

# Notice of Meeting

## Western Area Planning Committee

**Wednesday, 15 January, 2014 at 6.30pm**  
in Council Chamber Council Offices  
Market Street Newbury

### **Members Interests**

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

Date of despatch of Agenda: Tuesday, 7 January 2014

### **FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

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

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

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

Any queries relating to the Committee should be directed to Jessica Collett on (01635) 503124 Email: [jcollett@westberks.gov.uk](mailto:jcollett@westberks.gov.uk)



West Berkshire  
COUNCIL

**Agenda - Western Area Planning Committee to be held on Wednesday, 15 January 2014**  
(continued)

**To:** Councillors David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hewer, Roger Hunneman, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)

**Substitutes:** Councillors Howard Bairstow, Billy Drummond, Adrian Edwards, Mike Johnston, Gwen Mason, Andrew Rowles and Tony Vickers

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# Agenda

## Part I

Page No.

1. **Apologies**

To receive apologies for inability to attend the meeting (if any).

2. **Minutes**

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To approve as a correct record the Minutes of the meeting of this Committee held on 11 December 2013.

3. **Declarations of Interest**

To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

4. **Schedule of Planning Applications**

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

(1) **Application No. and Parish: 13/01978/COMIND - Building 302, New Greenham Park, Greenham**

35 - 48

**Proposal:** Change of use of existing building to B8 Use Class [Storage and Distribution] with ancillary vehicle workshop, offices and external car and HGV parking.

**Location:** Building 302, New Greenham Park

**Applicant:** Greenham Common Community Trust

**Recommendation:** The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the completion of a s106 planning obligation.



West Berkshire  
COUNCIL

**Agenda - Western Area Planning Committee to be held on Wednesday, 15 January 2014**  
*(continued)*

**Items for Information**

5. **Appeal Decisions relating to Western Area Planning Committee** 49 - 58  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.*

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact  
Moira Fraser on telephone (01635) 519045.

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**WESTERN AREA PLANNING COMMITTEE****MINUTES OF THE MEETING HELD ON  
WEDNESDAY, 11 DECEMBER 2013**

**Councillors Present:** David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Roger Hunneman, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)

**Also Present:** Emmanuel Alozie (Solicitor), Jake Brown (Planning), Michael Butler (Planning), Paul Goddard (Highways) and Jenny Legge (Principal Policy Officer)

**Councillor(s) Absent:** Councillor Paul Hewer

**PART I****33. Minutes**

The Minutes of the meeting held on 13 November 2013 were approved as a true and correct record and signed by the Chairman.

**34. Declarations of Interest**

Councillors David Allen, Jeff Beck, Ieuan Tuck and Julian Swift-Hook declared an interest in all the items on the Agenda, but reported that, 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.

Councillor Swift-Hook requested that Agenda item 4(3) regarding 3-7 Sandleford Farm be taken first as he and the speaker, Tony Forward, were required at a Greenham Parish Council meeting. This was agreed by the Committee.

**35. Schedule of Planning Applications****35(1) Application No. and Parish: 13/02615/COMIND - The Limes Guest House and 370a and 370b London Road, Newbury**

*(Councillor David Allen declared a personal interest in all the Agenda items by virtue of the fact that he was a Member of Newbury Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillors Jeff Beck and Ieuan Tuck declared a personal interest in all the Agenda items by virtue of the fact that they were Members of Newbury Town Council. Councillor Tuck had not been present during discussions, however Councillor Beck had been present at the committee when the application was discussed. He would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in all the Agenda items by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council*

## WESTERN AREA PLANNING COMMITTEE - 11 DECEMBER 2013 - MINUTES

*who had previously considered the application, but reported that he would view the application afresh on its own merit. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information on the application before him. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/02615/COMIND in respect of section 73. Variation of Condition 3 [build in accord with approved plans] of planning permission reference 13/00252/comind at The Limes Guest House and 370a and 370b London Road, Newbury.

In accordance with the Council's Constitution, Phil Barnet, Parish Council representative, Mrs Angelika Rivero, objector, Mr Tom Rumble, agent and Mr Malcolm Dunne, BREEAM assessor, addressed the Committee on this application.

Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. He noted that due to a technicality, should the developer wish to implement both sets of amended planning applications being considered on this agenda, they would need to apply again for permission. In conclusion the report detailed that the proposal was for a high quality scheme and was strongly recommended by Officers.

Mr Barnet in addressing the Committee raised the following points:

- Newbury Town Planning and Highways Committee (NTP&HC) had considered all the applications on this site and still had the same concerns:
  - Impact on street scene
  - Overlooking
  - Access
  - Smell and noise
  - Refuse store
  - Gracewell Care Homes was now involved and this could lead to a series of amendments to modify the building. The previous application was not thought through enough and they would like to see the proposal be resubmitted in its entirety.

The Chairman enquired if Mr Barnet preferred the previous application. Mr Barnet reiterated that there were substantive concerns about both proposals. The Chairman reminded the meeting that each application should be treated on its own merits and that the extant plan could be constructed.

Councillor Hilary Cole informed the Committee that the previous application had been put forward by the previous owners of The Limes, who were not care home experts. The property had now been acquired by Gracewell and it was logical that they would wish to tweak the design to give a better living experience to the residents of the care home. Mr Barnet responded that the initial application had been informed by expert opinion.

Mrs Angelika Rivero in addressing the Committee raised the following points:

- The previous approval was for a speculative scheme, which Gracewell were now trying to make work.
- The site was difficult to access using public transport and was a green field site.
- The reworking of the plans gave the opportunity to make a building to suit Gracewell's working model, but also to sort out the flaws in the original design.

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The current building could not be energy efficient, however, it could be made more carbon neutral through the use of solar panels, for example.

- If the overall footprint was being reduced then it might be possible to save some of the orchard area.
- The scheme would not meet the BREEAM 'excellent' standard.

Councillor George Chandler asked if the greater distance to the neighbouring house in London Road created by the reduction in the footprint had addressed the concerns raised in the last application. Mrs Rivero welcomed the change, but commented that the garden land was now considered 'brown field' due to the previous permission and it would be good if some of the orchard could be saved.

Councillor Cole asked Officers to clarify whether this was a green field site. Michael Butler confirmed that technically Mrs Rivero was correct. In principle a redevelopment was acceptable if garden land was in the curtilage; this was green field. However, in permitting the scheme, policies had overridden the technical distinction. It would be more useful to think of it as an extant permission.

Councillor Anthony Stansfeld conjectured whether the extant permission would have been approved without the assurance that it would be a BREEAM 'excellent' scheme. Michael Butler advised the Committee that CS15 was adopted in January 2013 and after this the BREEAM 'excellent' Condition was automatically applied. The Condition was technically feasible to achieve, but was expensive.

Mr Tom Rumble in addressing the Committee raised the following points:

- Planning permission was granted in June 2013 and the property had since been sold to Gracewell Home Care (GHC). The principle of a care home in this vicinity was agreed and GCH wanted to apply their experience in design.
- GHC provided high quality care; brought employment to the area; ensured the amenities of resident and neighbours were protected and had designed a well thought out and improved scheme.

Councillor Cole asked if a combined heat and power (CHP) scheme or solar panelling had been considered. Mr Rumble confirmed that a CHP was now included in the design.

Councillor Jeff Beck suggested that the two applications on this agenda were intertwined, however in one application an extra parking space was shown to be required, whilst in the other there were too many parking spaces. Mr Rumble noted that this report was attached to the second application to be considered. However, the extra spaces were welcomed by the Highways Officer and were due to the two extra bedrooms being created.

Councillor Beck further questioned why the travel plan had not been carried out in the feasibility stage. Mr Rumble confirmed that the travel plan would be dealt with in Conditions. Michael Butler reminded the Members that each application needed to be considered on its own merit and that the first application dealt with physical changes to the site. If the questioning on the applications became confused any decision reached might be unlawful. Councillor Beck raised a question regarding the screening and landscaping and asked that it be conditioned that Ward Members were to be involved in these decisions.

Councillor Paul Bryant asked what auto-fire suppression would be installed. Mr Rumble confirmed that it would be wet not misted sprinklers.

Councillor Beck in addressing the Committee, as Ward Member raised the following points:

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- He found it difficult to object to this application without referring to its partner application. He felt that Mrs Rivero had made some sound comments.

Councillor George Chandler concluded that he could see no problem with the variations as it was fine tuning of an existing plan, he proposed the application be accepted in line with Officers' recommendation. This proposal was seconded by Councillor Cole.

Councillor Beck asked that his opposition to the application be recorded in the minutes.

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

### Conditions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).should it not be started within a reasonable time.

1. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

2. The development hereby permitted shall be carried out in accordance with the submitted plans as amended by the plans received on 24th October 2013.

Reason: To ensure that this permission relates to the revised plans only.

3. All the window(s) at indicated as being obscure glazed on the submitted amended plans shall be so glazed before occupation and the obscure glazing shall thereafter be retained in position to the satisfaction of the Local Planning Authority. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in any of the first and second floor elevations without the permission in writing of the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

4. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

5. No development shall commence until samples of the external facing materials to be used in the proposed development have been submitted on the application site only, and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission

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of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. No development shall commence until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. The Nursing Home shall not be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

7. The hours of work for all contractors for the duration of the site development [including all demolition works] shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays 7.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

8. The premises shall be used for a Nursing Home and for no other purposes including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2005 (as amended) or any subsequent amendment to this Order.

Reason: Any other use may not be acceptable on the site in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026

9. No development shall commence until an Air Quality Assessment has been submitted to demonstrate any likely changes in air quality exposure to air pollutants as a result of the proposed development and the exposure of receptors to the existing air pollution. The assessment is to compare the air quality following completion of the development with that expected at the time without the development. The assessment will need to include:

- 1) assess the existing air quality in the study area (existing baseline)
- 2) predict the future air quality without the development in place (future baseline)
- 3) predict the future air quality with the development in place (with development)
- 4) details of mitigation

Reason: to accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

10. Prior to works starting on site construction and location details of a newt hibernaculum to be built in the north east corner of the site will be submitted to the local planning authority for approval. Such approved details will be implemented in full and the hibernaculum maintained thereafter.

Reason: To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026.

11. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the

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Local Planning Authority. This shall be agreed in concert with the ward Councillor. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

12. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. 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.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of BS5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

13. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

14. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. In addition, no development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

15. No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- 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 the spoil from the site.
- d) Include a timescale for the spoil removal and associated works.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any change of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

16. The new nursing home shall achieve 'Excellent' under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of 'Excellent' has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

17. The use shall not commence until the vehicle parking and / or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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19. No development shall take place until details of the access into and out of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the accesses have been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

20. The applicant / owner / operator shall submit to the Council a Travel Plan for employees before the development is commenced. The travel plan shall be approved by the Council and implemented within 3 months of the occupation of the new building hereby permitted. The plan shall then be operated in perpetuity on the site/ building.

Reason: To minimise travel to and from the site by private vehicle by employees in accord with the advice in the NPPF 2012.

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

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

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

22. The removal of the roof tiles, soffits, lead flashing and hanging tiles on Nos. 366 & 368 shall be undertaken by hand under the supervision of a licensed ecologist. In addition, no development shall take place until a drawing showing the location of four built in bat boxes (Ibstock Type B or similar) to be incorporated in the walls of the new building has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved drawing and the bat roosts created hereafter retained. In addition, a copy of the Natural England EPS License required will be provided to the local planning authority prior to works commencing on site. No external lighting will illuminate the bat roost access points provided as part of the mitigation scheme. Removal of any tree with bat roost features will only commence after an experienced arborist or bat worker has confirmed that there are no roosting bats present. If roosting bats or evidence of their presence is found then advice from Natural England or a licensed bat worker must be sought before felling takes place. Tree, shrub and hedge removal will take place outside the bird breeding

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season (March - August) or immediately following confirmation by an ecologist that birds are not nesting or have dependant young.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026 and the advice in the NPPF.

### INFORMATIVE:

1. 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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. This permission should be read in conjunction with a legal agreement dated the 28th June 2013. You are advised to make yourself aware of the contents.

### **35(2) Application No. & Parish: 13/02622/COMIND - The Limes Guest House and 370a and 370b London Road, Newbury.**

*(Councillor David Allen declared a personal interest in all the Agenda items by virtue of the fact that he was a Member of Newbury Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillors Jeff Beck and Ieuan Tuck declared a personal interest in all the Agenda items by virtue of the fact that they were Members of Newbury Town Council. Councillor Tuck had not been present during discussions, however Councillor Beck had been present at the committee when the application was discussed. He would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in all the Agenda items by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council who had previously considered the application, but reported that he would view the application afresh on its own merit. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information on the application before him. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 13/02622/COMIND, section 73. Variation of Condition 17 on planning permission 13/00252/comind in respect of The Limes Guest House and 370a and 370b London Road, Newbury.

In accordance with the Council's Constitution, Phil Barnet, Parish Council representative, Mrs Angelika Rivero, objector, and Mr Tom Rumble, agent and Mr Malcolm Dunne, BREEAM assessor, addressed the Committee on this application.

Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. He noted that although the BREEAM 'excellent' standard would not be achieved,[if the application were approved] the scheme would still be of a very high quality. The update report confirmed that a

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combined heat and power (CHP) unit would be installed. In conclusion the report stated that there were clear reasons for the proposal to be recommended by Officers.

Councillor Hilary Cole questioned the seriousness of explosive refrigerants in the report. Michael Butler suggested that this question be directed to one of the speakers.

Councillor Roger Hunneman expressed the view that he found it difficult to accept the expense of a roof terrace if BREEAM 'excellent' was the real cost. Michael Butler acknowledged that the Members would have to weigh the benefits to residents against the BREEAM standard. Councillor George Chandler asked if there were different standards for care homes. Michael Butler suggested that the Committee addressed this question to the BREEAM assessor.

Phil Barnet in addressing the Committee raised the following points:

- Councillors were very keen to see high standards of BREEAM in all new builds without exception. Members had seen this part of the original application as a step forward.
- He was content with the installation of the CHP and thought this might reassure the members of the Newbury Town Council Planning and Highways Committee.

Mrs Rivero in addressing the Committee raised the following points:

- She acknowledged that there had been pressure on the Members to approve the last planning application. However, there were flaws with the design:
  - Inaccessibility via public transport
  - Lack of parking
  - Poor design
  - Energy efficiency.
- The expectation was that elected representatives provided oversight and accountability. It would be almost impossible to achieve BREEAM 'excellent'.
- The information that noise insulation in a care home needed to be low so that staff could hear residents was erroneous. Residents were monitored via visual checks recorded electronically.
- The main argument against achieving the standard was of additional cost. Gracewell were professionals and would have accounted for this extra cost. Although, the initial cost would be higher, overtime the running costs would be lower. This would have been a good time to redesign to accommodate a high BREEAM level rather than include extra luxuries.
- The Committee could send a message to developers; to create a legacy whereby developers needed to account for BREEAM in their costings.

Councillor Jeff Beck inquired if Mrs Rivero could expand on the refrigerant question raised earlier in the discussion. She explained that she had worked in a hospital chain and that the fridges were small units for storing medicines and were the same as used in any domestic situation.

Mr Dunne and Mr Tumble in addressing the Committee raised the following points:

- Mr Dunne was a BREEAM consultant / assessor with 25 years experience. He explained that to get all the points needed for the 'excellent' standard, work had to be done prior to the planning stage.

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- With regards to the confusion on parking spaces raised in the previous application he explained that the BREEAM requirement was at odds with Highways in that it asked for as few spaces as possible.
- Passive ventilation had been included in the new design and refrigerants had been designed out.
- Gracewell had committed to follow BREEAM where possible, for example:
  - By installing the CHP system, which gave a reduction in CO<sup>2</sup>,
  - Installing LED lighting
  - Using green materials
  - Reusing waste water for the garden and possibly laundry

Councillor Cole asked if Mr Dunne knew of any examples of exploding fridges. Mr Dunne said he did not know of any. She also enquired what alarm system was to be used in the home. Mr Rumble confirmed that it would be the Nurse call system.

Councillor Allen recognised that there were some fundamental problems with obtaining the 'excellent' standard and asked what would be the time and cost issues and how close was the project to getting the standard. Mr Dunne replied that some points could only be awarded prior to the planning stage and so could not be accessed. He estimated that the project was 50% towards 'excellent'.

The Chairman inquired, if the site were being designed from square one, would 'excellent' have been achievable. Mr Dunne advised that if that was the target, then it would have been met.

Councillor Jeff Beck asked for confirmation that the structural changes needed to account for the CHP had been included in the proposal. Mr Dunne assured the Committee that they had and as the plant was located on the second floor, the noise should not affect residents.

Councillor Beck requested clarification regarding parking spaces. Mr Dunne explained that BREEAM looked to reduce spaces, however, this caused problems for Highways Officers and so a compromise had been reached. He also advised that the travel plan was carried out at the feasibility stage.

Mr Dunne gave the following answers to questioning from Councillors Hunneman, Cole and Chandler:

- Care homes were grouped as multi-residential and therefore different criteria applied
- Cycle spaces were required
- Solar panels could still be included in the design, but might not make much difference and would be costly. The CHP unit was more viable, with a 20% reduction in CO<sup>2</sup>
- The CHP would use gas

Councillor Beck, speaking as Ward Member, raised the following points:

- It appeared to him that the application previously passed could have been built and achieved 'excellent'. The developers were now asking for a reduction of 50% and were not prepared to pay for solar panels. It appeared to be a cost reduction exercise.

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Councillor Beck proposed to reject the application against Officer recommendation. This was seconded by Councillor Chandler.

Councillor Cole found Mrs Rivero's presentation impressive. She considered BREEAM to be a box ticking exercise and quoted from the Core Strategy of July 2012, where 'excellent' had been agreed upon as the minimum standard. She stated that this was what all Members had agreed upon and should therefore be upheld.

Councillor Allen put forward a contrary view that the current application was being penalised for the extant plan. Due to the change in ownership the current developers were unable to access credits and he was reluctant to refuse permission.

Councillor Anthony Stansfeld commented that the acceptance of an application should not be recommended if the Conditions could not be met by the developer. He offered the view that this application should be accepted but that the original application should not have been approved.

Councillor Chandler noted that the Committee should encourage a high standard of build and should adhere to their strategy.

Councillor Hunneman concurred with Councillor Cole, but concluded that care homes were in great need and if the application were not approved the project might be in jeopardy. He asked Officers what the reason for refusal could be. Michael Butler responded that the only reason could be that it was contrary to policy.

At the vote the motion was lost.

Councillor Allen proposed to grant the application, as per Officer recommendation. This was seconded by Councillor Ieuan Tuck.

Councillor Beck asked that his opposition to the application be recorded in the minutes.

**RESOLVED** that the Head of Planning and Countryside be authorised to **GRANT** planning permission, subject to the following conditions:

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). should it not be started within a reasonable time.

2. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

3. The development hereby permitted shall be carried out in accordance with the submitted plans as amended by the plans received on the 8th April 2013.

Reason: To ensure that this permission relates to the revised plans only.

4. All the window(s) at indicated as being obscure glazed on the submitted amended plans shall be so glazed before occupation and the obscure glazing shall thereafter be retained in position to the satisfaction of the Local Planning Authority.

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Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in any of the first and second floor elevations without the permission in writing of the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

5. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. No development shall commence until samples of the materials to be used in the proposed development have been submitted on the application site only and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

7. No development shall commence until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. The Nursing Home shall not be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

8. The hours of work for all contractors for the duration of the site development [including all demolition works] shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays 7.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

9. The premises shall be used for a Nursing Home and for no other purposes including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2005 (as amended) or any subsequent amendment to this Order.

Reason: Any other use may not be acceptable on the site in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

10. No development shall commence until an Air Quality Assessment has been submitted to demonstrate any likely changes in air quality exposure to air pollutants as a result of the proposed development and the exposure of receptors to the existing air pollution. The assessment is to compare the air quality following completion of the development with that expected at the time without the development. The assessment will need to include:-

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- 1) assess the existing air quality in the study area (existing baseline)
- 2) predict the future air quality without the development in place (future baseline)
- 3) predict the future air quality with the development in place (with development)
- 4) details of mitigation

Reason: to accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

11. Prior to works starting on site construction and location details of a newt hibernaculum to be built in the north east corner of the site will be submitted to the local planning authority for approval. Such approved details will be implemented in full and the hibernaculum maintained thereafter.

Reason: To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026.

12. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. This to be done in concert with the ward Member. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:-

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

13. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. 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.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of BS5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

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14. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

15. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. In addition, no development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

16. No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:-

- 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 the spoil from the site.
- d) Include a timescale for the spoil removal and associated works.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any change of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

17. The new nursing home shall achieve Very Good under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Very Good has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006)

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18. The use shall not commence until the vehicle parking and / or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. No development shall take place until details of the access into and out of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the accesses have been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

21. The applicant / owner / operator shall submit to the Council a Travel Plan for employees before the development is commenced. The travel plan shall be approved by the Council and implemented within 3 months of the occupation of the new building hereby permitted. The plan shall then be operated in perpetuity on the site/ building.

Reason: To minimise travel to and from the site by private vehicle by employees in accord with the advice in the NPPF 2012.

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

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

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

23. The removal of the roof tiles, soffits, lead flashing and hanging tiles on Nos. 366 & 368 shall be undertaken by hand under the supervision of a licensed ecologist. In addition, no development shall take place until a drawing showing the location of four built in bat boxes (Ibstock Type B or similar) to be incorporated in the walls of the new building has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved drawing and the bat roosts created hereafter retained. In addition, a copy of the Natural England EPS License required will be provided to the local planning authority prior to works commencing on site. No external lighting will illuminate the bat roost access points provided as part of the mitigation scheme. Removal of any tree with bat roost features will only commence after an experienced arboriculturist or bat worker has confirmed that there are no roosting bats present. If roosting bats or evidence of their presence is found then advice from Natural England or a licensed bat worker must be sought before felling takes place. Tree, shrub and hedge removal will take place outside the bird breeding season (March - August) or immediately following confirmation by an ecologist that birds are not nesting or have dependant young.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026 and the advice in the NPPF.

**35(3) Application No. & Parish: 13/02408/FULD 3 - 7 Sandleford Farm, Sandleford, Newtown, Newbury**

*(Councillor David Allen declared a personal interest in all the Agenda items by virtue of the fact that he was a Member of Newbury Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillors Jeff Beck and Ieuan Tuck declared a personal interest in all the Agenda items by virtue of the fact that they were Members of Newbury Town Council. Councillor Tuck had not been present during discussions, however Councillor Beck had been present at the committee when the application was discussed. He would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in all the Agenda items by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council who had previously considered the application, but reported that he would view the application afresh on its own merit. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information on the application before him. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 13/02408/FULD in respect of the demolition of existing buildings [Gilson Engineering] and erection of 9 dwellings, two 2 bed, four 3 bed and three 4 bed; a new access, sound barrier, parking and landscaping at 3 - 7 Sandleford Farm.

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In accordance with the Council's Constitution, Mr A Forward, Parish Council representative and Mr R McLennan, agent, addressed the Committee on this application.

Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations and drew the Committee's attention to the contents of the Update report. He noted that the accompanying Listed Building Consent (LBC) for this site was not on the agenda as it had not been called in, however the decision made for this application would also apply to the LBC. In conclusion the report detailed that the proposal was an improved scheme and was firmly recommended for approval.

*(Councillor Virginia von Celsing arrived at 6.40pm. Her vote was not taken into consideration on this item.)*

Mr Forward in addressing the Committee raised the following points:

- The Parish Council strongly requested that block paving be used in the scheme, but this had not been detailed in the plan.
- There was concern with the number of Conditions and how they were being used to rectify the scheme.
- There was concern regarding the lack of consultation on the sewage scheme and that no Conditions had been attached to this part of the proposal. Sewage would drain into the farm's yard.
- Concern was raised about the siting of the acoustic fence on the old foundations and that the 2m high gate, designed to reduce noise at the access, had been removed at the request of Highways Officers.
- The plans were flawed and Officers were dealing with this through Conditions.
- Hydrocarbon levels were beyond government guidelines. The land was therefore contaminated.
- The Condition regarding access should read 'accesses'.
- In conclusion, problems with the proposal were being mopped up by the use of Conditions. The Committee could not reach an informed decision without being presented with all the information.

The Chairman asked Officers to comment. Michael Butler explained that nearly all planning permissions were subject to Conditions as set out by law. Should the application be approved by the Committee, the Conditions were also approved, and authority was delegated to Officers to enforce them. This was not democratic, it was a delegated authority process. The site had significant planning history and he considered that the information provided by the developers was more than adequate for a decision to be reached.

Councillor Hilary Cole asked if Mr Forward considered the current plan to be better, architecturally. Mr Forward was unable to concur with this view as the finishes to be used were unconfirmed. Councillor Cole asked Officers if Parish Councils were consulted in respect of finishes. Michael Butler answered that Ward Members were sometimes consulted.

The Chairman queried if Councillor Julian Swift-Hook would be happy to assist in this matter. Councillor Swift-Hook agreed to assist and confirmed that this was a regular occurrence.

Councillor Swift-Hook sought clarification from Mr Forward as to concerns that a report on pollution had not been submitted by the developers. Mr Forward confirmed that a

## WESTERN AREA PLANNING COMMITTEE - 11 DECEMBER 2013 - MINUTES

report had only been submitted for the previous application and noted that Planning guidance was that the application should not be determined if the report was not present.

Mr McLennan in addressing the Committee raised the following points:

- The scheme would enable Gilson Engineering to move to more appropriate premises. The changes made for a more marketable scheme. Gilson's had not shied away from problems and had consulted with experts where necessary. He believed the new design was a better reflection of a farm yard than the extant permission.

Councillor Jeff Beck expressed concern about the sound barrier on the north of the site and that the entrance gate had been removed. He was conscious that road noise would permeate the site, but also accepted that the entrance gate had been removed at the request of Highways Officers. Mr McLennan noted that the proposal at the entrance to the site had been for a five-bar gate for residents security rather than as a noise barrier. The noise report had been updated since the gate had been removed from the plans. The gate to the north was, however, constructed as a sound barrier. Councillor Swift-Hook concurred that there was concern regarding the lack of noise mitigation at the entrance. Mr McLennan observed that there had been no entrance gate in the approved scheme and that this had not changed.

Councillor Swift-Hook asked why a report had not been submitted to the Committee regarding land contamination. Mr McLennan confirmed that an updated report from the approved proposal had been submitted.

Councillor Swift-Hook drew the Members attention to point 6.4.3 of the report and the use of tarmac rather than block paving. Mr McLennan confirmed that the developer would prefer block paving. Michael Butler interjected that he had recommended tarmac for adoption purposes, however he had subsequently found that this was not necessary and block paving was acceptable.

Councillor Swift-Hook addressing the Committee, as Ward Member, raised the following points:

- He agreed that the application was an improvement on the extant scheme, however his concerns were:
  - Lack of affordable housing on the basis of viability. There were serious concerns in Greenham that affordable housing was being deleted from proposals as the value of a scheme was increased if there was no affordable housing and this was an incentive to developers to remove such units from their proposals .
  - The relative height of the new building to the farm house and its proximity.
  - His main point against approval was the reliance on Conditions and the delegation of decisions to Officers and Ward Members rather than the Committee having sight of the complete plan.

Councillor Cole proposed the application be accepted in line with Officers' recommendation. This proposal was seconded by Councillor Beck.

**RESOLVED** that the Head of Planning and Countryside be authorised to **GRANT** planning permission, subject to the completion of a S.106 planning obligation.

If for any reason the S.106 obligation was not completed by 28 February 2014, the application, if expedient, be refused for the following reason:

"Notwithstanding the applicant's willingness to do so, the required s106 obligation to mitigate the impact the new occupiers of the housing will have upon the District's

facilities, services and infrastructure, has not been completed. Accordingly, since the application is contrary to the advice in the NPPF of 2012, para 122 of the 2010 CIL Regulations [as amended], policy CS5 of the West Berkshire Core Strategy 2006 to 2026, and the SPD adopted June 2013 - Delivering Investment From Sustainable Development, it is unacceptable."

## CONDITIONS

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2010 should it not be started within a reasonable time.

2. No development shall commence until samples of the materials to be used in the proposed development are submitted on the application site and approved in writing by the Local Planning Authority. This to be done in concert with the ward member. The hard surfacing of the courtyard shall be brick/block paviours. The materials must be submitted on site only, for approval. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Adopted Core Strategy 2006 to 2026.

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels. This shall include all relevant aod levels on the site and in relation to the farmhouse located to the south.

Reason: To ensure a satisfactory relationship between the proposed dwellings and the adjacent land in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

4. The development must be built out in strict accord with the site plan number CS/ GE.1/ 06h received on 14th November 2013, and the additional section plans number CS/GE.1/10a received on the same date.

Reason: To clarify the planning permission in accord with the advice in the DMPO of 2010.

5. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

6. No development or other operations shall commence until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and

details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

7. No development shall commence (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. 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.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figure 2 of B.S.5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy ENV20 of West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

8. No development or other operations on site shall commence until an arboricultural method statement is submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

9. Prior to the commencement of building and other operations on site the vehicular, pedestrian/ cycle access(es) and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: In the interest of highway safety and to accord with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007 in the interest of highway safety.

10. The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The footway/cycleway(s) and/or verge(s) shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

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Reason: In the interest of road safety and highway maintenance and in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

11. No development of the site shall be brought into use until visibility splays of 2.4m by 215 metres have been provided at the vehicle access point. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interest of road safety in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

12. Prior to the development being brought into use the cycle parking shall be provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

13. No development shall commence until details to show a temporary parking area and turning space to be provided and maintained concurrently with the development of the site are submitted to and approved in writing by the Local Planning Authority. Such approved parking area and turning space shall at the commencement of development be provided and thereafter retained in accordance with the approved details until the development has been completed and shall during that time be used for parking by all employees, contractors and operatives or other visitors during all periods that they are working at or visiting the site.

Reason: In accordance with Policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007 to ensure the development is provided with adequate parking facilities during the construction period, in order to minimise the incidence of off site parking in the locality which could cause danger to other road users or long term inconvenience to local residents.

14. No development approved by this planning permission shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the local aquifer in the area in accord with the advice in the NPPF of 2012.

15. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To avoid potential hotspots on the site being discovered and not remediated in accord with the advice in the NPPF of 2012.

17. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The well of the dairy and farmhouse plus the existing drainage on the Sandleford Farmhouse site must not be altered.

Reason: Areas of contamination may also be present at this site. Infiltration drainage must not be located in contaminated areas. In accord with the advice in the NPPF of 2012.

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

Reason: To ensure that any archaeological features or finds identified are adequately investigated and recorded. In accord with policy CS19 in the West Berkshire Core Strategy 2006 to 2026.

19. Prior to works commencing on site, the location of the mitigation measures outlined in para. 3.2 of the Gilson's Engineering, Sandleford Farm, Newbury, Bat Survey by Aluco Ecology Ltd and dated July 2009, and the recommendations in the arbtech report of 11th September 2013, will be supplied to the Local Planning Authority for approval. Such approved plan will be implemented in full and the measures undertaken shall be maintained thereafter. In addition, prior to works commencing on site, a reptile mitigation plan shall be submitted to the local

## WESTERN AREA PLANNING COMMITTEE - 11 DECEMBER 2013 - MINUTES

planning authority for approval. Such approved plan to be implemented in full and the measures undertaken shall be maintained thereafter

Reason: to protect species on site in accord with the advice in the NPPF of 2012.

20. No development shall commence until details of a scheme of works to protect the occupiers from externally generated noise is shall be submitted to and approved in writing by the LPA. All works forming part of the scheme shall be completed before any dwelling is occupied.

Reason: to protect the amenities of the new occupants, in accord with policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

21. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policy ENV20 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

22. The dwellings shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). No dwelling shall be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006).

23. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy July 2006 to 2026.

25. No development shall take place until a Section 278 Agreement is signed under the Highways Act 1980 to enable the provision of the following:
  - a) The provision of the site access.
  - b) The provision of a Traffic Regulation Order to prevent right turning in and

out of the site.

c) The provision of a 2 metre wide foot way fronting the site.

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

**INFORMATIVE:**

1. 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.

**35(4) Application No & Parish: 13/01848/FULD - Wellington Arms, 4 Andover Road, Newbury**

*(Councillor David Allen declared a personal interest in all the Agenda items by virtue of the fact that he was a Member of Newbury Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillors Jeff Beck and Ieuan Tuck declared a personal interest in all the Agenda items by virtue of the fact that they were Members of Newbury Town Council. Councillor Tuck had not been present during discussions, however Councillor Beck had been present at the committee when the application was discussed. He would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in all the Agenda items by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council who had previously considered the application, but reported that he would view the application afresh on its own merit. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information on the application before him. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 13/01848/FULD in respect of a change of use and conversion of the main Grade II Listed pub building and two outbuildings into four new residential units. Demolition of rear extension to main building, garage/store and toilet blocks, extension linking main building to function suite and boundary wall adjacent to Derby Road. Hard and soft landscaping and provision of three car park spaces at Wellington Arms, 4 Andover Road, Newbury.

In accordance with the Council's Constitution, Mr Phil Barnet, Parish Council representative, and Mr Ian Blake, applicant/agent, addressed the Committee on this application.

Councillor Adrian Edwards had mistakenly considered this site to be in his ward as it was on the border and had called in the application. The Committee agreed to allow Councillor Edwards to speak as Ward Member, as it was a material planning

## WESTERN AREA PLANNING COMMITTEE - 11 DECEMBER 2013 - MINUTES

consideration that the vitality and viability of a community facility would affect the adjacent Ward.

Jake Brown introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion he stated that the Officer recommendation was finely balanced.

- Phil Barnet in addressing the Committee raised the following points:
- He stated that local people valued these premises and hoped that the pub could be retained as a viable business.
- It was hoped that the main staircase could either be kept or given to the museum.

Councillor Anthony Stansfeld queried the notion that a pub was not viable in this locality as there was a considerable amount of new houses being built in the surrounding area. He conjectured that the building had been allowed to become derelict through neglect. Mr Barnet advised that he had spoken to local publicans and that they too were struggling.

- Ian Blake gave the following answers when questioned by the Committee:
- In his opinion the staircase was not worth keeping and was not original to the house.
- He thought that the fireplace would be retained.

Councillor Edwards, speaking as adjacent Ward Member, raised the following points:

- He described the history and interesting architecture of the building.
- He noted that four years ago it had been a viable business and had been in use by the community and believed that it could be again.
- Councillor Garth Simpson asked if the pub had been privately owned. Councillor Edwards advised the Committee that it had been owned by Enterprise Inns, but it was thought locally that the company had been reluctant to invest in the property.

Councillor Ieuan Tuck, speaking as Ward Member, raised the following points:

- He was fascinated by history of the building, but noted that he had not been contacted by one member of the public with an objection to the scheme.
- He concluded that if it were a viable venture, it would not have an application against it.
- Councillor Jeff Beck considered that the sign should be retained, but the Committee agreed this was not necessary.
- Councillor Roger Hunneman was concerned that the viability reports were funded by the applicant and might therefore be biased. Jake Brown explained that the report was independently assessed.
- Councillor Stansfeld drew to the Committees attention that support for public houses was soon to be discussed at another meeting. He expressed the view that companies obtained 'planning by dereliction'. He understood that pubs in the countryside were struggling, however this pub was surrounded by a substantial amount of new housing. It was quite clear that it had been run down by the brewery.
- Councillor Beck concluded that there was a large number of pubs in the area and the cost of refurbishment was prohibitive. The pub was very small and so the quantity of wet and food sales that could be made was limited.

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- Councillor Virginia von Celsing appreciated the history of the pub and concluded that the listed building would maintain a modern use, thereby retaining the building.

Councillor von Celsing proposed the application be accepted in line with Officers' recommendation. This proposal was seconded by Councillor Simpson.

Councillor Hilary Cole suggested that if people valued the pub, they should use it. She found little of merit on the site visit and noted that people visited pubs for more than drinking.

Councillor George Chandler noted that in the report it stated there were eighteen pubs within a one mile radius.

**RESOLVED to delegate** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8.2) and the completion of a Section 106 legal agreement within two months of the date of Committee.

OR

If the Section 106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure as set out in section 8.4, where expedient.

### CONDITIONS:

#### Time limit

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

#### Approved plans

2. The development hereby approved shall be carried out in accordance with drawing title numbers 3805 PL06 E, 3805 PL07 C, 3805 PL08 D, 3805 PL10 D, 3805 PL11 D and 3805 PL13 C received on 22nd November 2013 and drawing title number PL01 received on 19th August 2013.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

#### Samples of materials

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### Fencing and enclosures

4. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Hard surfaces**

5. No development shall commence on site until a scheme for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Landscaping**

6. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

The landscaping shall be carried out in accordance with the approved scheme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 – 2026.

### **Temporary Parking Area**

7. No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives, visitors, and other persons working on the site during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off site parking in the locality which could cause

danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **Parking in accord with plans**

8. No dwelling hereby permitted shall be occupied until the vehicle parking spaces have been surfaced and properly provided in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking (of private motor vehicles and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy 2006 - 2026.

### **Cycle parking and bin storage**

9. No dwelling hereby permitted shall be occupied until the cycle parking and bin storage has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles and storage of bins at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles as well as suitable provision of bin storage in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **Hours of work**

10. The hours of work for all contractors for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:  
7.30am to 6.00pm on Mondays to Fridays 8.30am to 1.00pm on Saturdays and NO  
work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **Ecological mitigation**

11. The mitigation measures detailed in the Biodiversity Survey Assessment Report produced by Louise Lowans, dated 7 August 2013 and received on 19th August 2013 shall be implemented in full. The four Swift boxes erected shall be made of woodcrete.

Reason: To ensure the protection of species protected by law in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **Ecological Review**

12. No dwelling shall be occupied until a report from a qualified ecologist which confirms that the approved mitigation measures have been implemented in full has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of species protected by law in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **Relocation of BT Cabinet, Street Name Plate and 'No Loading' sign**

13. No development within the application site shall commence until the BT cabinet and 'no loading' sign has been relocated at the expense of the owner of the site in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: The relocation of the BT cabinet and highway sign is necessary to enable access into the site for construction purposes and for future occupants of the development hereby permitted. This condition is imposed in accordance with Policy CS13 of the West Berkshire Core Strategy 2006 - 2026.

### 8.3 **Informatics**

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, 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 applicants' behalf.
3. 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.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority.
6. Any temporary signing required as part of this development is to be agreed in writing with the Highway Authority, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD.
7. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
8. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
9. 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.

OR

8.4 If the legal agreement is not completed within two months of the date of Committee to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following 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, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to the National Planning Policy Framework and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.

**35(5) Application No. & Parish: 13/01849/LBC - Wellington Arms, 4 Andover Road, Newbury**

*(Councillor David Allen declared a personal interest in all the Agenda items by virtue of the fact that he was a Member of Newbury Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillors Jeff Beck and Ieuan Tuck declared a personal interest in all the Agenda items by virtue of the fact that they were Members of Newbury Town Council. Councillor Tuck had not been present during discussions, however Councillor Beck had been present at the committee when the application was discussed. He would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in all the Agenda items by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council who had previously considered the application, but reported that he would view the application afresh on its own merit. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information on the application before him. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(5)) concerning Planning Application 13/01849/LBC in respect of a change of use and conversion of the main Grade II Listed pub building and two outbuildings into four new residential units. Demolition of rear extension to main building, garage/store and toilet blocks, extension linking main building to function suite and boundary wall adjacent to Derby Road. Hard and soft landscaping and provision of three car park spaces at Wellington Arms, 4 Andover Road, Newbury.

In accordance with the Council's Constitution, Phil Barnet, Parish Council representative, Ian Blake, applicant/agent, addressed the Committee on this application.

Jake Brown introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion he stated that the Officer recommendation was finely balanced.

Both Mr Barnet and Mr Blake declined to address the Committee.

Councillor Ieuan Tuck proposed the application be accepted in line with Officers' recommendation. This proposal was seconded by Councillor David Allen

# WESTERN AREA PLANNING COMMITTEE - 11 DECEMBER 2013 - MINUTES

**RESOLVED to DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8.2).

## CONDITIONS

### Time limit

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

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Approved plans

2. This listed building consent relates only to work described on the drawings and the documents identified below:

Drawing title numbers 3805 PL06 E, 3805 PL07 C, 3805 PL08 D, 3805 PL10 D, 3805 PL11 D and 3805 PL13 C received on 22<sup>nd</sup> November 2013 and drawing title number PL01 received on 19<sup>th</sup> August 2013;

Design and Access Statement received on 22<sup>nd</sup> November 2013.

No work shall be carried out other than in accordance with the above drawings and documents.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

### Samples of materials

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### Workmanlike Manner

4. The development hereby permitted shall be carried out in a proper workmanlike manner appropriate to the age and character of the building and using traditional materials and techniques except where the use of modern materials and techniques has specifically been approved by the Local Planning Authority.

Reason: To protect the special historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### Finish to match original

5. All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match original work with regard to the methods used and to materials, colours, textures and profiles.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy

## WESTERN AREA PLANNING COMMITTEE - 11 DECEMBER 2013 - MINUTES

Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### New brickwork to match existing

6. All new facing brickwork, including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### No alteration of architectural features

7. Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no existing features of architectural or historic interest such as doors, linings, shutters, panelling, cornicing, decorative plasterwork, floorboards, skirting, fireplaces, lath and plaster ceilings, wattle and daub panels shall be altered, replaced or removed until a written description of the steps to be taken has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### Adequate protection and support

8. Adequate protection and support to the building and adjacent structures shall be provided at all times during the work. Sufficient care shall be taken in the design and execution of all work, including any demolition and the preparation and the erection of any scaffolding, to ensure that no damage is incurred to the historic fabric of the building and adjacent structures.

Reason: To protect the special architectural or historic interest of the building and adjacent structures. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### Details of external windows and doors

9. No development shall take place until details of all new external windows and external doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows and doors shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### Details of drainage, rainwater goods, flues etc.

10. No development shall commence, and notwithstanding what is shown on the approved drawings or other approved documents, until details of the type and location of any new drainage pipework and accessories, rainwater goods, boiler

## WESTERN AREA PLANNING COMMITTEE - 11 DECEMBER 2013 - MINUTES

flues, extract vent grilles, meter cupboards, external lighting etc. visible external to the building, including soil vent pipe terminations, have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the development has been carried out in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### Details of specific features

11. Prior to the commencement of related work, details of the proposed staircase to include details of handrails and balusters and all new internal doors shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the development has been carried out in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 8.3 Informatives

1. This Listed Building Consent should be read in conjunction with associated planning permission 13/01848/FULD.
2. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & [The Conservation of Habitats and Species Regulations 2010](#). Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
3. 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.

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

Members noted the outcome of appeal decisions relating to the Western Area.

*(The meeting commenced at 6.30 pm and closed at 9.35 pm)*

**CHAIRMAN** .....

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

# Agenda Item 4.(1)

<b>Item No.</b>	<b>Application No. and Parish</b>	<b>Proposal, Location and Applicant</b>
(1)	13/01978/COMIND Greenham Parish.	Change of use of existing building to B8 Use Class [Storage and Distribution] with ancillary vehicle workshop, offices and external car and HGV parking. Building 302, New Greenham Park. Greenham Common Community Trust.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01978/COMIND>

<b>Recommendation Summary:</b>	<b>The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the completion of a s106 planning obligation.</b>
<b>Ward Member(s):</b>	Councillors Swift Hook and Drummond.
<b>Reason for Committee Determination:</b>	Council has received in excess of 10 letters of objection.
<b>Committee Site Visit:</b>	13 <sup>th</sup> January 2014.

<b>Contact Officer Details</b>	
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## 1. Site History

145585 - Outline planning permission for B1, B2, B8 and Sport and Leisure Park. Granted 1995.

152079 - Use of land for storage and distribution - Walon Limited. Approved August 1998. 01/01734/rem - B8 Development for Sainsburys supermarkets. Approved October 2002. Now lapsed.

08/00349/comind - Pro Logis Limited. Demolition of buildings and erection of new Distribution Park. Allowed at appeal on 30<sup>th</sup> December 2008. Extant. Variation to Unilateral Obligation attached to 08/00349/comind. Dated 12<sup>th</sup> April 2012.

## 2. Publicity of Application

Press Notice Expired: End September 2013.

Site Notice Expired: 23<sup>rd</sup> September 2013.

Amended plans site notice - expiry on 7<sup>th</sup> January 2014.

Re-consultation on revised acoustic report - consulted on 23<sup>rd</sup> December 2013.

Neighbours and Parish Council.

## 3. Consultations and Representations

**Parish Council:** Object to the application. Many errors on application form. More details required. Restrict PD rights on mezzanine floors. Impact on local residential amenity, in particular, noise. Errors on traffic movements surveys - need rectifying. Query over future need for s106 monies to highways. More information needed. Further detailed comments on first submitted noise report – number of factual errors in the Report - need rectifying. Also queries over which access route will be utilised in the Park.

Amended acoustic report - comments awaited - see update sheet.

**Highways:** Conditional planning permission is recommended, following an update of the applicant's submitted Transport Assessment. This indicates a daily movement total of HGV's on weekdays of 200, and 100 other vehicles i.e. 300 in total. This is an acceptable impact on the local network. A s 106 obligation contribution of £185,600 is required. For local road junction improvements and possibly local bus subsidies. 55% to WBDC and 45% to HCC.

**Public Protection.** Initially recommended refusal on noise impact grounds. Conditional planning permission is now recommended, following substantial negotiations with the applicant's agent over the submitted acoustic impact report, and proposed mitigation measures.

**Basingstoke and Deane Borough Council:** No objection is raised.

<b>South Greenham Common Residents Association:</b>	Submitted an acoustic report which examines the applicant's own report. Considers the conclusions to be flawed. The application should be rejected. NB - this was on the initial report, since amended in December 2013 and formally re-consulted upon. Object to the application on traffic and noise grounds. Also light pollution and local access problems, possible drainage implications in addition, and errors in the submitted application forms.
<b>Council Economic Development Officer:</b>	Supports the scheme. Will bring local jobs to the area and will assist in three of the District's economic objectives. Improving local business infrastructure being one.
<b>Archaeologist :</b>	Building 302 has some Heritage Significance, being a relic of the Cold War when the USAF were operating Greenham Common. It has been the subject already of building recording and as it is not being demolished, no objections are raised.
<b>Environment Agency:</b>	No objections. Existing drainage is not being revised.
<b>Natural England:</b>	No objections. No impact upon nearby SSSI. Need to check local advice on any protected species implications. Potential biodiversity enhancements possible.
<b>Council Ecologist:</b>	No objections - nil ecological implications.
<b>Libraries:</b>	S106 contribution of £3,302 requested under SPG4/04 as amended.
<b>Public open space:</b>	S106 contribution figure of £16,240 requested under SPG4/04 as amended - based on net gain of 66 employees, not 110.
<b>Thames Water:</b>	No objections on water or sewerage grounds, but recommend oil interceptors are placed on site where vehicle washing occurs.
<b>Correspondence:</b>	14 letters of objection received from local residents. All concerned about increased traffic impact, and serious impact on local amenity via increased noise impact. Suggest a number of mitigation measures if the application is to be approved. Also impact on wildlife and will cause light pollution. Not an appropriate site for a Distribution Park. 5 additional letters received at a later date, disagreeing with the conclusions of the revised acoustic report. Two further letters received following re consultation on acoustic report. Believe Council should commission own noise report, still worries over lighting, traffic, tonal beepers, acoustic fence will not be adequate to protect residents, change in ground levels, loss of trees, need an acoustic bund plus fence. Application should be refused.

#### 4. Policy Considerations

National Planning Policy Framework 2012.  
 West Berkshire Core Strategy 2006 to 2026. Polices ADPP2, CS5, CS9 and CS13.  
 West Berkshire District Local Plan saved September 2007. Polices OVS6 and ECON6.

## 5. Description of Development

5.1. The application site is 1.8 ha in extent and comprises Building 302, a former aircraft hangar, now vacant, on land in the north east sector of New Greenham Park [NGP]. The building itself is some 15.6m to its ridge, 45m in length, and 55m in width. It has a floorspace of 4640m<sup>2</sup>. Although the formal applicant is the Greenham Common Community Trust, it is known that the occupant of the site will be QTR Transport, a Distribution Company who are looking to relocate from Reading to NGP. It is proposed to change the use of the building to B8 purposes, with the area of hardstanding around the building to be used for HGV parking. To the south of the building will be an area for staff car parking, to the east will be the HGV parking area, and to the north will be the refuelling facility. To the eastern perimeter, with a dog-leg to the south, it is proposed to construct a 4m high acoustic barrier, whilst a further small section to the south will have a 3m high acoustic barrier. The site is to be accessed via Third Street East and then Ministry Road, with all workshop access now being to the west elevation of Building 302. Inside the building will be the HGV workshop, ancillary offices and staff facilities, with the remainder being storage with racking up to 11m in height. There will be no external changes to the building itself i.e. no physical extensions. To the north of the red line application site lies a further extensive area of concrete hardstanding, which then ceases at the northern bund of NGP with the Common itself.

## 6. Consideration of the Proposal.

### 6.1 Town and Country Planning Act 1990 Environmental Impact Assessment Regulations 2011.

The application is major, since it exceeds 1000m<sup>2</sup> in floor space, and exceeds 0.5ha in extent. Accordingly, it falls to be considered as an Industrial Estate Development Project, under part 10[a] of Schedule 2 of the Environmental Impact Assessment Regulations of 2011. By letter dated the 23rd September 2013, the Development Control Manager determined that the application did not require a formal Environmental Statement to be submitted, having regard to the advice in Schedule 3 of the Regulations. That is, sufficient environmental information had been submitted on noise and transport impacts, for the LPA to adequately assess the planning application before it. The application needs to be determined on the following grounds – policy, highways, and noise impact.

### 6.2. Policy

#### 6.2.1 NPPF.

The National Planning Policy Framework, published in March 2012, has a number of points which would support this planning application. To take a selection of salient examples: para 17, bullet point 3 notes, interalia, that one of the 12 core planning principles for Local Planning Authorities is to proactively drive and support sustainable economic development, to deliver the ... industrial units, and infrastructure that thriving local places need. Bullet point 8 encourages local planning authorities to use land effectively by permitting applications on brown field

sites. This application achieves both these issues. However, in addition, paragraph 123 notes that planning schemes should not be permitted if significant adverse impacts on local health and the quality of life will be caused, and noise is one such factor to be taken into due consideration, when balancing the level of harm that can arise from new development. Mitigation of such impacts, assuming such mitigation is achievable, should be agreed in the planning process. It is apposite to note that bullet point 3 in the same paragraph states...." Recognise that development will often create some noise, and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established". All these factors will be taken into consideration by officers below.

#### **6.2.2. Core Strategy**

The application site lies within the defined area of NGP. This is accordingly, a protected Employment Area as identified within both policy ADPP2 and CS9 in the Adopted Core Strategy for West Berkshire. In the employment section of ADPP2 it is noted [interalia] that "business development within other existing employment areas, including NGP, will be supported to ensure that the vitality of the District's economy is maintained. Secondly, under policy CS9 a similar encouragement to new employment is supported, indicating that NGP is of strategic importance to the local economy, being one of the principal employment parks in the whole of West Berkshire.

#### **6.2.3. Saved Local Plan.**

In the Saved Local Plan, policy ECON6 is still relevant, since this is directed solely towards NGP. This sets out 5 criteria against which new B1, B2 and B8 schemes must be addressed. Criterion [b] relates to amenities and features of the local area - it is under this criterion that highways and acoustics will be considered later. As to the other criteria, [a] corresponds to the scheme not impinging upon the available area for sporting and waste related uses. Building 302 is not identified in any local plan policy or commitment for such specific uses, in the Waste Local Plan or any Council wide sporting strategy. Under criterion [c], it is recognised that appropriate s106 developer contributions should be achieved, in order to mitigate the impact the new development will have upon the local highway network etc, in accord with policy CS5 in the Core Strategy. After considerable negotiation, officers have arrived at a mutually agreed figure with the applicants on the sum of £185,600 for highways contributions, plus the two additional figures for public open space and libraries. The total sum is thus in excess of £200,000. Officers consider that this is sufficient, and will not only recognise the site history of NGP, but will also comply with the advice in policy CS5, the NPPF, and ECON6. Indeed, within criterion [c] the future restoration of Greenham Common is noted, to which the public open space monies will be directed towards in the future.

#### **6.2.4 Criterion [d] seeks to ensure that any new office space created is only ancillary to the main use. It is clear in this application that the office space will be just that, but to ensure it does remain ancillary an appropriate condition will be placed on any planning permission, if granted. This will limit the B1 [a] floor space to no more than 10% of the floor area of building 302 i.e. 464m<sup>2</sup> maximum.**

6.2.5. Finally, criterion [e] of the policy seeks to ensure that drainage is not a difficulty, when associated with any new development, in order to mitigate potential impacts arising from contaminated land. Neither Public Protection colleagues nor the Environment Agency have raised any objections in this regard, and it is known that the existing drainage around the building will be adequate to accept the new Distribution hub.

6.2.6 Accordingly, subject of course to criterion [b] being met [see below], Policy ECON6 is satisfied in its entirety.

### **6.3. Transport Matters.**

6.3.1. The Company that is envisaged to occupy the Building 302, if the application is permitted, is QTR Transport, however it is important to recognise that the planning permission will not be personal to that company, so any distribution company could "utilise" the planning permission. Having said that, there is a nationally recognised trip rate that can be applied to such B8 schemes, which are reasonably accurate in forecasting predicted traffic movements, onto the local highway network. The Pro Logis permission [now extant by virtue of the completion of the first phase of the access road prior to December 2011], permitted 44,115m<sup>2</sup> of B8 space with ancillary offices. This current QTR application proposes a total of 4640m<sup>2</sup> which is just over 10% of the total Pro Logis floor space. However, the projected traffic figures for QTR is 20% overall [and 33% HGV] of the Pro Logis scheme. The QTR scheme will generate 400 traffic movements per weekday, roughly 50% HGVs and 50% light vehicles. The Pro Logis application, once built and fully occupied, would have generated circa 2050 movements daily.

6.3.2 Accordingly, although some local objections have been raised on traffic grounds, in late 2008 a Planning Inspector allowed the Pro Logis scheme which would have created significantly more [over 500%] traffic than the present proposal. He also took into account traffic growth up to 2012 and beyond. Having said that, it is important to note that assuming the Pro Logis application is built out around the site now under consideration, this would mean that Unit 4 [16,420m<sup>2</sup>] as permitted under 08/00349/comind, could not be implemented. This is some 3.5 times larger than Building 302, so would be expected to generate substantially more traffic. In fact Unit 4 comprises 37% of the total Pro Logis permitted floorspace. On a pro rata basis this would be some 761 movements per day, as opposed to QTR of c400 per day. So, even if QTR is fully operational, and the remainder of the Pro Logis scheme is implemented, the total additional flows onto the network would still be less than envisioned by the Planning Inspector.

6.3.3. In terms of the s106 highways figures, Members should be aware that, as in accord with the extant [amended] Unilateral Undertaking as attached to 08/00349/comind, the highways payments are split on the basis of 45% to Hampshire County Council and 55% to West Berkshire Council. Accordingly, to be clear, if the application is permitted, this Council will receive, out of a total of just over £185,000, the sum of £102,080 towards local highways improvements on the A339 and possibly bus subsidies. This will mitigate the impact of the development in accord with the advice in the NPPF, policy CS5 in the Core Strategy, and para. 122 of the 2010 CIL Regulations.

6.3.4. On a more prosaic note, the applicants have been requested to submit a formally revised red line plan, which will identify the precise access route to Building 302, via NGP itself. This is important, not specifically for highways reasons, but for acoustic reasons. It is envisaged that after Main Street [or Lindenmuth Way] is used from the A339, then only Third Street East and onto Ministry Road is used, which will lead directly into the application site from the west, so reducing any noise impact on dwellings to the east. That is, Wofford Way should not be used at any time, unless in an emergency. Indeed this access route can then be conditioned, once the red line plan is submitted. There is no highways disadvantage here, since, in examining the submitted location plan, both access routes are roughly equidistant to Building 302.

6.3.5. To conclude, having due regard to the provisions, and advice contained in Policy CS13 in the Core Strategy, the application is considered to be entirely acceptable in traffic terms.

#### **6.4. Noise Considerations.**

6.4.1. Policy OVS6 in the Saved District Local Plan 1991 to 2006, sets out how the Council will determine planning applications, which have noise implications, so potentially causing harm through disturbance to local amenity. The policy sets out, in the explanatory text, how noise exposure categories and the presence of nearby sensitive receptors [such as housing] are important material factors in assessing such proposals. It also outlines how appropriate mitigation measures should be undertaken to reduce any adverse impacts, where feasible and practicable. In addition para. 123 in the NPPF has also been addressed above. Finally, policy CS14 in the Core Strategy notes, inter alia, that new development must ... respect and enhance the character and appearance of the area.

6.4.2. The context of NGP is this. It is now 16 years since the Park was formally set up in 1997. In that time, it has been highly successful, contributing not only significant amounts of employment space to the District and beyond, but also significant sums to the local community. Clearly the latter is not a planning consideration, but the first issue is. It is also correct to recognise that the majority if not all of the dwellings in close proximity to the Park were there prior to 1997, and indeed some were there prior to the Second World War when the airbase was first constructed. It is thus right that the noise implications of the new QTR scheme must be properly addressed via this application.

6.4.3. The nearest dwelling to the Building 302 will be The Larches, some 120m distant. The next is The Holt at 255m. These distances are considered to be quite substantial, having regard to the intervening vegetation on the edge of the NGP boundary. However, there are two factors to take into account. The first is that the background noise levels around the Park are actually quite low, particularly at night, notwithstanding the relative proximity of the A339 to the south. Accordingly, the introduction of new noise, especially over a 24 hour day, needs to be carefully considered. Secondly, for whatever geo-morphological reason, the manner in which noise travels around the Greenham Common Plateau can in fact appear to accentuate it, in particular weather conditions, which can result in noise disruption, and so annoyance. As a result, the Council has received a number of objection letters largely concerned about this issue.

6.4.4. Consequently, the applicants have produced a number of acoustic reports, which have been continually refined and amended in the light of corrections and new proposals by the applicant to mitigate the impact of noise on local residents. This has resulted in the 4<sup>th</sup> Version of the Ian Sharland Report being received on 17<sup>th</sup> December 2013. It is this report which has been formally re-consulted upon.

6.4.5 This report is summarised as follows. The conclusions on page 28 note that by constructing a new 4 m high acoustic barrier on the eastern perimeter, [100m length] with a further return of some 40m on the southern boundary at the same height, plus another section of about 12m at 3m height, will, in part be sufficient to mitigate the noise caused by the operation of QTR. These barriers will of course be conditioned as part of any permission. The next principal compromise on the applicant's part is to ensure no access at any time [unless in an emergency] from the eastern section/ doors of the building, but only from the west. The refuelling section will be to the north-west away from any dwellings, and all QTR lorries will have broadband alarms. In addition, the eastern yard will only be used between the hours of 7am to 7pm, and the vehicle workshop [internal] will be relocated within the building from the north east to the northwest section.

6.4.6 On the above basis the Council's Public Protection Officer, who specialises on acoustic matters and is very familiar with NGP, has duly recommended that conditional permission may be granted. Her conclusions are as below:-

"The acoustic assessment undertaken has considered the noise contribution of all the noise related activities that would be undertaken on site, and assessed from the worst case scenario of all these activities occurring at the same time thus giving rise to a maximum noise disturbance. Noise from these activities has been compared to the prevailing noise climate, and to the design guidance detailed with BS8233 and WHO Guidelines for living and sleeping accommodation. The report summarises that the noise from the activities proposed, in conjunction with the control measures detailed, will have a slight impact on the nearest residential properties. The predicted noise levels at the nearest properties are thus below the guidance given within the British Standard and WHO Guidelines."

6.4.7. In summary, officers concur with the above, considering that the application, if implemented, will fully comply with the policy OVS6 in the Saved Local Plan and the advice in the NPPF of 2012. There will be some slight adverse impact on local residents, but balanced against this is the need for the Council to encourage local business on a designated employment park.

## 7. Conclusion

7.1. Paragraph 7 of the NPPF of 2012 requires all Planning Authorities to determine applications in the light of three roles - economic, social and environmental. In economic terms there is little doubt that the application will be of benefit to the local economy bringing new jobs to the area [although some will transfer from Reading] and will re-use a vacant building. It is noted that the Council Economic Development Officer supports the application. Secondly, it is considered that the social aspects are neutral. Thirdly however, in environmental terms there is some benefit in that a brown field site is being "recycled" in effect, with negligible/ minor impact on matters of noise and traffic. In this regard, given the full compliance with

National and Local policy, officers consider that the economic benefits clearly outweigh any environmental impacts which might arise.

7.2. In summary, having regard to the strong reasons to support the proposal, the development proposed is considered to be acceptable and a conditional approval is justifiable for the above reasons as set out in the agenda report.

## **8. Full Recommendation**

The Head of Planning and Countryside be authorised to **GRANT** planning permission, subject to the first completion of the required s 106 Planning Obligation.

Should the obligation be not completed before the end of March 2014, the application, if expedient, be refused for the following reason.

“Notwithstanding the Planning Authorities acceptance of the scheme in principle, the applicant has failed to enter into the required s106 planning obligation which would mitigate the impact the scheme would have upon the Districts roads, and infrastructure. Accordingly, the application is contrary to the advice in the NPPF, policy CS5 in the West Berkshire Core Strategy 2006 to 2026, and the advice in the Council’s Delivering Investment from Sustainable Development SPD, adopted in June 2013. The application is thus unacceptable.”

## **CONDITIONS**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2010.

2. Notwithstanding the permitted development rights as set out in Schedule 2, Part 8 of the GPDO 1995 as amended, no mezzanine flooring or any extensions to the warehouse use hereby permitted shall be undertaken, without the express planning permission from the Council.

Reason: To ensure there is no further intensification or expansion of use on the site, which could impact local amenity and the highway network, in accord with policies CS13 and CS14 in the West Berkshire Core Strategy 2006 to 2026.

3. The permitted ancillary office space shall remain as ancillary at all times [less than 10% of the overall floorspace].

Reason: To accord with the advice in policy ECON6 in the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

4. The access route for all vehicles attending the application site shall be via Third Street East, and Ministry Road, and not Wofford Way.

Reason: To reduce the potential noise impact of lorries accessing the site, on neighbouring property, in accord with policy OVS6 in the Saved Local Plan for West Berkshire 1991 to 2006.

5. The use of the Eastern Parking Area by HGV's shall be restricted to the hours between 07:00 -19:00, every day.

Reason: In the interests of the amenities of neighbouring occupiers, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

6. No development shall take place until a scheme for the provision of the 3 and 4 metre high acoustic barriers (nominal mass 28kg/m<sup>2</sup>, faced on the internal face with absorptive lining), on the eastern and southern boundary of the site, as detailed in the acoustic report dated 10 December 2013 by Ian Sharland - version 4 - has been submitted to and approved by the Local Planning Authority. All works forming part of the scheme shall be completed before use of the building commences.

Reason: In the interests of the amenities of neighbouring occupiers. In accordance with the objectives of policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026.

7. Installation of air handling equipment, if any, shall not commence until details of any proposed air handling plant equipment have been submitted to and agreed in writing by the Local Planning Authority, the scheme shall include;

(a) written details concerning any proposed air handling plant associated with the development including

(i) the proposed number and location of such plant as well as the manufacturer's information and specifications

(ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.

(iii) the intended operating times.

(b) The findings of a noise survey (undertaken in accordance with BS4142 or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed development and calculations showing the likely impact of noise from the air handling plant;

(c) a scheme of works or such other steps as may be necessary to minimise the effects of noise from the air handling plant;

The agreed scheme shall be implemented in full, with installation timing to be agreed as part of the agreed scheme and kept in full operational order for as long as the building, hereby approved, is occupied and used.

Reason: In the interests of the amenities of neighbouring occupiers. In accordance with the objectives of policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026.

8. All of QTR's HGV's and fork lift trucks operating on the Application Site shall be fitted with non tonal (white noise) reversing warning alarms. In addition, no reversing tonal

beepers shall be used on any vehicles on site between the hours of 23:00-07:00, nor at any time on Sundays, bank or public holidays.

Reason: In the interests of the amenities of neighbouring occupiers. In accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

9. No development shall take place until details of the vehicle parking and turning space / areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The use shall not commence until the vehicle parking and turning spaces / areas have been provided in accordance with the approved details. The parking and / or turning space shall thereafter be kept available for parking (of private motor cars and goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. No development shall take place until details of all accesses for vehicles and pedestrians into the site have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the access has been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

11. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Details of floodlighting of the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation. This installation shall be done prior to the operation of the site commencing.

Reason: to protect the appearance of the area and local residents from light pollution. In accord with policy ECON6 in the West Berkshire District Local Plan - saved 2007.

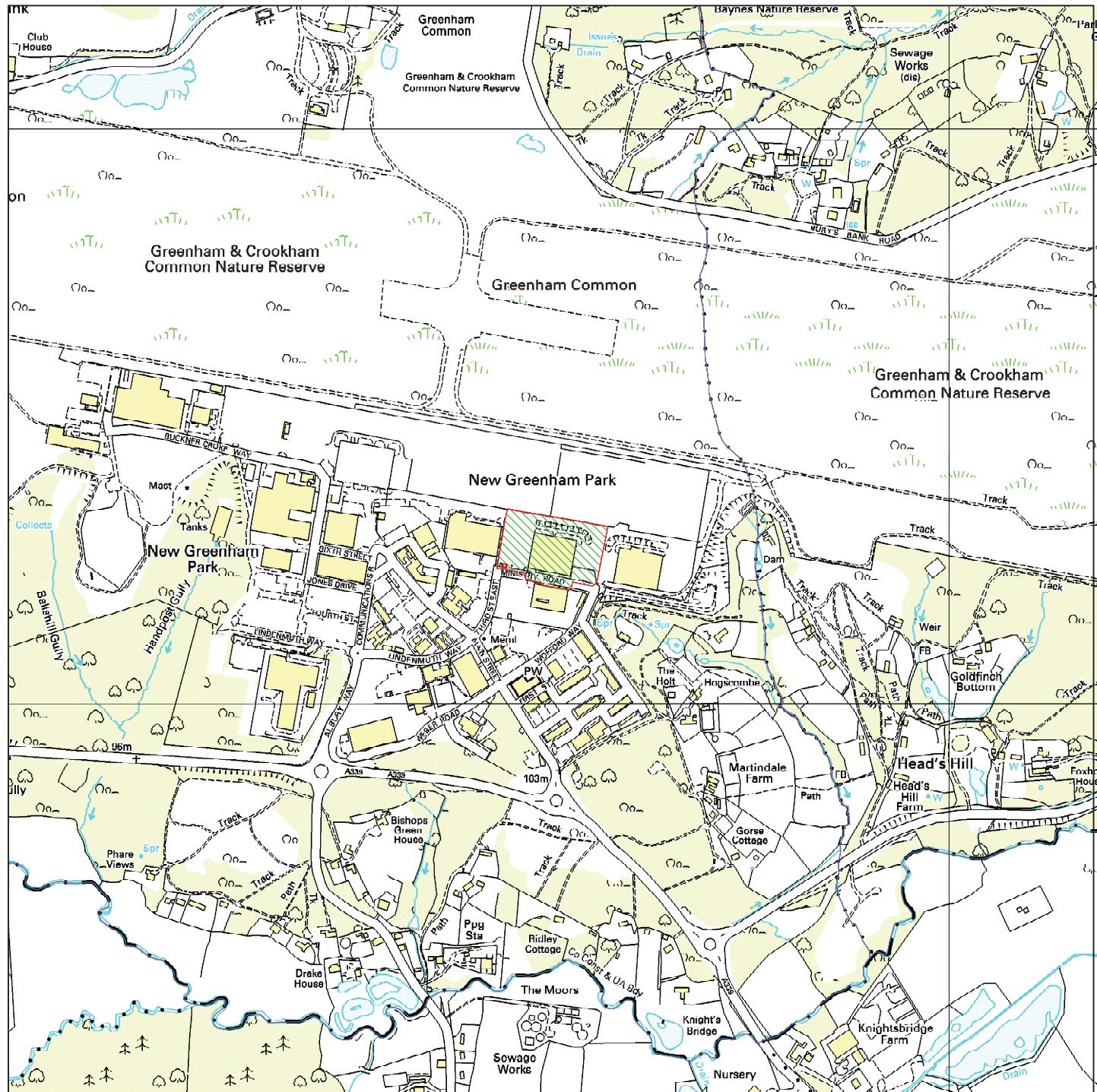
## **INFORMATIVE:**

- 1 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.
- 2 This decision letter must be read in conjunction with a s106 planning obligation dated the yyyy. You are advised to make yourself aware of the contents.

DC

13/01978/COMIND

302 Greenham Business Park, Greenham, Thatcham



Map Centre Coordinates : 450310.19 , 164267.72

Scale : 1:10000

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One Inch = 254 Metres

Metres 200 400 600

Organisation	West Berkshire Council
Department	Environment
Comments	
Date	23 December 2013
SLA Number	100015913

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# Agenda Item 5.

KINTBURY 13/00109  Pins Ref 2203163	The Willows, Hamstead Marshall Mr R Canning	Barn extension to house 100 breeding ewes, 30 goats and 15 pigs	Delegated Refusal	Allowed 31.12.13
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## Main Issue

The main issue in this appeal is the effect of the proposal on the character and setting of the North Wessex Downs Area of Outstanding Natural Beauty.

## Reasons

The appeal site consists of an agricultural holding of approximately 2.8 hectares (7 acres) adjoining a small wood and in the vicinity of a farmstead, Mason's Farm. Adjoining its vehicular access stands a modern pole barn which at the time of the Inspector's site visit was being used as sheep pens, hay storage and a farm office. The site lies within a part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) characterised essentially by an irregular pattern of small woods often in proximity to sporadic farmsteads.

The proposal entails the lengthening the existing barn along the road frontage and upon a hardstanding currently used for the open storage of hay. The proposed pole barn would be open to the front and comprise timber boarding on its side and rear elevations under a shallow pitched roof of corrugated steel with a maximum height of approximately 3.2 metres. Its constructional materials and design would match those of the existing barn although its L-shaped footprint would entail it having a greater side profile.

Public views of the proposal would be restricted to a glimpse of its end elevation by thick roadside vegetation and tree groups. The degree by which the proposal would be screened and its modest height would not result in it having an overbearing impact upon its surroundings or the road frontage. Nor would the proposal impinge upon a current view of open countryside seen through the appellant's vehicular access from the road. It would reflect the pattern of development in the area of agricultural buildings standing in the vicinity of woodland or within reasonably compact farmsteads. The Inspector recognised that the appeal site lies within the North Wessex Downs AONB which is a nationally designated landscape sensitive to change. He acknowledged also that the combination of the existing barn and the proposal would result in a lengthy structure. However, only a short section of the proposal would be seen clearly from outside of the appeal site limiting its visual impact upon the surrounding area to an acceptable degree.

For these reasons he found that the proposal would conserve and enhance the character and setting of this part of the North Wessex Downs AONB. Such an appropriate, extended agricultural building would also reflect local distinctiveness and would therefore accord with Policies CS 14 and CS 19 of the 2012 West Berkshire Core Strategy (2006-2026) and the National Planning Policy Framework which combine to seek high quality and sustainable design that respects and enhances the character and appearance of an area.

## Conditions

The standard time limit condition is required and he imposed a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and to ensure a satisfactory development. He also imposed a condition requiring that the development is constructed of materials to match those of the existing barn to protect the character and appearance of the surroundings. However, he did not consider that the conditions suggested by the Council regarding the protection of adjoining trees are necessary given their distance from the proposal and the proposed method of construction which minimises ground works.

**Decision**

The appeal is allowed and planning permission is granted for a barn extension to house 100 breeding ewes, 30 goats and 15 pigs at The Willows, Hamstead Marshall, Berkshire, RG20 0HT in accordance with the terms of the application, Ref 13/00109/FUL, dated 15 January 2013 subject to the following conditions:

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos RC/01 and RC/02 dated 12 January 2013.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

DC

12/03105 Pins Ref 2201775	66 Valley Road, Newbury, Berkshire RG14 6EU	Removal of an existing lean-to and detached garage and erection of a two storey 3 - bedroom dwelling.	Ctte. Refusal	Allowed 18.12.2013
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### Main Issues

The Inspector considered that the main issues in this case were:

- (i) the effect of the proposal on the character and appearance of the area;
- (ii) whether the proposal would comply with development plan policy relating to financial contributions towards local services and infrastructure; and
- (iii) whether the proposal would meet sustainable design and energy efficiency objectives.

### Reasons

#### *Character and appearance*

The appeal property comprises a 2-storey semi-detached house with a double garage to the side. It occupies a corner location at the junction between Valley Road and Henshaw Crescent and is situated in a residential area comprising a mix of semi-detached and detached dwellings and short terraces. The area is characterised by wide grassed verges which create a high degree of openness between properties on opposing sides of the roads.

The proposal would involve the removal of a double garage and the single storey lean-to at the end of the existing house and the erection of a 2-storey 3- bedroom detached house. This would be similar in height, bulk, massing and appearance to surrounding properties and its front and rear elevations would follow the respective building lines of the existing house and its exposed flank elevation would be set slightly behind the front building line of the terrace to the rear. The spacing between the proposal and the existing house would be similar to that between other buildings in the area.

Although the footprint of the proposed dwelling would extend slightly beyond the existing fence line, a significant area of grass verge would be retained. In his judgement, due to its siting, layout and size the proposal would maintain an acceptable degree of spaciousness and would not harm the open and spacious quality of the area. For these reasons he concluded that the proposal would have an acceptable effect on the character and appearance of the area. It therefore complies with Policy CS14 of the West Berkshire Core Strategy 2006-2026 (CS), which seeks development that respects and enhances the character and appearance of the area, and the aims of the National Planning Policy Framework (the Framework).

In coming to this conclusion his colleague's comments in respect of the earlier appeal in 2011 (ref: APP/W0340/A/11/2146355), which related to a more substantial scheme, have been taken into account. As each application and appeal must be determined on its individual merits he was satisfied that the proposal would not set a precedent for future development in the area.

#### *Local services and infrastructure*

The second reason for refusal states that, in the absence of a legal agreement, the proposal fails to mitigate the impacts that the development would have on local services and infrastructure. In support of this the Council has submitted detailed statements supporting the need for financial contributions towards educational facilities, adult social care, library facilities, public open space, health care facilities and the highways network. These are based on Supplementary Planning Document: *Delivering Investment from Sustainable Development* (June 2013) (SPD).

The appellants have provided a completed Unilateral Undertaking (UU) which would secure financial contributions towards all the aforementioned local services and infrastructure and would broadly accord with the amounts sought by the Council. In respect of the education contribution the information provided with the Council's questionnaire indicated a payment of £218.77 based on there being sufficient places within all the catchment schools. Subsequent information provided with the Council's statement indicates that there is now an insufficient number of places within the infant catchment school and therefore a £2992.15 payment is sought. Although he recognised that circumstances change, no reason is given for the sudden shortfall in infant school places. In addition he did not consider it reasonable for the Council to amend its demands during the appeal process given the need for the appellant to provide a UU within a set time frame. Therefore he attached limited weight to the Council's second submission.

For the reasons set out above, and having regard to the SPD and all other matters he was satisfied that the obligations provided for by the UU are fairly and reasonably related to the proposed development in scale and kind and satisfy the statutory tests and guidance set out in Regulation 122 of the Community Infrastructure Regulations (2010) and Paragraph 104 of the Framework. The proposal therefore complies with the aims of CS Policy CS5.

#### *Sustainable design and energy efficiency*

Under CS Policy CS15 new minor residential development is requirement to satisfy Code for Sustainable Homes Level 3 (CfSH). Given the proposal comprises a simple detached house, and there is nothing before him to indicate that CfSH requirements cannot be met, he was satisfied that the objectives of Policy CS15 and the Framework can be met by the imposition of the planning condition included in the attached schedule.

#### **Other Matters**

As drivers of vehicles leaving the appeal site would benefit from good visibility in both directions, he was satisfied that the proposal would not have an unacceptable affect on pedestrian safety.

#### **Conditions**

He considered the conditions suggested by the Council having regard to the advice in Circular 11/95: *The Use of Conditions in Planning Permissions* and adjusted their wording where necessary in the interests of clarity and brevity. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plan, for the avoidance of doubt and in the interests of proper planning.

In order to preserve the character and appearance of the area conditions requiring the submission and approval of hard and soft landscaping, materials and boundary treatments are necessary. To protect the living conditions of neighbouring residents during the construction period a Construction Method Statement will be secured. Sustainable drainage measures are necessary to mitigate the loss of permeable surfaces.

#### **Conclusion**

For the reasons set out above, and having regard to all other matters raised, he concluded that the appeal should succeed.

#### **Costs Application**

The Inspector did not accept that a Costs Application was warranted in this case and refused to award costs to the appellants.

12/03053 Pins Ref 2195524	Balholme, Snelmore Common, Donnington, RG14 3BD	Demolition of the existing dwelling and outbuilding and (construction of) a replacement dwelling and garage store.	Dele. Refusal	Allowed 14.11.2013
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### Main Issue

The two reasons for refusal seemed to the Inspector to lead to a single main issue, being the effect of the proposed development on the character and appearance of the countryside in which the site lies.

### Development Plan

The development plan comprises the West Berkshire Core Strategy and the saved policies of the Local Plan. Relevant policies limit development, and specifically housing, in the countryside outside settlements but permit replacement dwellings in specified circumstances and subject to certain criteria. An SPG concerning replacement dwellings and extensions to houses in the countryside was issued in 2004 and carries weight.

### Reasons

Balholme is a sizable and simple detached chalet of brick and pantile construction standing on a modest plot in an isolated location to the north of Donnington Village. It is approached along a long and narrow track (which is also a bridleway) leading on past the house onto Snelmore Common, an SSSI. Mature woodland extends to the rear boundary of the site and provides the attractive backdrop to the building and its plot. The track serves a small number of houses and gives access to a golf course and, importantly, Donnington Castle (some distance to the south of the site), a scheduled ancient monument cared for by English Heritage.

The Council's concern is that, by virtue of its size and form, the proposal when compared to the existing house is disproportionate and, thereby is harmful to the qualities of the area. However, it neither defines disproportionate nor seemed to the Inspector to relate its consideration of the actual impact of the replacement building back to the language of its own policy and supporting text, or SPG.

In definitional terms, and having regard to content of the SPG, for a proposal to be disproportionate there must be something to which to relate it: if one looks at the existing house on its own, whoever's figures one relies upon, the replacement would represent a significant increase in size. Even if one approaches the comparison exercise on the basis of inclusion of the existing outbuilding (and then logically also of the new one) which the SPG does not entirely discount, there is still a large nett increase. Either way it is in the upper order of increases in size which the Council would regard as being disproportionate. However, then to go on to suggest that schemes of that order do not comply with policy or guidance did not seem to him logical, nor can such an approach be drawn from the words of the policy. Indeed the policy and its supporting text seemed to the Inspector very deliberate in their language, specifically indicating that circumstances, context and impact will differ between cases, such that a judgement as to what is "disproportionate" will be required in each case.

On that basis it seemed to him that the Council has failed to do the very thing that its policy requires of it: to judge the *actual* impact of the increase in size on its surroundings, and only then to decide whether it would be of such scale as to cause material harm, such that it would represent an unacceptable "disproportionate" increase in size.

For his part, he saw that the impact of the existing building, given its proportions and palette of materials, subtle and discrete in their hues, is extremely modest when set in front of the backdrop of mature and tall woodland trees. That backdrop is extensive, such that the building is an all but insignificant feature in a very expansive vista and landscape. Even when seen in relatively short views from the bridleway, one's attention and gaze are drawn to the huge and highly attractive landscape landscape, both woodland and surrounding open land, rather than to the building. Turning to the proposal, the house would be slightly taller, rather longer and differently configured when compared with the existing house (which is a simple rectangle on plan, somewhat dilapidated and of little design merit or interest). It would resemble a traditional barn, though would comprise a modest central core with canted wings extending from its 2 flanks. Not only does this produce an interesting and unusual form, but it would have the effect of containing the visual extent of the large building, when seen either from afar or from the closer points of the bridleway. Furthermore, the materials proposed to be used (weatherboard and pantile) are both traditional and certain to help immediately to assimilate the building with its rural setting.

In his judgement, this would mean that, whilst those with knowledge of the site would likely notice a modest difference in visual impact upon completion of the scheme, that difference would be relatively subtle and neither those people, nor those without prior knowledge, could reasonably conclude that the building was an intrusive, let alone a harmful, element of the highly attractive but extremely robust landscape.

Turning briefly to the question of outbuildings, that which currently exists is low in height but large and utilitarian in its design and form. It dominates a corner of the site and has nothing in common either with the surrounding landscape or with the house. The proposed redevelopment is plainly intended to create a pair of buildings which are of a piece, such that the outbuilding's form would sit well with its host house and the landscape. In the Inspector's judgement the scheme succeeds in achieving that.

On that basis he concluded that the proposed development would not harm and, in introducing an interesting building to replace an unprepossessing one, would enhance the appearance of the locality. As such, it satisfies, rather than conflicts with, the relevant development plan policies, specifically Core Strategy policies CS14 and CS19 (design and respect for local distinctiveness and landscape). As a replacement dwelling, whilst it is beyond any settlement listed in HSG.1, he did not see that it conflicts with policy ADPP1 (indeed as previously developed land it would comply with it) and, for the reasons set out above, having regard to the policy's supporting text (paragraph 2.50.3), there is no conflict with policy ENV23. The same reasoning led him to conclude that, whilst increases of the order proposed would "*normally be regarded as disproportionate*" in the words of the SPG (but with his emphasis added), there would be no harm here, indeed arguably an improvement, such that the objectives of the SPG would not be infringed.

### **Other matters**

Though the site abuts the SSSI, there is no substantiated suggestion that the proposal would affect, let alone harm, the nature conservation interest of the designated area, nor did he consider that it would. Conditions can be attached to ensure that bat interests are protected.

No party suggests that the proposed dwelling would itself affect the Castle, as a Scheduled Ancient Monument, though there are concerns over the use of the track serving it. Whilst he noted that English Heritage questions the legitimacy of the claim of a right of access, the

appellant has provided documentation to corroborate his claimed right and has also offered (i) an alternative route if required, and (ii) a construction transport management plan. Though the access track is indeed narrow and winding in parts, the Inspector saw nothing which would lead him to conclude that it would not be suitable to carry construction traffic associated with the proposed demolition and construction of a single dwelling. The question of the right to use it is not a planning matter. Another nearby resident has concerns over a water supply and meter, but again that is not a planning matter.

### **Conditions**

The Council has suggested a number of conditions, to which the appellant has raised no substantive concerns. The Inspector considered all to be justified though have adapted some to meet the requirements of C.11/95, and provided reasons in the attached schedule. He noted particularly that recent storms have seriously damaged at least one of the trees which were intended to be retained and the discharging of the relevant conditions will clearly need to have regard to that fact. Noting the appellant's suggestions concerning alternative access to the site and the number of delivery trips required, he adapted the construction method condition to include construction access arrangements so as to allow the Council to finalise a scheme.

### **Conclusion**

Overall, he concluded, for the reasons set out above, that the proposed development would respect the character and appearance of the area and would meet the development plan policies. Accordingly the appeal was allowed.

### **Costs Decision**

Bearing in mind his decision to allow the appeal, the Inspector concluded that the Council had acted unreasonably, had not brought substantiated or reasoned evidence to demonstrate the harm that it alleged would result, nor to explain its view that the proposal fails to meet the development plan policies and SPG which it cited. It has thus caused unnecessary expense to be incurred by the appellant in having to pursue the appeal and hence costs were awarded to the appellant.

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13/00662 Pins Ref 2202179	Mildenhall Court, 11 Oxford Street, Lambourn RG17 8XS	Development of land carried out without complying with conditions subject to which a previous planning permission was granted.	Dele. Refusal	Dismissed 19.12.2013
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### **Main Issues**

The Inspector considered that the main issues in this case are whether the condition in dispute is necessary in the interests of preserving or enhancing the character or appearance of the Lambourn Conservation Area and safeguarding the living conditions of occupiers of neighbouring properties, with particular regard to noise disturbance.

### **Background**

Conditional planning permission was granted on 12 August 2008 for the demolition of buildings within the appeal site and the erection of 9 flats and the provision of 9 car parking spaces for new residents plus one space for the occupier of 11 Oxford Street (07/02442/FULD). A number of planning conditions were discharged by the Council in April 2011 including a scheme for the means of treatment of the hard surfaced areas of the site, Condition No. 7 the subject of this appeal (10/02578/COND1). The scheme approved comprised tarmac surfacing within all parking and turning areas and the demarcation of parking spaces.

The development is in place and occupied. Due to ground and weather conditions last winter the driveway and parking areas were formed of gravel on top of type 1 aggregate. The appellants seek the retention of this surfacing as opposed to undertaking the tarmac hard surfacing in accordance with the details approved in April 2011.

### **Reasons**

#### *Character and appearance*

The appeal site is located close to the centre of the picturesque settlement of Lambourn, which is characterised by predominately 2-storey buildings located at the back edge of the pavements. Hard landscaping is the predominate form of surfacing including within many of the side roads and alleys. Whilst gravel surfacing may be appropriate in some domestic and rural settings, in the Inspector's judgement, its use over a large shared parking area in the centre of Lambourn is out of character with its context. He was also mindful that, over time, the gravel surface will become compacted at varied rates and could become unsightly without regular maintenance, particularly close to the entrance.

For these reasons he concluded that gravel surfacing of the driveway and parking area fails to preserve the character and appearance of the Conservation Area and has an unacceptable effect on the appearance of the area in general. Its retention would be contrary to the aims of Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (2007), Policies CS14 and CS19 of the West Berkshire Core Strategy (2012) and the National Planning Policy Framework.

Due to its essentially urban location he was satisfied that the gravel surfacing does not have an unacceptable effect on the appearance of the North Wessex Area of Outstanding Natural Beauty. This lack of harm does not outweigh the harm identified above.

#### *Living conditions*

The driveway runs between 2 residential properties. Whilst gravel surfaces generally create more noise when vehicles pass over, it is clear that in this case sufficient compaction has occurred to limit this effect. For these reasons he was satisfied that the gravel does not lead to

harmful levels of noise disturbance and therefore does not have an unacceptable effect on the living conditions of occupiers of neighbouring properties. This does not however outweigh his concerns in respect of the first main issue.

#### **Other matters**

It has not been demonstrated that the gravel surfacing would have substantive drainage benefits in comparison to the approved scheme. Although gravel is permeable, he attached significant weight to the comments of the Council's highways engineer regarding the lack of infiltration that is likely to result as the sub-base becomes compacted.

Although the gravel surfacing does not include marked out car parking bays, signage has been installed so that it is evident how the parking is arranged. The Inspector was satisfied that this situation does not lead to harm to highway safety.

A revised drawing of the driveway and parking area has been provided which shows tarmac surfacing on the driveway only and the retention the gravel surfacing within the parking area. In the context of this form of appeal, where permission is sought retrospectively to carry out the development without complying with Condition No. 7, it was not in his view appropriate to consider alternative proposals unless clearly sought at the application stage, consulted on and assessed by the Council. In this case the status of the revised drawing is not clear.

#### **Conclusion**

For the reasons set out above, and having regard to all other matters raised, the Inspector concluded that the appeal should fail.

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