plan will be implemented in accordance with the approved details.</p> <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>Reasons; This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
16.	<p>Lighting design strategy for light sensitive biodiversity</p> <p>Prior to occupation, a “lighting design strategy for biodiversity” for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ol style="list-style-type: none"> a) identify those areas/features on site that are particularly sensitive for protected species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Protected species are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such</p>

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	disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.
17.	<p>92. Environment Agency Flood Risk</p> <p>93.</p> <p>94. The development shall be carried out in accordance with the submitted flood risk assessment (ref 010_8200414_AQ_Flood_Risk_Assessment, Issue 5, 11/11/2021, Glanville Consultants and 'Site Plan' 2415/PL/03 Revision M dated 11/11/21) and the following mitigation measures it details:</p> <p>95. 1. Finished floor levels shall be set no lower than 75.86 metres above Ordnance Datum (AOD).</p> <p>96.</p> <p>97. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>98.</p> <p>99. Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.</p>
18.	<p>100. Sustainable Drainage Methods</p> <p>101.</p> <p>102. The development hereby permitted shall not be occupied until the sustainable drainage measures identified in the Drainage Strategy and associated information submitted as part of the planning application 21/03024/FULEXT have been implemented in accordance with the approved details. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>103.</p> <p>104. Reason: To reduce the risk of flooding to the proposed development and future occupants and to sustainably manage water on site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.</p>
19.	<p>105. Updating Reports</p> <p>106.</p> <p>107. Each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written, this includes relevancy as to how these documents inform other necessary related submissions, the reports details/submission is subject to scrutiny by the LPA. As such after 12months/3 years (as appropriate to their validity) from the date the approved report is written a further supplementary ecological survey will need to be undertaken and submitted to and approved in writing by the Local Planning Authority along with any mitigation measures updated. Thereafter the development shall be undertaken in accordance with the approved details.</p> <p>108.</p> <p>109. Reason: To ensure the appropriate mitigation measures are in place in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> <p>110.</p>
20.	<p>Tree protection scheme</p> <p>The development shall be undertaken in accordance with the Arboricultural Impact assessment document produced by SJ Stephens Associates dated 7th March 2022. The development shall be undertaken in accordance with the Tree Protection plan</p>

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	<p>contained within this document.</p> <p>All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>111.</p>
21.	<p>Hard landscaping (prior approval)</p> <p>The development hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
22.	<p>Soft landscaping (prior approval)</p> <p>The development hereby permitted shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
23	<p>Broadband</p> <p>No development above slab level shall take place until a Superfast Broadband Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a statement shall set out how superfast broadband is to be provided to each phase of the development, including a schedule for connection. Thereafter no phase of the development shall be occupied until superfast broadband infrastructure has been provided in accordance with the approved details.</p>

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	<p>Reason: To ensure that the site is provided with high speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the NPPF, Policies CS5 and CS14 of the West Berkshire Core Strategy (2006-2026).</p>
24.	<p>Restrictions during bird breeding season</p> <p>No demolition, or site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.</p> <p>Reason: To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
25.	<p>Spoil</p> <p>No development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ul style="list-style-type: none"> a) Show where any spoil to remain on the site will be deposited; b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels); c) Include measures to remove all spoil from the site (that is not to be deposited); d) Include timescales for the depositing/removal of spoil. <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
26.	<p>Site levels</p> <p>No development on any dwelling shall take place until details of the finished floor levels of that dwelling in relation to existing and proposed ground levels of adjoining dwellings have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved levels.</p> <p>Reason: Insufficient information on levels has been provided as part of the application. This information is required to ensure satisfactory relationships between properties in order to safeguard residential amenity, and to ensure the levels/heights respect the character and appearance of the area. This information is needed at this stage because of the site-wide implications of levels of the layout of the development in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-</p>

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	2026.
27.	<p>Sustainability and Energy Strategy</p> <p>No development shall take place until a detailed Sustainability and Energy Statement shall be submitted to the Local Planning Authority for approval. The Statement shall:</p> <ul style="list-style-type: none"> (a) Be informed by the Sustainability Statement and Energy Strategy accompanying the application; and (b) Include a scheme for the reduction of carbon dioxide emissions, including through the use of low/zero carbon technology, with an aspiration to achieve at least the level of performance set out in the aforementioned energy statement or better towards zero carbon in accordance with Policy CS15. <p>No development shall take place until approval of the above Statement has been granted in writing by the Local Planning Authority. Thereafter the development within each phase shall be implemented in full accordance with the approved details.</p> <p>Reason: To ensure the development contributes towards the transition to a low carbon future. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS15 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the final measures contained within the statement may influence construction.</p>
28.	<p>Skills and Employment Plan (additional)</p> <p>No development shall take place an Employment and Skills Plan (ESP), in relation to the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The ESP will set out the measures that the developer will take to enhance the training and employment opportunities that are offered to the local workforce in West Berkshire in the construction process. The measures set out in the ESP should be appropriate and proportional to the scale and value of the development. The ESP should set out, through a method statement, how the following priorities will be addressed:</p> <ul style="list-style-type: none"> (a) Promotion of employment opportunities generated on site to the West Berkshire workforce (but not excluding those outside of West Berkshire), with a focus on those who are not currently employed. (b) Creation of new apprenticeship starts specific to the development site. This should include how the developer will work directly with local employment and training agencies. (c) Identification of training and work placement opportunities on site with discussion on how these may be promoted to local people, working directly with local employment and training agencies. <p>The Employment and Skills Plan should also:</p> <ul style="list-style-type: none"> (d) Identify a lead contact who is responsible for managing the plan. (e) Set out a timetable for the implementation of the ESP which, for the avoidance of doubt, shall include a start date no later than the date of commencement of development. (f) Set out the process for how implementation of the ESP will be monitored and reported back to West Berkshire Council. <p>Thereafter approved ESP shall be implemented in full concurrent with the development of the site.</p>

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	Reason: To promote local job opportunities in the district in accordance with the National Planning Policy Framework. A pre-commencement condition is necessary because the ESP will need to be in place before any construction activities take place.
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The following refusal reason would be applied in the event that the Section 106 Agreement is not completed within the required timeframe, in accordance with paragraphs 8.1 and 8.2 of the agenda report.

1. Planning obligation

The application fails to provide an appropriate planning obligation with respect to the on-site provision of affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Without these planning obligations the proposed development conflicts with policies CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations SPD, and the National Planning Policy Framework.

Informatives

1.	S106 Legal Agreement This decision notice should be read in conjunction with the associated s106 legal agreement. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.
2.	Compliance with conditions Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.
3.	Pre-conditions This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.
4.	Compliance with approved drawings Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

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5.	<p>Proactive actions of the LPA</p> <p>The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:</p> <ul style="list-style-type: none"> a) Provided the applicant with a case officer as a single point of contact. b) Alerted the applicant to issues that were raised during the consideration of the application. c) Accepted amended plans to address issues arising during the consideration of the application. d) Agreed an extension of time before determining the application to enable negotiations with the applicant. e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.
6.	<p>Building Regulations</p> <p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control</p>
7.	<p>Foul drainage</p> <p>The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.</p>
8.	<p>Access construction</p> <p>The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.</p>
9.	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
10.	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>

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11.	<p>Excavation in close proximity to the highway</p> <p>In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.</p>
12.	<p>Incidental works affecting the highway</p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519169, before any development is commenced.</p>
13.	<p>Developer Coordination Requirements</p> <p>Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.</p> <p>Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.</p> <p>Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.</p>
14.	<p>Official Postal Address</p> <p>Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.</p>
15.	<p>Thames Water</p> <p>"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>

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(The meeting commenced at 6.30 pm and closed at 10.00 pm)

CHAIRMAN

Date of Signature